HOUSE OF ASSEMBLY

Wednesday 14 September 2005

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

SITTINGS AND BUSINESS

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

That the sitting of the house be continued during the conference with the Legislative Council on the Statutes Amendment and Repeal (Aggravated Offences) Bill.

Motion carried.

GLENELG RIVER SHACKS

A petition signed by 4 873 residents of South Australia, requesting the house to urge the Minister for Environment and Conservation to allow long term tenure and transfer rights of Glenelg River Shacks at Donovan's, Dry Creek and Reed Bed, providing owners can meet state government environmental, building and other requirements, was presented by the Hon. R.J. McEwen.

Petition received.

MEMBERS' TRAVEL REPORTS

The SPEAKER: I table an erratum to the House of Assembly members' annual travel report, 2004-05. The member for Colton was incorrectly listed as having spent more than he actually spent to attend the regional sitting. The correct amount was $240.

HEALTH SERVICE, GAWLER

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: On 28 August 2005, I met with three women from the Gawler area in the home of Gawler Mayor, Mr Tony Piccolo, to discuss the provision of birthing services at the Gawler Health Service. The partner of one of the women was also in attendance, although he appeared to be occupied caring for a number of children while we talked for about 45 to 50 minutes. Two of the women present, Ms Sawyer and Ms Marker, have provided the Liberal opposition with statutory declarations as to their belief about what I said at the meeting. I am not aware whether or not or not the third woman present has provided a statutory declaration.

On Monday 12 September 2005, the Leader of the Opposition asked a question in the house directed to me about the meeting. In his question, the leader claimed that I told the meeting that 'some births at the Gawler Public Hospital would be done through videoconferencing using junior doctors'. In reply, I informed the house, 'I did not say that,' and I said, 'I did not say anything like what the Leader of the Opposition has suggested.' The following day, Tuesday 13 September 2005, the leader asked whether I stood by the statement I made the previous day, and I confirmed that I did.

I want to make clear, if it is not already clear, that what I was referring to on Monday, and again yesterday, was that I took issue with the Leader of the Opposition's suggestion that births would be undertaken by videoconferencing and using junior doctors. The situation is that—

Members interjecting:

The SPEAKER: Order! The minister is making a statement.

The Hon. L. STEVENS: —telecommunication links will be available at the Gawler Health Service under the new arrangements to provide—

The Hon. I.P. LEWIS: I rise on a point of order, Mr Speaker. The difficulty I have is hearing, and it is as a consequence not of my partial deafness but, rather, the audible conversation that is going on across the chamber at this end between ministers and members of the opposition. I ask whether there are copies of this statement. I am curious to know why the minister prefers to gabble, rather than speak, as she obviously almost always does.

The SPEAKER: The member for Hammond makes a valid point about the distraction of other people's talking. The distribution of the ministerial statement is a courtesy. The Minister for Health.

The Hon. L. STEVENS: Certainly, sir. The situation is that telecommunication links will be available at the Gawler Health Service under the new arrangements to provide case conferencing between the Women's and Children's Hospital and registrars, obstetricians and other staff located at the Gawler Health Service, if this is required. Case conferencing services have been provided by the Women's and Children's Hospital for other hospitals, including the Mount Gambier Hospital, the Royal Darwin Hospital and the Alice Springs Hospital. The service is tried and proved and, to the best of my knowledge and belief, it has the support of the medical professionals who have access to it.

The suggestion that I said that junior doctors would be used to provide birthing services is incorrect. The model I explained to those present at the meeting was that the services would be provided by on-site obstetricians and registrars. I also clarified this issue of the use of tele-links between the Women's and Children's Hospital and Gawler to the public meeting in Gawler on Sunday 11 September.

The Hon. Dean Brown interjecting:

The SPEAKER: Order, the member for Finniss!

The Hon. L. STEVENS: I have carefully read the statutory declarations provided by Ms Sawyer and Ms Maker. It appears that my explanation to them about the use of telecommunication facilities to provide advice and support for the Gawler Health Services has been misunderstood.

Members interjecting:

The SPEAKER: Order, the member for MacKillop and the member for Bright!

The Hon. L. STEVENS: If some fault for that misunderstanding rests with me and my explanation of the nature of the service, then I apologise. However, it should be clear now that the use of telecommunication facilities is not and never was intended to be a substitute for providing qualified and trained medical services for mothers and their babies at Gawler. The use of telecommunication facilities is intended only to support and augment the provision of professional services to which the government is committed.

PANDEMIC INFLUENZA

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

Leave granted.

The Hon. M.D. RANN: In recent weeks, a good deal of public attention has been drawn to the possibility of a global outbreak of a deadly pandemic influenza. On the advice of the World Health Organisation—

Members interjecting:

The Hon. M.D. RANN: Apparently, members opposite disagree with Tony Abbott, and I find that extraordinary. On the advice of the World Health Organisation, the federal government is warning that there is a very real risk of such an outbreak in Australia. This week, the South Australian Emergency Management Council of Cabinet was advised by health authorities that there was a 10 per cent chance of such a pandemic influenza occurring in Australia and, indeed, in our own state. Even though we operate one of the best health systems in the world, we have to be prepared for such an event in South Australia, and we are preparing for it. Each year there is a winter outbreak of ordinary influenza that makes many South Australians very ill. To the very young and particularly to the very old, it can be deadly. A pandemic influenza is likely to have a far worse effect on a far greater number of South Australians. Our state, along with all states and territories, has been working with the federal government on a national pandemic plan.

The federal health minister, Tony Abbott, has advised that, on a per capita basis, Australia now has nearly the world's largest stockpile of antivirals. He also tells us that medical researchers are working very hard on a pandemic vaccine. Potential quarantine centres are also being identified as part of the national plan. In addition, the federal government has organised the stockpile of masks and syringes and distributed about 30 000 information kits to Australia's GPs. Pandemics with new influenza viruses have occurred three times in the 20th century: in 1918, with devastating results in Australia, with thousands dead; in 1957; and in 1968. Each pandemic caused increased illness and excess death. The threat of a pandemic is especially high now because of the uncontrolled spread of the bird influenza of the H5N1 type from Southern Asia through to the edge of Europe.

I must emphasise that this bird flu, in its current form, is not causing a pandemic in humans. It has killed millions of birds, especially poultry, in the countries of Southern Asia and now in Russia. But, of the millions of people who have had contact with sick birds, only 112 people are known to have been infected. I understand that about half of those have died. At present, it seems that the bird virus is not easily passed from bird to human and is even less likely to be passed from human to human. But, when a human is infected with this bird flu of the H5N1 sort, it causes a very severe disease. More than half of those 112 infected people have died. The threat of the human pandemic is now higher than at any time since 1968, because there is a very real risk that the bird flu of the H5N1 type may change genetically and adapt and become readily able to pass from person to person. This would result in a pandemic—an international epidemic that will affect every continent.

Now I will get on to the South Australian aspects—

The Hon. Dean Brown interjecting:

The Hon. M.D. RANN: —which I would have thought a former minister of health would have cared about. He was too busy closing hospital beds and getting rid of nurses.

Members interjecting:

The Hon. I.F. EVANS: I rise on a point of order, Mr Speaker. The Premier is entering into debate. Ministerial statements are not to be debated.

The SPEAKER: Order!

The Hon. M.D. RANN: Mr Speaker, it is virtually impossible with the constant interjections—

Members interjecting:

The SPEAKER: Order! The Premier is starting to debate. The member for Finniss has been repeatedly interjecting, and he is warned that it will not be tolerated. He has already been told, and he keeps on doing it. He has been in this place long enough to know better.

The Hon. M.D. RANN: With the advice of national experts, including South Australians, the federal government this year published the Australia Management Plan for Pandemic Influenza. This plan was a distillation of the work that had already been produced by each of the health departments of the states and territories. It provides an agreed strategic approach to managing an influenza pandemic. It is quite possible that there will not be enough antiviral drugs to protect everyone against infection or to treat everyone who is infected across Australia. It is also unlikely that there will be vaccine ready in sufficient quantity for months to protect everyone against this new virus for which there is no existing vaccine.

As a result, a pandemic will place enormous strains on our health system and on our entire community here in South Australia and across the nation. World Health Organisation estimates suggest that we prepare for a situation where one quarter of our population is infected. In this worst-case scenario, tens of thousands more South Australians will be seeking health care than normal. The Department of Health in South Australia—and this is the bit that refers to South Australia—is taking the lead in preparing the whole health system of the state, including private hospitals, in a crisis for this potential emergency. The private hospitals would have to be enlisted to step in and support the public system. This preparation includes:

- expanding our capacity to care for people in their homes;
- identifying and staffing fever clinics and intermediate care facilities to reduce the pressure on general practice and hospitals;
- improving our disease surveillance and investigation capacity—in other words, getting an early warning system in place for this pandemic influenza;
- renewing hospital disaster plans and improving isolation facilities and laboratory diagnostics—

Members interjecting:

The Hon. M.D. RANN: You can tell there are some leadership problems going on. Come on, Vickie. Keep trying harder. You are almost there. Just one more vote to turn. I continue:

- raising the standards of infection control—

The Hon. DEAN BROWN: On a point of order, Mr Speaker, the Premier was given leave to make a ministerial statement. He has strayed far from that ministerial statement, and I ask you to reprimand him.

The SPEAKER: The Premier was debating but, as I have made the point before, the opposition is interjecting continuously to the point where it is hard to hear what the Premier is saying. The Premier should not debate the issue.

The Hon. M.D. RANN: It is interesting that members opposite are now attacking the federal minister Tony Abbott, accusing him of a stunt.

The SPEAKER: The Premier will conclude his statement.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, again, the Premier has strayed from his statement. There has been no attack on the federal health minister. In

fact, this is a direct repeat of what he said on television last night.

The SPEAKER: The Premier will conclude his statement.

The Hon. M.D. RANN: The deputy leader just misled the house. Tony Abbott did not mention South Australia last night, as far as I am aware. We are talking about South Australian hospitals about which you should care, rather than being destructive. The preparation continues:

- raising the standard of infection control in our health care system even higher to cope with a highly virulent, transmissible respiratory virus;
- increasing our capacity to deliver vaccines;
- reviewing our legislation to ensure that the government has adequate power to deal with this new threat;
- and, most importantly, working through the established South Australian emergency management organisations to ensure that pandemic influenza does not compromise all those essential services that our health, safety and lives depend on.

I am hopeful that the next pandemic, if it occurs, will not be as severe as that in 1918. We are fortunate now to be living in a time of relative peace in a relatively prosperous community. Nevertheless, it is likely that if this pandemic ever occurs it will be an unprecedented challenge for this generation of South Australians. I will be raising pandemic preparedness in my discussions with the Prime Minister and other premiers at the special COAG meeting on terrorism later this month. We should be dealing with the threat of pandemic influenza in the same way that we are dealing with the threat of terrorism.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney is out of order.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 24th report of the committee.

Report received.

Mr HANNA: I bring up the 25th report of the committee.

Report received and read.

QUESTION TIME

HEALTH SERVICE, GAWLER

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Health. Why is the government—

An honourable member: Again?

The Hon. R.G. KERIN: There were plenty yesterday. There still are.

The Hon. M.J. Atkinson: I know you've been practising—

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

The Hon. R.G. KERIN: He is totally out of order, sir. As I said, again my question is to the Minister for Health. Why is the government offering the senior obstetrician at Gawler, Dr Simon Stewart-Rattray, only 18 hours of work a week even though there is such a critical shortage of obstetricians that birthing services at Gawler and the Queen Elizabeth Hospital are under threat or have been closed?

The Hon. L. STEVENS (Minister for Health): I am really pleased to be able to answer this question in relation to Dr Stewart-Rattray. The government, through the Women's and Children's Hospital, is continuing to negotiate with Dr Stewart-Rattray. We have said that we would like to have him in the service. There have been discussions between Dr Stewart-Rattray and the Chief Executive of the Women's and Children's Hospital, and the AMA is also assisting in that process. The arrangements that they are working through are between them. I understand that they are ongoing, and we are hopeful that Dr Stewart-Rattray will come on board—although in today's *Advertiser* it was concerning to read reported comments in relation to Dr Stewart-Rattray because, as far as we are concerned and as far as the Women's and Children's Hospital is concerned, he is still in negotiation for a very good package.

ETSA UTILITIES, STORMS

Mrs GERAGHTY (Torrens): Can the Minister for Energy advise the house of the government's response to the severe storms of 30 and 31 August and the problems that occurred with ETSA Utilities?

The Hon. I.P. LEWIS: Sir, I rise on a point of order. It has been my understanding since question time began in this parliament that questions are directed through the chair and not to ministers. The minister is named, but the question is asked of you, sir.

The SPEAKER: Everything is directed through the chair. I took it that that is what the member was doing. The Minister for Energy.

The Hon. P.F. CONLON (Minister for Energy): Some members of the house would be aware, at least, from their own personal experience that on the evening of 30 August and in the early morning of 31 August three different severe storm fronts passed through the Fleurieu Peninsula, Kangaroo Island and metropolitan Adelaide. Power was lost to 74 feeder lines operated by ETSA Utilities, with over 100 000 electricity customers suffering electricity disruption. Much of this, of course, was caused by limbs falling from trees and lightning strikes, which is something we would agree is very hard for any of us in this business—not in the God business—to do anything about.

On that evening the SES (State Emergency Service) deployed some crews to 530 operational tasks. In addition to having deployed, information provided resulted in its deploying to an additional 140 tasks, whilst the CFS and MFS responded to some 200 and 180 tasks respectively. Our thanks go to the volunteers and paid emergency service workers, who did an enormously good job in what were extraordinarily bad conditions. The ETSA crews—the actual workers at ETSA, trained under government ownership—also did a very good job in difficult circumstances. Those workers were let down very badly by the management of ETSA. ETSA had, of course, been privatised by the former (Liberal) government—

Members interjecting:

The Hon. P.F. CONLON: At least members opposite acknowledge their mistake. They think we should buy it back now. We will have to add that to the list of prophecies: another five billion on top of the two.

Mr Brokenshire: And you're next.

The SPEAKER: Order, the member for Mawson!

Mr Brokenshire interjecting:

The SPEAKER: I warn the member for Mawson.

The Hon. P.F. CONLON: They have learned a great deal since they got to opposition. They learned about their mistakes.

The SPEAKER: The minister should answer the question, not debate it.

The Hon. P.F. CONLON: As I understand it, the privatised ETSA further outsourced its call centre to Geelong, something over which, its not being in government ownership, we had no control. As is well-known now to many people, as a result of that, the service broke down on the night. Absolutely unacceptably, its service broke down on the night. In fact, people ringing ETSA to report things like cables on the ground were told that 'Elvis had left the building': the building was not occupied. That is absolutely unacceptable. The system's failure resulted in the collapse of the interactive voice response system for nearly 13 hours, making it impossible to report problems. This placed at risk our emergency services crews dealing with emergency situations and, as the parliament will have noted from earlier information, there was a very large number of calls.

That is utterly unacceptable. We deal with a privatised industry but, while storms and other emergencies will occur, they should be dealt with efficiently and in a timely fashion and this is thoroughly unacceptable. Having received the report from ETSA, I will be sending a letter to ETSA today, outlining some interim changes that the government requires of it, including the urgency of the SES State Coordination Centre being able to contact ETSA's emergency control room to share vital information in emergencies. We are very fortunate that the failure of this line did not do more damage than it did and did not risk public safety any more than it today, that none of those risks was realised. That letter will be going today and I expect ETSA utilities—and I put it on notice today—will implement our requirements within two weeks.

HEALTH SERVICE, GAWLER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health guarantee that she will, before the end of September, name the obstetricians who are going to provide services at Gawler Hospital so that the local GPs know to whom to refer pregnant women? Two months ago (on 7 July) the minister told this parliament:

> Recruitment of a third obstetrician to service the growing Gawler area is already under way, and we will be stepping that up now in light of Dr Cave's resignation.

One month ago (on 19 August) the minister said that negotiations to appoint new obstetricians, one from overseas and one from interstate, were in advanced stages.

The Hon. L. STEVENS (Minister for Health): Of course we will be naming the new obstetricians, the new registrars, as soon as we have them in place; obviously. We know that women are concerned about what will be happening in the future and we want the new services in place as soon as possible. I might say that it would be really helpful if members opposite actually got behind this and supported it and, rather than knocking and spreading misinformation, actually supported what is going to happen.

OLYMPIC DAM, EXPANSION

Ms CICCARELLO (Norwood): My question is to the Premier. What is the government doing to ensure that our state has the best chance of securing the benefits expected to flow from the proposed expansion of the Olympic Dam mine?

Members interjecting:

The Hon. M.D. RANN (Premier): I must say that it is a real pleasure to get applause from the opposition. That shows real bipartisanship and I congratulate it.

Members interjecting:

The SPEAKER: The Premier will wait till the house comes to order.

Members interjecting:

The SPEAKER: The house will come to order. I do not believe that the Premier needs a cheer squad.

The Hon. M.D. RANN: Thank you, sir. This is one of the most significant mining projects in the world, and the expansion by BHP Billiton will more than double production of copper, uranium, gold and silver at Olympic Dam to around 500 000 tonnes a year. BHP Billiton's proposal also includes construction of a new open pit mine, expansion of Olympic Dam's smelter and hydrometallurgical processes, a new airport for the region and a possible new rail line from Olympic Dam to Pimba. The company says that its proposed expansion will mean the creation of more than 10 000 jobs during the three year expansion phase, with more than 8 000 permanent jobs once the expanded mine is fully operational. It also means an extra $1.4 billion a year for the South Australian economy.

I am very pleased to announce that this is why the South Australian government has agreed to declare BHP Billiton's proposed expansion a major development. The major development status is warranted, given the scale of the project and its environmental, economic and social significance. This status triggers an assessment path which the developer must follow, including the preparation of an environmental impact statement. It also allows for the development of a comprehensive and coordinated decision-making framework relating to all aspects of the proposed Olympic Dam expansion. BHP Billiton has also lodged a referral form for the expansion project with the commonwealth government as required under the Commonwealth Environment Protection and Biodiversity Conservation Act.

Earlier this month the commonwealth determined that the proposed Olympic Dam expansion is 'controlled action' which triggers the act. The commonwealth is expected to decide soon on the level of assessment required for the project. The commonwealth and state, through the Commonwealth Department of Environment and Heritage and Planning SA, have been working together on the assessment processes, and have agreed that a single assessment process will be used to meet both commonwealth and state legislative requirements—in other words, avoiding all the duplication. The government's decision to grant major development status to the Olympic Dam expansion will be gazetted later this week.

The Hon. I.F. EVANS (Davenport): As a supplementary question, given all those advantages to South Australia, why did the Premier campaign against the mine?

The Hon. M.D. RANN: I was a minister—

Members interjecting:

The Hon. M.D. RANN: While I was speaking, I heard a member of the Liberal Party describe Olympic Dam and Roxby as 'some kind of mirage in the desert'. You are wrong.

Members interjecting:

Mr BROKENSHIRE: I rise on a point of order, sir.

Members interjecting:

The SPEAKER: The house will come to order.

An honourable member: You wrote the book.

The SPEAKER: The house will come to order.

Members interjecting:

The SPEAKER: Order! Any member speaking after order is called will be named on the spot. It does not matter who it is, they will be named on the spot. Members need to settle down. I know that we are in the lead-up to an election. Some people call it the silly season, but members need to settle down and focus on the job that they are here for, which is to represent the people of South Australia and not be subject to the possibility of a bird flu by acting like galahs. The member for Unley.

Mr BRINDAL: I rise on a point of order, Mr Speaker. You know, sir, that it is disorderly to respond to interjections. The Premier took the opportunity to stand up and ascribe to an unnamed member of the opposition a quote which he had made himself previously. I ask you, sir—as he has now put what he alleges to be an interjection from an unnamed member of the opposition—to ask him who the member was.

The SPEAKER: Order! Interjections are out of order, and responding to them is also out of order.

HOSPITALS, MOUNT GAMBIER

The Hon. R.G. KERIN (Leader of the Opposition): I suppose that we all make mistakes sometimes. My question is to the Minister for Health. Is the minister satisfied that the services provided by the Mount Gambier Hospital are now up to an acceptable level? My office has today spoken to a mother who was planning to move to Mount Gambier from western Victoria with her family. She has since relocated to Perth because of what she says is the poor standard of health services available in Mount Gambier.

The woman told my office that while she was waiting for four to six weeks for an appointment with a GP, her nine year old daughter, who was suffering from an infected foot, became seriously ill. With the child suffering a temperature of 41.9 degrees and vomiting, the distraught mother went to the emergency department at the Mount Gambier Hospital. But after waiting eight hours to be seen, she was told that there was nothing the hospital could do for the child and that she should be taken home. When the mother called into a chemist to buy pain-killers, the pharmacist told her to take the child across the border to Portland because the service provided at the hospital there was better than that at Mount Gambier.

The Hon. L. STEVENS (Minister for Health): I would ask the leader to give me the details of that complaint, and I am very happy to look into it. But let us think about what is happening now. We have moved off one hospital, and now we go back to Mount Gambier, the hospital that they have constantly denigrated—

Members interjecting:

The SPEAKER: Order! I think that the minister answered the question in asking for details, and I think that is where it should end. The member for Colton.

POLICE, RECRUITMENT

Mr CAICA (Colton): Can the Minister for Police update the house on the government's progress towards the recruitment of an additional 200 police officers?

The Hon. K.O. FOLEY (Minister for Police): I am pleased to answer the question from my colleague the member for Colton. The truth of the matter is that the government is making very good progress in building on what is already (I think I am right in saying this) the largest police force that we have seen in South Australia. We are heading towards 4 000 men and women in uniform—a figure never reached before. Of course, back in the mid-1990s, we recall that the number of police officers in uniform was closer to some 3 500. Under our government we have a much larger police force.

Today, I was privileged to be at the graduation ceremony of 49 new police recruits. They were locally recruited officers. They are outstanding men and women who are now proceeding to serve our police force. Since November 2003, under this government, 376 cadets have graduated from our Police Academy at Largs Bay. At present we have 3 832 police in uniform, with a further 162 cadets currently in training. As I said, this is the biggest police force in the history of the state, and we expect the number to grow to some 4 000.

Expanding our police force has been a priority of this government from day one. Unlike members opposite, who starved our police of resources and cut police numbers, we are doing the opposite, because the Liberals were weak on crime, and massively under-resourced our state's police force.

The SPEAKER: The minister is debating the question.

The Hon. K.O. FOLEY: Sir, what we are seeing as a result of this government's increase in the number of police personnel is more money than ever before spent on police and a significant reduction in crime. The Acting Police Commissioner, John White, made reference to this in his speech today when he made it clear that we are now seeing substantial reductions in crime throughout South Australia.

Figures released earlier this week showed that crime has fallen 6.6 per cent to the year ending 30 June, after falling 6.4 per cent the year before. Murder is down 20 per cent; driving causing death is down 34 per cent; serious assault is down 11 per cent; and minor assault is down 6.5 per cent.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, the member for Waite!

The Hon. K.O. FOLEY: Thousands and thousands fewer cars have been stolen, people being injured, people being assaulted and houses being broken into under this government, because we are putting more police men and women into uniform than ever in this state's history. If this state was ever so unwise as to re-elect a Liberal government it would be putting in place a government that does not respect our police force, does not properly resource our police force, and one that has driven down the number of—

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

Mr BROKENSHIRE (Mawson): I have a supplementary question to the Minister for Police, given what he has just said. Will the minister explain why the Adelaide local service area currently has 60 vacancies?

The Hon. K.O. FOLEY: As we have said before, our job as a government is to give the police money to recruit new police. It is up to the Police Commissioner to allocate that. We know the member for Mawson loves to criticise the Police Commissioner and his senior management. He does it all the time. The member for Mawson was on television last night complaining about—

The Hon. DEAN BROWN: I rise on a point or order: this is clearly debate and, therefore, in contravention of standing orders.

The SPEAKER: The Minister for Police is debating the issue. He needs to answer the question and then sit down.

The Hon. K.O. FOLEY: We have the largest police force ever in this state. We are recruiting 200 more police, and there are 500 more police in uniform under this government than when members opposite were in office in the 1990s.

The SPEAKER: Order! The minister will resume his seat. He is clearly debating now. It is question time, not debating time.

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health ask the emergency department at the Flinders Medical Centre to review procedures for the treatment of women who lose babies in an advanced stage of pregnancy? A woman who lost her baby when 24 weeks pregnant went to the emergency department at the Flinders Medical Centre at 6 a.m. last Thursday morning as she was losing a great deal of blood. After 12 hours in the emergency department she was sent home and told to massage her stomach. On Saturday morning she was readmitted after further serious blood loss and placed in the resuscitation room. It was discovered that a portion of the placenta still remained. She required a blood transfusion and an operation. She was informed that the advice given on the previous Thursday was the wrong advice. The woman wants lessons to be learnt from this unfortunate and dangerous incident.

The Hon. L. STEVENS (Minister for Health): Again, I would ask the deputy leader to provide—

The Hon. Dean Brown: I am asking you to review procedure.

The Hon. L. STEVENS: Absolutely; and I would like the deputy leader to provide me with the details, which he often does not do.

An honourable member interjecting:

The Hon. L. STEVENS: I see. So, we are going to play the game again. I am very happy to look into the matter. It would be more helpful if the deputy leader provided me with a name but, of course, he rarely does that. I am concerned to hear those statements, and I will certainly look into the procedures. That being said, I must say that a lot of work has been done at Flinders Medical Centre in re-designing the emergency department's processes and care pathways. As one of the very busy departments in this state and in the country, Flinders is endeavouring to improve those processes, and it is having success, which is a huge improvement in the way things are done now compared to what they used to be.

The SPEAKER: Order! The minister is debating.

The Hon. DEAN BROWN: That is debating the question and ignoring the very serious issue that I raised.

The SPEAKER: The minister has asked for the information and will take action following that.

TRANSPORT

Ms THOMPSON (Reynell): Will the Minister for Infrastructure advise the house of major road and transport investments committed by this government, and is he aware of additional suggested projects and the funding implications of those projects?

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order, the member for Bright!

The Hon. P.F. CONLON (Minister for Infrastructure): It looks like he's joined the mafia. That is a nice outfit there, mate. Over the next few years in South Australia, we are going to see the biggest capital investment in roads.

Ms Chapman: You can't even build a bridge.

The Hon. P.F. CONLON: Here they go. I have plenty of time; it is their time, as they say. I will point to the projects that are actually in there, committed, and funded for the future. First, out of the infrastructure plan we added—

An honourable member: What have you built?

The Hon. P.F. CONLON: What have we built? Come down in October. We will even let you come down and have a look at the airport. We will show you what has been built under this government.

Members interjecting:

The Hon. P.F. CONLON: Of course, they did it. No-one can remember seeing it when they did it, but apparently they did it underground, and it just snuck up: it just came up out of—

The SPEAKER: The minister is debating now.

The Hon. P.F. CONLON: You people need to get real, and that is the point of this answer.

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

The Hon. P.F. CONLON: Two hundred million dollars worth of grade separations on South Road are coming up—the two key projects of the RAA and the Freight Council.

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. P.F. CONLON: As a result of this state government's making that commitment entirely out of state government funds, we were able to negotiate a better Auslink deal with the commonwealth, including $300 million for a brand new northern expressway—one that goes both ways—with the bridges, of course, that Rob Kerin intends getting sued on over the Port River, the northern expressway, adding overpasses they left out. And, of course, there is the Bakewell Bridge project, which, of course, is opposed by the Liberal candidate for Ashford, who wants to keep it as a heritage bridge. I can tell you that he has as much chance of winning that campaign as he does the seat of Ashford.

This is the most significant investment in roads in this state for decades. You would think that the people on the other side would appreciate that, given the paucity of investment under their government. But what happened while we were all away from this place? While the parents were away, the kids were running around writing up what looks like the Christmas list of a seven year old.

In these documents, the questioner refers to other suggestions for projects. In sizing up the southern suburbs and Adelaide's north-south access, the Liberals say that what we need to do (in addition, I assume, to the biggest investment in roads for years) is extend the Noarlunga rail line to Sellicks; build a southern O-Bahn and transport interchanges at Sellicks and Bedford Park; and build rail overpasses on—

Mr BRINDAL: On a point of order, sir, I ask that you rule on what responsibility the minister has for Liberal thinking in the future. He is talking about what we might do and not what he is going to do.

The SPEAKER: The minister does not have any responsibility for Liberal Party policy but, if it impacts on the area of transport, he can comment.

The Hon. P.F. CONLON: It does, sir. Members opposite want to be the government. They have proposed these projects. I will tell you what we have funded and are committed to—these four additional projects. The list goes on, as follows: they also want the duplication of the Southern

Expressway. They built it, but it goes only one way, and they say that is not right and that they want it to go two ways. They want a Grand Junction Road overpass. As to the cost of these projects, the southern O-Bahn will cost $200 million to $250 million. Of course, they talked about it in government and, now that they are in opposition, they will do it. A rail line from Noarlunga to Sellicks will cost $280 million to $400 million, not including the cost of the land for the rail corridor. The Bedford Park interchange will cost $25 million.

Mr Brokenshire: It's a discussion paper.

The Hon. P.F. CONLON: A discussion paper! A rail overpass at Morphett Road, Oaklands Park, will cost $40 million.

Members interjecting:

The SPEAKER: The house will come to order.

The Hon. J.W. Weatherill interjecting:

The SPEAKER: The Minister for Families and Communities is out of order. The Minister for Infrastructure.

The Hon. P.F. CONLON: So, that is $740 million so far in addition to the modest borrowings and investment that we have. But then they want to duplicate the Southern Expressway, and it is not just them. I saw Alexander Downer—

Mr WILLIAMS: Mr Speaker, I seek clarification on your—

The SPEAKER: The minister is debating the question, if that is the member's point of order, and he should cease.

Mr WILLIAMS: —most recent ruling a moment ago concerning the member for Unley. Is the house to take it now that hypothetical questions will be the norm in this place? I suggest that the minister's answer is certainly within the realms of hypothesis.

The SPEAKER: Order! I do not believe that it was hypothetical, but the minister is debating the question. He needs to get back to concluding his answer.

The Hon. P.F. CONLON: The interjection was that it was a discussion paper but we are not allowed to discuss it! You've really got to take a look at yourself, fella.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: $240 million! You blokes have got double vision. Two hundred and forty million dollars to duplicate it! And they built the tunnels. Breaking News! Entirely funded by Laurie Brereton. The Heysen Tunnels entirely funded by Laurie Brereton, a great Labor minister and a friend of mine.

Members interjecting:

The SPEAKER: Order! The Minister for Transport—

Members interjecting:

The SPEAKER: Order! Members need to settle down. I have never seen a group so excited by the thought of buses, trains and trams. I am not quite sure what has brought this on, but the minister needs to wrap up his answer.

The Hon. P.F. CONLON: What we referred to was a billion dollars worth of new road investment, not including the calls for increases in recurrent funding on maintenance. Of course, just to add icing to the cake, the member for Morphett has decided that, when you have got that much money, he has decided to fully fund the Aquatic Centre, too. That is an extra $15 million. Mate, when you've spent a billion what's another $15 million more!

Members interjecting:

The Hon. P.F. CONLON: This mob thinks that a budget is a type of rental car. You cannot keep a AAA rating when you promise a billion dollars. We have modest borrowings, and they will be modest. We are not spending another billion dollars.

HEALTH SERVICE, NOARLUNGA

Mr BROKENSHIRE (Mawson): Will the Minister for Health advise the house whether elective surgery has been cut back at Noarlunga Health Services as a result of funding shortages and, if so, by what degree? I recently received a leaked memo to staff from the Clinical Director of Surgery asking employees not to book any additional patients to help ease 'budgetary pressures for this financial year'. I am advised that the reduction in the number of elective surgery operations could be up to 550.

The Hon. L. STEVENS (Minister for Health): Elective surgery and the Rann Labor government is a good story, because under our government every year we have increased the number of elective surgery done.

The SPEAKER: Order, member for Mawson!

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: The deputy leader may try to protest that under him elective surgery decreased every year.

MAWSON, MEMBER FOR, NAMING

The SPEAKER: Order! I name the member for Mawson for displaying repeatedly. He knows that it is against standing orders. Does the member for Mawson wish to explain and apologise? It will be up to members of the house whether they accept the explanation.

Mr BROKENSHIRE: Yes, sir, I do apologise. I am so concerned about this matter, sir, and I am looking for an answer. I apologise.

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

That the apology not be accepted.

That was disgraceful.

The SPEAKER: The member for Mawson has been warned repeatedly on many occasions and continues to flout the standing orders. It is at the direction of the house now, the consequence of his behaviour. But the chair cannot accept his apology.

The Hon. P.F. CONLON: I moved that the apology not be accepted, for the obvious reasons. He made no attempt to apologise for his behaviour. He has been warned repeatedly. We have accepted apologies on this side on a number of occasions, but his behaviour remains appalling.

Mr MEIER: Mr Speaker, a point of order on displaying: all session they have had a model of the trams in front, deliberately being displayed. You have not drawn it to their attention. They have flouted your standing order the whole of question time and nothing has been done.

The SPEAKER: Order! There is a difference between something sitting on a desk, I believe, and someone repeatedly flashing a page around.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I stand to oppose the motion, and the reason for opposing the motion is that all the member did was to wave a piece of paper. I sat in this house yesterday when the Deputy Premier held up a piece of paper, waving it around. Mr Speaker, you did not even call him to order when it was drawn to your attention. It would appear that there is one set of rules for the government in this house and one set of rules for the opposition. If we were going to be consistent in this house about the waving of a piece of paper and the naming of a member over waving the piece of paper, then, in fact, the Deputy Premier would have been named yesterday and

removed from the house. The Deputy Premier has just winked to me across the house. He knows what he waved around yesterday. He knows only too well that he waved around a piece of paper in a much more transgressive manner than the member for Mawson did this afternoon. Therefore, if we are to be consistent across all members of this house today, we will accept the apology of the member for Mawson for waving that piece of paper.

The SPEAKER: The point is that if the Deputy Premier did display something he would have been brought to attention. The member for Mawson repeatedly kept doing the same action.

The Hon. DEAN BROWN: I drew attention to what the Deputy Premier was doing yesterday and no action was taken.

The SPEAKER: I honestly cannot recall that happening.

Mr BRINDAL (Unley): I also oppose the motion. This place has been tested over many centuries as being a place where some latitude is given on occasion by the house—that is not the speaker in the chair: that is the whole house—to some of its members. On this occasion, I agree with the Deputy Leader of the Opposition.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Deputy Premier is out of order.

Mr BRINDAL: It is a serious matter to suspend a member, and what the government is proposing is simply bully boy tactics, and it is not fair. I call on every member of this house to think back over the days, weeks and months of this parliament for the things which some of us, including me, have got away with and for which we have not been suspended.

Members interjecting:

Mr BRINDAL: Laugh if you like. If you want a rule of consistency, this house should be consistent. On the other hand, if you want to be bully boys and cowards and hide behind the numbers of Independents, who I am quite sure will put their hands up meekly like sheep, then by all means throw the member out, and a number of us might even join him for the day, and you can run this place like a Gestapo chamber. Otherwise, you might choose to run it like a parliament and as the traditions of this parliament say it should be run. I am surprised at the Attorney-General's sitting there and grinning. I thought he had more of the parliamentarian in him and less of the Cheshire cat. This institution is important and it should not be used for petty politics and a stupid throwing out like that. If that is the best you can muster, some of us are best gone from this place.

Members interjecting:

The SPEAKER: Order!

Mr HANNA (Mitchell): I was not going to speak, but I must respond to the member for Unley's remarks. I have privately spoken with the member for Mawson about the previous occasions when he has been warned by you in the chamber, Mr Speaker, and it is no surprise that it has come to this. I will not be meekly voting with the government motion in respect of this: I will be courageously voting with the government to expel the member for Mawson from the chamber.

The Hon. I.P. LEWIS (Hammond): I avoided question time on Monday, to the extent that it was possible, and completely yesterday, because of the very behaviour to which the chamber itself has drawn attention and to the idiocy of the way in which ministers are allowed to misbehave whilst members of the Opposition are not. I am disturbed that the member for Mawson should see it as necessary to misbehave in the way that he did. But I am no less disturbed that the Deputy Premier and his little mate continue to behave in that way, and other members—

The Hon. P.F. CONLON: Sir, I rise on a point of order. I would like to know to whom the member is referring. The former speaker himself over and over again went on about the obligation to refer to people properly in this place. Maybe he could observe his own strictures.

The Hon. DEAN BROWN: Sir, I also have a point of order. This highlights—

The SPEAKER: Order!

The Hon. DEAN BROWN: —how ministers are allowed to do what they like in this house—

The SPEAKER: Order!

The Hon. DEAN BROWN: —and other people who cannot—

The SPEAKER: Order! The member will resume his seat. The point of order is valid. It is not appropriate to refer to someone in those terms. Does the member for Hammond wish to finish his remarks?

The Hon. I.P. LEWIS: Thank you, sir. I apologise to all little mates. Maybe I should simply have said 'mate'. In any event, other honourable members on the government benches, whether ministers or not, seem to me to be able to provoke and get away with far too much, but the opposition, methinks, often deserves what it has delivered. Altogether we would serve ourselves better if we simply sought information and, in reply, were provided with it, rather than attempt to score points. It is for that reason that I face the same dilemma as the member for Mitchell in deciding how I will vote—because, no doubt, there will be a vote on this matter.

Sir, it is because of my own view, previously expressed from the exalted position that you now occupy, that it is improper and that it does nothing for any one of us, leave alone all of us, to misbehave. However, sir, in this instance, because the member for Mawson has been named for what you see as serious misdemeanour, I will support your ruling. But may I make it plain that I expect it in future to be equally applied more so than government ministers want it to be applied.

The SPEAKER: Order! Can I just make the point that the reference to the Deputy Premier's having something on his desk is totally different from someone displaying something. From the chair I called to the member for Mawson three times (and I think *Hansard* will show that) when he was displaying it. He kept on waving it around, and I called out. The point is that the behaviour has to be disruptive and disorderly. The member for Mawson (as members will see if they check *Hansard*) has been warned umpteen times by the chair. The chair is reluctant to have any member put in a situation where they can be suspended, because they are elected to be in here to serve their electors. Therefore, I have been very tolerant and cautious about not having someone put in a situation where they can be suspended.

However, I think any fair-minded person would say that the member for Mawson has been warned ad nauseam; he has been warned umpteen times. He was warned earlier today. I have spoken to him privately. His behaviour is unacceptable, and it has reached the stage where he continually disregards the standing orders of the parliament to a point where people cannot hear what is going on. I think any fair-minded person would say that he is a serial offender. Therefore, the chair

believes that his explanation not be accepted, and I put that question. I believe the ayes have it.

The Hon. Dean Brown: Divide!

The house divided on the motion:

AYES (26)

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

NOES (19)

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

Majority of 7 for the ayes.

Motion thus carried.

The SPEAKER: The member for Mawson is now required to leave the chamber.

The honourable member for Mawson having withdrawn from the chamber:

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

That the member for Mawson be suspended from the service of the house.

Motion carried.

Members interjecting:

The SPEAKER: Order! Members on the government side are not immune from the standing orders, which will be applied to them.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Ms CHAPMAN (Bragg): Will the Attorney-General advise the house whether he did or did not claim legal professional privilege in respect of any of the documents relating to his defamation action with Ralph Clarke, and will he give an assurance to this house that all the documents in relation to this issue have been given to the police?

The Hon. M.J. ATKINSON (Attorney-General): I have already been asked this question, and I have answered it. Members can read the answer for themselves in *Hansard*. For the benefit of the member for Bragg, she can find it at page 3 316.

The Hon. R.G. KERIN (Leader of the Opposition): As a supplementary question, in his answer to which the Attorney-General refers he mentioned one document. Were there other documents over which he claimed privilege?

The Hon. M.J. ATKINSON: The question has been asked and answered.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. This is a very fundamental issue about whether or not this house is being given a factual account. I think that there is an obligation on the Attorney-General of this state to give a full and frank answer and not to try to hide behind some answer he gave yesterday.

Members interjecting:

The SPEAKER: Order! The chair cannot compel the Attorney to answer in a particular way. The minister is well aware that we are meant to have a system of responsible government. The Attorney-General.

The Hon. M.J. ATKINSON: Sir, I think that the opposition fundamentally misunderstands legal professional privilege. It is in favour of it for former attorney-general Griffin under the previous government but against it for me.

Ms CHAPMAN: I rise on a point of order, sir. The Attorney-General, in attempting to avoid this answer, is clearly debating the matter—

The SPEAKER: Order! That is comment.

Ms CHAPMAN: —in relation to—

The SPEAKER: Order! That is the point of order. The honourable member should not debate a point of order. The Attorney should answer the question, not debate it. Is the Attorney finished?

The Hon. M.J. ATKINSON: With respect to legal professional privilege, I think that it is important that the opposition understands that, where an offence is alleged to have been committed—

Ms Chapman interjecting:

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

The Hon. M.J. ATKINSON: —and legal professional privilege is obstructing the proper investigation or trial of that offence, any document can be summoned and brought to court, irrespective of legal professional privilege.

The Hon. R.G. KERIN: As a further supplementary question, given his answer, did the Attorney give full cooperation to the police as he was instructed to by the Premier?

The Hon. M.J. ATKINSON: I do not think that the Leader of the Opposition has very much confidence in the Hon. R.I. Lucas, who is conducting the select committee in the upper house. If he reads the documents that have been supplied to the select committee, he will see that, at the very end of my interview with them, the police thanked me for my cooperation.

Ms Chapman interjecting:

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

Members interjecting:

The SPEAKER: Order! The member for Bragg and the leader are just illustrating the point that I have made. They claim that the chair is not being absolutely fair. I am not hearing anything by way of interjection from the government, but the member for Bragg is repeatedly interjecting, and so is the leader. The member for MacKillop.

SA WATER, SECURITY

Mr WILLIAMS (MacKillop): Will the Minister for Administrative Services assure the house that the government's rhetoric on security is matched by its actions? When

announcing a $19 million enhancement of security for SA Water facilities on 22 June last year, the minister stated:

Currently, SA Water maintains a series of 24 hour security patrols at its sites. The opposition is advised that a major item of SA Water infrastructure, which was patrolled by security personnel 24 hours per day, has, since September last year, been patrolled for only six hours per day, leaving 18 hours per day of no security.

The Hon. M.J. WRIGHT (Minister for Administrative Services): Yes, I can confirm that we do take security very, very seriously. If there is a particular incident of which the member would like to give me the full details, obviously I will have that pursued. We have put serious dollars into securing our water. Of course, we take that issue of security very, very seriously and will continue to do so. It is quite sensibly one of our highest priorities. If there is a particular situation that the member has had brought to him, I will of course pursue that with SA Water. I would ask him to provide those particular details.

To the best of my knowledge, there has been and will continue to be a maintenance of ensuring a high priority in relation to all our infrastructure in regard to SA Water. That will continue to be the case. We made a very serious commitment from a budgetary point of view, and we will continue to make sure that this is a priority.

LAW AND ORDER

Mr HAMILTON-SMITH (Waite): Has the Attorney informed the Premier that the Rann government's policies on law and order have not, in his opinion, had much of an effect on crime rates? Does the Attorney believe that the government's policies are the reasons South Australia's crime rates are so much higher than the national average? On 1 July, the Attorney was quoted on television claiming the following:

There have been reductions in the crime rate in South Australia since our government came to office, but my suspicion is that does not have much to do with our policy.

The Hon. M.J. ATKINSON (Attorney-General): No, sir.

HARTLEY DISTRICT, ENDORSEMENT LETTER

Mr SCALZI (Hartley): Does the Premier agree with the ALP candidate for Hartley that 'there has been nothing but positive comments from constituents', as reported in the East Torrens *Messenger* of 27 July? In response to his endorsement letter sent in both English and Italian to persons with Italian surnames and referring to 'good Italian families', has the Premier received any negative feedback? I have a copy of a letter from a constituent in Kensington Gardens, and other copies of letters sent to the Premier.

The Hon. M.J. ATKINSON: On a point of order, sir: it seems that the member for Hartley is, in essence, asking whether a report in the *Messenger* is true or not, and my understanding is that such questions are out of order.

The SPEAKER: I do not believe that. The member for Hartley is just is trying to clarify the question. The member for Hartley.

Mr SCALZI: I quote from a letter from a constituent in Kensington Gardens:

Dear Premier,

I am in possession of your letter addressed to members of the Italian community in the electorate of Hartley, and feel astonished and flabbergasted that you should choose this form of soliciting votes for the Labor candidate in this electorate. As far as I can remember, and this is now about 50 years, nobody, above all no state Premier, has ever given privilege to an ethnic group with this kind of address and distinction. I am certain that you know and will also agree with me that this manner of promoting political activity is contentious, to say the least, since it creates preferences of one ethnic group over another. More, it contributes to all kinds of discord between the ethnic groups, and I would think that this is something all political parties should refrain from creating. Therefore, it is not fair to expect that from now on all ethnic voters should be advised in their own languages above all potential candidates for the election to state parliament.

The letter goes on. Will the Premier apologise to the 30 per cent of Australians from non-English speaking backgrounds for his patronising letter?

The SPEAKER: Order! I think there were two questions there. The Premier.

The Hon. M.D. RANN (Premier): I just want to explain, and maybe this is helpful, that we live in a multicultural community. In fact, the Minister for Multicultural Affairs has just informed us that he writes letters in about 25 different languages. I have certainly written letters in Italian, Greek, in Polish I believe, in Cambodian and in Vietnamese—

An honourable member interjecting:

The Hon. M.D. RANN: Not only did I speak in Italian at the Carnevale for about eight or nine minutes, and got reasonably good applause for it—

An honourable member interjecting:

The Hon. M.D. RANN: Thank you for praising the content. I also sang 'That's Amore' with the Leader of the Opposition, the member for Norwood, and with the honourable member asking the question, which I thought showed considerable cultural depth, as well as singing ability by all of us. But, how I am showing favouritism towards one ethnic group compared to another when both of you are of Italian background, quite frankly, beggars belief. However, I will investigate the matter and report back sine die.

Mr Scalzi: Will the Premier apologise for the patronising letters?

Members interjecting:

The SPEAKER: Order! I point out that there were four supplementary questions, which is one more than the arrangement, but nine other questions, so the opposition concedes that that is equal to ten. Nine plus four equals 10!

HEALTH SERVICE, NOARLUNGA

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: During question time the member for Mawson, before he left, asked a question in relation to a reduction of elective surgery at Noarlunga Hospital. The member for Mawson has it wrong. There has been no cut in elective surgery due to budgetary pressures or a budget reduction. The Noarlunga Health Service, which is part of the Southern Adelaide Health Service, experienced work force shortages in a number of areas in the last financial year, notably in its emergency department and in the mental health unit. The Chief Executive of the Southern Adelaide Health Service, Mr David Swan, advises me that this meant that there was a temporary reduction in some areas of activity at Noarlunga. This gave the hospital the opportunity to temporarily move funds towards additional elective surgery, and this is called good budgeting. Now that those work force issues have been resolved, for example, the recruitment of an

additional psychiatrist and the recruitment of additional general practitioners courtesy of the government's $8.4 million funding last year to staff the emergency department, elective surgery levels are returning to normal historic levels.

PAPER TABLED

The following paper was laid on the table:
By the Minister for Energy (Hon. P.F. Conlon)—

ETSA Utilities—Preliminary Report on Wind and Lightning Storm 29—31 August 2005.

GRIEVANCE DEBATE

HOSPITALS, ROYAL ADELAIDE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Last Monday the Minister for Health made a ministerial statement about my question to her in June in which I asked about the re-classification of surgery classifications at the Royal Adelaide Hospital. In particular, I asked the minister to assure the parliament and the public that the priority for surgical patients has not been changed from urgent to semi-urgent without the authorisation of the medical specialist involved. I made a freedom of information application for certain documents, including a briefing paper prepared for the minister by the Central Northern Adelaide Health Service.

That document, which arrived after the ministerial statement on Monday, showed some very interesting things indeed. It revealed that there was reclassification of surgical cases, which had been marked 'urgent', without reference to the doctors, and this is exactly the point I raised in my question. Page 1 of the document refers to patients who had already been classified as 'urgent', and it goes on to state that some patients were reclassified as 'semi-urgent' in line with the view of the Operations Committee. In some cases, individual clinicians may not have been actively involved in this reclassification.

Here is the briefing note for the minister, done by her own department, which verifies the very point I made in my question and which, in fact, she later tried to deny in this house in the ministerial statement on Monday. The document reveals that at least 12 patients were reclassified and that, because the urgent cases—that is, category 1—had not been done within 30 days, they were reclassified as 'semi-urgent', category 2. The document states:

> The RAH will ensure that these guidelines are more strictly adhered to by reference to the treating clinician in future clinical reviews.

In other words, there was an open admission in the document that the reclassification had not been referred to the treating clinician. The document later states:

> The Royal Adelaide Hospital will ensure that future categorisation changes are discussed with the individual clinicians.

Again, this is a clear recognition that that had not occurred in this case. Several days after this memo had been sent to the minister (in fact, just three days later), the CEO of the Department of Health, Mr Jim Birch, wrote to Dr Panter, who is the CEO of that health region, and instructed as follows:

> I ask that you act immediately to ensure that rules and policies relating to categorisation of patients and other aspects of elective surgery are strictly observed in all cases.

This is again, of course, a clear admission that those rules had been broken, as I alleged in my original question. Furthermore, the medical specialist who brought this matter to my attention originally at the Royal Adelaide Hospital again confirmed to me that his patients were reclassified without reference to the doctor or to the patient. Therefore, I stand by my original claim that patients had had the category of their surgery reclassified from 'urgent' to 'semi-urgent' without reference to the treating clinician or to the patient involved.

This is disturbing, because it shows two things: first, it shows that the ministerial statement made to this house by the minister on Monday (for which she knew what was in the briefing paper) set out to mislead this house; and, secondly, it shows that this government is about trying to manipulate the waiting lists for surgery. It is trying to change the categorisation. I am told that, if a patient has not had their surgery within 30 days, they try to put them onto a surgical list, even though it might be two months away, and take the patient off the waiting list, because that patient now has a specific date for surgery, even though it might be two or three times the length of wait for the semi-urgent surgery that should be done. I therefore stand by my original claim.

Time expired.

ROADS, OUTBACK

Ms BREUER (Giles): Following my contribution in the grievance debate yesterday, I want to talk about some of the highlights of my Outback trip during the break. First, I need to clear up something in yesterday's contribution, when I told of my driving exploits in the Simpson Desert. *Hansard* records me as saying, 'We went over a big red kangaroo.' I am afraid I read it too late to correct it in *Hansard*, but I can assure members, particularly the member for Norwood, who is very sensitive about these areas, that we did not hit a kangaroo: it was a big sandhill known as Big Red which is at the start of the Simpson Desert, from the eastern side. Big Red is some 90 meters high, and we went over it. It is the first in a series of sandhills in the Simpson Desert, and I remember every one through every bump I received on my way through. However, it was a truly amazing experience.

From the Simpson Desert, we went on to Dalhousie Springs and then on to Mount Dare, which is only about 12 kilometres from the border. Mount Dare has very good accommodation and—wonder of wonders—a hotel. I have never seen such a pleased look on two men's faces as I did when they saw the beer sign on that little hotel. It is an amazing little place to go into. One couple there, Dave and Mel, look after the place, having just taken it over. They gave us a beautiful meal, and we were certainly well cared for with good accommodation. I think this young couple personifies so many of the Outback people. They are only young, and they are expecting a new baby any time now. They are stuck out there in the middle of the Outback, kilometres from anywhere. Certainly, we in Australia still have some of that good pioneer stock in our young people. I certainly wish those two young people luck.

Mel will have to go up to Alice Springs to have her baby, as is the case in many of those Outback areas. So, she has to pack her bags about three or four weeks before the baby is due and move up to Alice Springs. They will have to find accommodation, etc., while they are up there. That is one of the difficulties experienced by many young couples in Outback South Australia, when it is just too difficult to have obstetric services in those areas.

I also went on to Oodnadatta. I think many people in this place know Lynee and Adam Plate, who run their pink

roadhouse with style. While we were there, I was very interested to see the new museum complex which they have set up in Oodnadatta and which talks a lot about the Afghan history in South Australia. Also, Aboriginal history features very well there, as well as the story of Oodnadatta, which has been so much a part of our South Australian history. I think that Lynee and Adam have played a fairly major part in setting up that museum, and an excellent job has been done on it. A number of tourists there were as fascinated as I was by the history. I was particularly interested to look at some of the Aboriginal history and to see some of the faces and names of many people I know. They have done an excellent job.

Adam provides an outstanding service in the Outback with the signage he puts up in those remote areas. They have certainly got me through many a trip, knowing where I was because of Adam's signage. I was pleased to see that he has been able to renew a few of them because of a minor grant he received for updating some of those signs.

William Creek was our next port of call, where Trevor Wright runs Wrightsair. There is an amazing little complex at William Creek; there is a hotel and other accommodation—a good little roadhouse cum accommodation place. Trevor took us on a flight over some of the areas around William Creek, and we saw some of the most spectacular scenery I have ever seen. Indeed, I was lucky to be able to take a few photographs from the plane.

Next morning, we had smoko at Anna Creek Station, which was an amazing experience. It is the biggest cattle station in the world. We were able to go there to meet with Randall Crozier and his staff and have smoko with them. That was a great time and a great experience.

I mentioned yesterday that I do not believe that roads are in the state that people are trying to make them out to be: they are really in a reasonable condition. I think it is really important to keep tourists informed when they go to those Outback areas. I consider myself to be quite an experienced Outback traveller, considering that I have done about 150 000 kilometres in the past 12 months—most of them in the Outback. However, I would not head off without a very good four-wheel drive car. You need to have a satellite telephone, a GPS, good maps and, of course, plenty of water and food with you when you go into those areas. A lot of tourism is developing in those areas, and it is important to get that message through.

As an interesting aside, with all the discussion about Telstra at the moment—how good the services are and how we can sell it because the services are great in the bush—travelling 4 200 kilometres, I had coverage when I left, but when I got to Hawker it disappeared, and I did not get it back again until we got back to Leigh Creek 10 days later.

Time expired.

RANN LABOR GOVERNMENT

Mr HAMILTON-SMITH (Waite): I want to spend a few minutes talking about media spin; in fact, I want to stand back in awe and admiration at the Premier's ability to get a story up through whatever means. Today, we had had the announcement of the pandemic influenza drama and the dreaded chook flu. We have had the declaration of the end of World War II. I think that we have had 'save the whale' in the Gulf. We have had all sorts of stunts, often designed to attract people's attention away from government weaknesses but, most importantly, to promote the Premier.

Like thousands of South Australians I was watching the footy on Saturday night. It was a great game and everyone was pretty excited. Lo and behold! It got to half-time and suddenly, on the screen, the Premier's smiling face sprang up promoting the Magic Millions carnival next March. I understand that the Premier had been at the luncheon at Footy Park that morning, and he had got himself up on the stage; I understand that there is an interesting story behind that. This advertisement loomed up on the big screen in front of all the fans, and I understand that there was an audible and interesting reaction amongst the crowd.

I was not surprised the following morning when I had numerous calls, saying, 'What on earth was all that about? What was the Premier doing on TV and on the big screen at half-time during the footy?' If anyone missed out, it was terrific. Rob Popplestone came on and introduced the Magic Millions, and then handed over to Premier Mick. Mr Rann said, 'Thanks very much, Rob. The month of March is going to be brilliant. We have the Adelaide Cup and the Magic Millions. Everyone come down and have a good gamble.' He talked about Malaysia Airlines' involvement with the Magic Millions, the jockey club and thoroughbred racing and then, of course, he said, 'Don't forget that there are other great things happening about that time. We have the Adelaide Festival, the Fringe, WOMAD, the Port Lincoln Cup and the Clipsal 500.'

By this stage, I was starting to get a little cynical, and then I suddenly remembered the $513 000 taxpayer-funded donation to the Magic Millions that was announced some time earlier. In fact, on 18 May *The Advertiser* covered it where, on behalf of the taxpayer, the Premier gave such an extraordinary amount of money to Magic Millions. It occurred to me at the time: 'I wonder if there was a side deal. I wonder if there was some sort of an arrangement where we will throw in $513 000, but I really hope that I get some TV time for that—perhaps not funded by the government but funded by Magic Millions.' I made some calls, and I understand that Magic Millions and the others involved are quite happy to have the Premier up there on the screen. However, I just want to stand back and, in a bemused way, strike at the irony of the $513 000 donation to Magic Millions followed by this free air time for the Premier.

I wonder whether we will see it again during the next final on Saturday. I wonder whether the same smiling face will be there, the camera cutting to the Premier side on, then the Premier looking back in admiration as the next speakers, Rob Popplestone and David Hayes, take over.

Of course, it was not missed. I notice that someone rang up Bob Francis's show, a caller called Don, who said, 'Did you see the football game on Saturday night? Mike Rann was telling us how good he is on the big screen, and I thought that there was our bloody taxpayer's dollars going up the wall. I thought when I saw that that it would really piss Bob off if he saw that, so I thought I would ring.' He goes on to bemoan the fact that the Premier was opportunistic in the way that he seized on it, and even Kevin Foley got a mention.

I suppose that the taxpayers of South Australia need to understand that, no doubt, we will see the Premier's smiling face during the promotion of the Festival of Arts, the Fringe, WOMAD, the Port Lincoln Cup and the Clipsal 500—hundreds and thousands of taxpayers' dollars going into events that will ultimately be election material, because the one event that the Premier did not mention was the election. He did not mention that. He just mentioned his month and a half of parties, funded by the taxpayer, that are going to

provide ample opportunity for the Premier to get up there on the big screen during the cricket over Christmas when people will be enjoying their holidays, and when they will be attacked and harassed on every screen they can find, funded by all these events—free election advertising. Isn't it marvellous? It started during the finals—day one of many more to come.

HOON DRIVERS

Mr SNELLING (Playford): During the parliamentary recess I spent a number of weekends conducting street corner meetings throughout my electorate. We managed to hold a street corner meeting for every part of my electorate and overwhelmingly—

An honourable member: Every corner?

Mr SNELLING: Not every corner, but every neighbourhood. At those street corner meetings overwhelmingly the biggest issue that people came to talk to me about was hoon driving in their street. I must commend the traffic section of the Elizabeth LSA (local service area) of the South Australia Police for the excellent work it has done in following up those complaints. I have forwarded them on to the police, and the Elizabeth LSA has been very good in following those up—in fact, it has reached the point of the sergeant responsible in the traffic section of Elizabeth LSA contacting the constituent personally and obtaining the details. I think the police do a fabulous job, and they certainly do a great job in my electorate in cracking down on hoon driving.

I also want to talk about the excellent effect the new hoon driver laws introduced by this government have had. While my constituents certainly have had a number of complaints about hoon driving in their streets, my overwhelming impression was that things had certainly calmed down from what was the case as recently as six months ago. These twits who like to over-rev their cars and do burnouts and doughnuts in suburban streets in the middle of the night, disturbing the neighbourhood and often terrifying people, are slowly getting the message that, when they do these sorts of things, when they are caught (and it is not a matter of if, but when) they will have their car taken away from them. There is no better disincentive to these idiots than the likelihood of their having their car taken away from them and impounded.

My electorate is overlapped by two local service areas. In the Elizabeth LSA, according to the most recent figures I have available (July 2005), there were 19 offences, and in Holden Hill there were seven. Some 11 cars were impounded in the Elizabeth LSA and five in the Holden Hill LSA. While I always thought that these were great laws, I was not nearly as optimistic about how many cars would be impounded by the police and how effective these laws would be. I think that even the most optimistic of us have been has been pleasantly surprised by the effectiveness of these laws. The message is slowly but surely getting through, and this government has gone a long way to improving the quality of life for people who live in our suburbs and who are affected by this nuisance of hoon driving.

CCTV

Dr McFETRIDGE (Morphett): Unfortunately, I was not in the house yesterday when the Premier made his ministerial statement on counter-terrorism. However, I did hear it over the speakers in my office, and I nearly fell out of the chair when he announced that CCTV has been used worldwide for decades as a public safety and crime prevention strategy. He went on to say:

> The government has already invested heavily in CCTV, and we are prepared to put more money into this important area.

A month ago I issued a press release about having CCTV put down in Moseley Square, because nearly four months ago I wrote to the Premier, the Treasurer and the Minister for Transport on issues to do with Moseley Square. The Minister for Transport replied on some transport issues down there, but I did not hear anything back from the Treasurer. When we inquired of his office what was going on with our inquiry about some funding for CCTV in Moseley Square, we were informed that his office had lost the file, that it was being redirected to the Treasurer as Minister for Police. We sent some information and sorted things out there, but what we did not get was an answer as to whether the government was going to put in some money for CCTV in Moseley Square.

Glenelg is a tourist icon of South Australia, among many such tourist icons. The Jetty Road/Main Street board and the tourism section of the council are working flat out to cope with the huge numbers of tourists coming down. We have 2.5 million visitors a year from all over the world and all over Australia, as well as locals. We get 45 000 on any weekend, and up to 70 000 people have come down to the area around Moseley Square for New Year's Eve, yet we do not have a CCTV system to monitor security. It is put in temporarily by the Stamford Grand Hotel and used by the police and the council. The council spends hundreds of thousands of dollars putting in extra security down there each year. I think that it spends $250 000 on private security firms around the Bay.

What we do not get is support from this Premier who, yesterday, said in this house that the government will put more money into CCTV. We do not get anything: we do not even get a response to inquiries from the Minister for Police and Treasurer about a measly $70 000 to provide some extra money for CCTV in Moseley Square. There is a $3.5 million upgrade going into Moseley Square and we have just had the tram stop moved for the new trams. The new tramline has been put in very efficiently and looks fantastic, but what will happen with the upgrade and with the new trams coming on board in March next year is that we will get more visitors to Moseley Square. Once again we have cost shifting to local government, so the council has had to pick up the budget for the CCTVs.

It has managed to squeeze it down to $60 000, and Holdfast Bay CEO Rob Donaldson said in the Messenger *Guardian* on 14 August that the council will put in $60 000. The article stated:

> Mayor Ken Rollond supported having the cameras but said the state government should help pay for them. 'It's a law and order issue and I would think there would be a lot more benefit to the state than to the council,' he said.

However, the same article on 14 August this year stated:

> Michael McGuire, spokesman for Police Minister Kevin Foley, said there was no state government money for security systems in Glenelg.

It is okay if you are in the CBD and probably okay if you are on the buses and trams; nothing wrong with that. But we have a new tram stop, new trams coming down the Bay, and 2.5 million visitors a year. Currently, just over two million people ride on the trams and we are expecting a 30 per cent increase there, so we will have close to three million visitors a year, but for an extra $70 000 the government says, 'No, you're not having that money. You're not going to have CCTV.' Yesterday the Premier came into this place beating

his chest on CCTV, counter-terrorism and law and order and said:

The government has already invested heavily in CCTV and we are prepared to put more money into this important area.

The Premier should put his money where his mouth is. We are not asking a lot. But 2.5 million visitors cannot be wrong: Glenelg is a great place to visit. Unfortunately, you get a few hoons, a few antisocial cretins who come down there, and we need to watch them, we need to deter them with CCTV, which the Premier is in love with and which he is promoting. We need that down at Moseley Square. It is something that the Premier is not going to be able to walk away from. I will be at him and at him. The council down there is not going to pick up the cost for what is a state issue. It is small bikkies in the whole scheme of things.

CHILDREN'S SERVICES

Ms RANKINE (Wright): Today I want to congratulate our Minister for Education and Children's Services on what I believe is a ground-breaking initiative here in South Australia, where we are again leading the nation. I also want to take the opportunity, which I know will surprise members, to put in a bid for my electorate. In June this year the minister released the report into the extensive inquiry undertaken into children's services for children pre-birth to eight years of age here in South Australia.

This report covered child care, education, health, disability and welfare services. As a result of this inquiry (the first in 20 years into children's services in this state), the minister has announced that the government is providing $8.1 million this year to establish 10 new early childhood development centres throughout South Australia. This is extremely exciting news, and my hand is well and truly up. I am trying desperately to convince the minister that one of the first 10 early childhood development centres should be located within Golden Grove.

We have the children, the families and the infrastructure, and this is a great opportunity that I do not want to miss. Golden Grove is bursting at the seams with children and families. We have five kindergartens and nine primary schools, but only one childcare centre. There is a massive shortage of childcare places for both working mothers and families who need occasional care. The aim of these centres is to truly integrate services around the needs of children and their families, and I think that at Golden Grove we can do that. We already have the physical infrastructure. Four of our five kindergartens are already collocated with both a public and primary school.

To provide child care at any one of these sites would provide a great opportunity to truly integrate services and hopefully into the future, as we develop them further, introduce a range of health and other support services for families. For the first time, the importance of the early years of a child's life are high on the political agenda, and it is not just being talked about. In 2003, the Minister for Health launched our Every Chance for Every Child home visiting service for all newborn babies and their mums, with family home visiting over extended periods also being expanded. Again, in this respect South Australia is leading the nation.

These initiatives have not simply happened because they sounded like a good idea. They have been based and structured on the best evidence available. Our knowledge about child development and education has increased enormously over the past few years, and now we have the opportunity to make a real difference in the lives and life outcomes of our children, the viability and sustainability of families, the strength of our communities and also our economic future, and I am extremely serious about this also being an economic issue.

Nothing is more important in a successful business or a prosperous state than a skilled work force. If we are to have a skilled work force we need to plan for that as well and provide the environment which will allow that to occur. It is simply good business, and business needs to understand the importance of the early years—advocate it and support it. A child learns more in its first two years of life than at any other time. International studies have shown that by age five much of what will affect a child into adulthood is already in place. The environment in which they grow up in a very large way determines their learning ability, employability, health and even whether or not they are likely to become involved in criminal activity.

The biggest brain drain we can suffer as a state and as a nation is not our young people seeking experience elsewhere: it is not ensuring that they develop to their full potential. In most circumstances, a newborn brings with it great hope and a real desire by parents to provide the very best for their babies. The challenge to government, educators and service providers is to harness that hope and desire and to encourage and support parents so that hope does not turn to despair and desire does not turn into despondency.

We must involve and inform parents. If we can get these things right, we can continue our strong political focus on the early years, ensure that child development and the early years are recognised as an important economic as well as social issue and get business understanding its importance to them. We must ensure that we share our knowledge with parents, and value and support them in their very important role. I have no doubt that we can make a real difference in the life outcomes of our children and the health and stability of our families. As I said, the minister is to be congratulated; and, as I also said, this member is dead keen to have one of the first early childhood development centres located in Golden Grove.

Time expired.

NATURAL RESOURCES COMMITTEE

Mrs GERAGHTY (Torrens): On behalf of the member for the Enfield, I move:

That the Natural Resources Committee have leave to sit during the sitting of the house today.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT AUGUSTA COURTS BUILDING REDEVELOPMENT

Mr CAICA (Colton): I move:

That the 214th report of the Public Works Committee, on the Port Augusta Courts Building redevelopment, be noted.

The Port Augusta Courts service a large number of local matters across a wide range of jurisdictions. However, the facilities are outmoded and grossly inadequate to address the functional needs of the court and the needs of the various parties, agencies and staff who use the building. In particular, waiting areas are small, and there is no provision for the segregation of witnesses or private interview facilities.

Neither court room is wired for the sound recording of court proceedings, the acoustics in the magistrates courtroom are poor and the public gallery space is minimal. The potential for inappropriate contact between members of the jury and others is very high. The Circuit Court House has six entrances, all of which are accessible to the public. The magistrates building also has six entrances, of which three are accessible to the public. As a result, there is considerable scope for unauthorised entry to either court facility, and separation of victims of crime from opposing parties is nonexistent.

It is proposed to construct a totally new Port Augusta Courts building on Flinders Terrace, consisting of three court rooms, chambers and associated functions, a registry, mediation facilities, point of entry security, rooms for agencies within the building, an open plan for internal waiting spaces and sheltered external waiting areas. Development on a greenfield site is the most cost-effective option. It addresses the operational and occupational health, safety and welfare issues that currently exist.

In addition, there are social and economic benefits to be gained from the development proposal, and the state Courts Administration Council has endorsed the proposal on the basis that it meets the current and long-term needs of the court. A significant proportion of the court users are of indigenous descent, and so meetings have been held with representatives from the Aboriginal communities of Port Augusta and Davenport to discuss the development in the context of Aboriginal defendants' requirements and provide an opportunity to discuss general requirements for Aboriginal users within the court building.

The committee is pleased to learn that the architecture responds to this context by providing a building which articulates the accessibility, accountability and transparency of the judicial process and which respects and responds to the cultural attitudes and beliefs of the Aboriginal people. A shade shelter structure adjacent to the main building offers the opportunity for outdoor court sittings, and the Magistrates Court (also used for the Aboriginal Court sittings) will depart from the traditional rectangular courtroom layout and be a flexible, organic space able to administer traditional (western) sittings and the round table of the Aboriginal Court. The need for light and views, both short and long, has been acknowledged by the use of large areas of glazing, offering views to internal courtyards and views of the Gulf and the ranges.

Comments raised by the Office of Sustainability have been included in this submission, and the project recognises that a facility with good environmental qualities will assist in the delivery of judicial services and provide a positive work environment for staff. It also consumes less energy, reduces waste and encourages re-use of resources which will provide benefits for both the courts and the wider community. The project complies with the requirements of the government's Energy Efficiency Action Plan and is expected to deliver a 10 per cent reduction in energy consumption compared with buildings of comparable size. The total capital cost of the project is $13.8015 million, and it is expected to be completed by November 2006. When completed, the new court will directly benefit the public by providing a more accessible court; special groups by providing the standard of accommodation that enables them to provide better service to their clients; and court staff by offering a safer working environment. Port Augusta will also benefit from a major building project and, as well, the existing Magistrates Court buildings and Circuit Court House will be freed to provide the opportunity for the development of an arts centre in the precinct.

The purchase price of the Port Augusta site was originally estimated to be $50 000, and the committee is most concerned that the final land cost is $525 000. Despite its significance, that cost variation persisted throughout the planning and consideration of the project. This degree of error or oversight has obvious budget implications in the assessment of the worth of competing priorities. Despite this concern, the committee accepts the need for the project and the benefits it offers. Therefore, pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to Parliament that it recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT RIVER EXPRESSWAY ROAD AND RAIL BRIDGES

Mr CAICA (Colton): I move:

That the 215th report of the Public Works Committee, on the Port River Expressway Stages Two and Three Road and Rail Bridges over the Port River, be noted.

Facilities at Port Adelaide include: the Outer Harbor container terminal, which handles about half the state's container traffic; the Port Adelaide grain terminal, which handles about 25 per cent of South Australia's grain exports; the deep-water port at Outer Harbor used for export of livestock and cars; the harbour facilities along the Port River for handling other cargo; and the interstate rail freight terminal at Dry Creek. Despite the area's importance there are significant infrastructure shortcomings. The road links between the national highway system, Port Adelaide and LeFevre Peninsula are indirect and congested. This will worsen with increasing freight traffic and will lead to significantly increased travel time and costs for both freight and commuter vehicles. Bypass routes that are supposed to take the majority of heavy vehicles around residential, commercial and tourist areas are taking only about 30 per cent of this type of vehicle.

Serious rail issues also need to be addressed. The rail freight line that links the interstate mainline track at Dry Creek with the LeFevre Peninsula runs through the residential area of Rosewater and around the Port Adelaide centre. It has sharp curves and steep grades and passes along the periphery of the Port waterfront redevelopment project site. It is inefficient and a significant constraint to development. The proposed works comprise:

- stage two: a four lane, high level opening road bridge across the Port River between docks 1 and 2, linking the expressway to Victoria Road and Francis Street. Changes will be made to Nelson Road, Semaphore Road, Elder Road, and Ocean Steamers Road to connect to the expressway. There will be new road corridors connecting the Grand Trunkway and St Vincent Street east to the expressway.
- stage three: a single track, dual gauge high level opening rail bridge across the Port River north of the road bridge with connections to the existing rail system. There will be connections to the Port Flat Yard and provision of a wagon storage facility in this area.

The rail bridge is to be completed by mid-2007, and the road bridge will be completed in mid to late 2007.

The key direct benefits are:

- travel time saving of 15 minutes by 2011 for travel from Port Wakefield Road to Port Adelaide in peak times;
- reduced travel distance for vehicles and consequent fuel cost savings;

- operating cost savings on the rail network due to a four kilometre reduction in travel distance, increased track speed along the peninsula and a further saving due to reductions in track maintenance cost;
- significantly reduced through traffic in the centre of Port Adelaide, particularly heavy vehicles; and
- the reduced risk of crashes and environmental impacts.

Additional broader indirect benefits are estimated to be an annual increment to gross state product of $120 million with the annual creation of 1 900 jobs.

The committee is aware of the significant community debate about the bridges, and our inquiry has considered the issues that arose in the debate. Close consideration has been given to the proposition that bridges are an unnecessary response to the port's infrastructure problems and issues. However, 10 major organisations with critical infrastructure needs or interests failed to identify or support any alternative solution to bridges of some kind. The committee accepts Transport SA's evidence that the 'no bridges' suggestion would involve significant additional costs and disadvantages and is unaware of any significant benefit that would be obtained as a result. Consequently, the committee does not accept that the 'no bridges' option is cost effective, feasible, or able to address the project's goals. A single bridge is the preferred solution, but that is not possible, because of the varied alignments of the road and rail approaches to the river and the nature of the existing road network that would need to cope with increased traffic volume.

The committee has also examined the concern that opening bridges are not technically feasible and has been assured that this suggestion is nonsense. That assurance is supported by a database of 613 opening bridges in the USA, some of which were built in the late 1800s and which are still operational. Many have much larger opening spans and higher vertical alignments than the proposed bridges over the Port River. Key stakeholders are concerned to ensure that critical logistics chains are not adversely affected by delays when the bridges are open to facilitate waterborne traffic or if the bridge mechanisms fail when the bridges are in an open position. There are three systems that can be used to operate the bridges: the normal power supply, emergency generators in the case of power failure and the capacity to lower the bridge manually. In addition, Transport SA intends to avoid opening the bridges if relevant marine traffic is not present during the scheduled opening times. There are rail de-railers on both sides of the river to guard against the possibility of derailment on the opening bridge.

The committee has also been assured that the design criteria requires the bridge to be able to cater for the risk of an earthquake. The rail bridge is approximately 700 metres long to accommodate earthquake loading, much of which is taken out in very stiff piles and bascule piers. The approach spans will be fixed and tied together, and the stiffness of the piers is designed to cope with wind load and the impact load of ships. Based upon this evidence, the committee is satisfied that the proposed bridges do not pose unacceptable structural risks. Operationally, there are significant risks in taking ships through the bridges, and tugs will need to be employed. All the pilots will need additional training to manoeuvre ships through two opening spans, as this is not currently done in South Australia.

The committee was concerned at the potential for excessive noise to be created by road and rail and the opening closing of the bridges. However, there are extensive noise requirements in the project documents. Further, noise levels resulting from the opening and closing of the bridges are not to exceed specified limits, and there are also requirements for road and rail noise. In addition, the tenderers have had to provide noise contours and mitigation effects against any noise that exceeds the limits. The committee is satisfied that proper measures have been taken to avoid the potential for excessive noise. Safeguards have been put in place to ensure the bridges will continue to operate as expected. The contract requires the contractor to maintain the bridge for 10 years. In addition, a significant guarantee has to be lodged with the government during the construction phase, and the guarantee will continue to be held during the maintenance phase of the project.

The justification for opening bridges rests upon a policy decision to prefer the potential benefit of maximising the opportunity to use the Inner Harbor and the claimed costs to the Newport Quays development, rather than cheaper alternative of building fixed bridges. This preference involves significant additional capital and recurrent costs and offers some degree of increased operational risk. A comparison of net present value analysis of the whole-of-life costs indicates that the cost of opening bridges exceeds the cost of fixed bridges by $71.5 million. Given the extent of this cost, the committee is disappointed that the Newport Quays developers cannot quantify their claim that opening bridges will provide significant benefits for the project, and fixed bridges would impose substantial costs. Some stakeholders argue that very few ships, if any, will need opening bridges and so the additional cost is not warranted. Transport SA did not tender evidence to dispute this contention. Instead, it advised that the government's decision to construct opening bridges is to maximise future opportunities for Inner Harbor to be an active waterway. This position is supported by the City of Port Adelaide Enfield, by the Newport Quays developers and by evidence from a heritage consultant, who is a member of the National Trust SA Heritage Advisory Committee.

The committee regards stakeholders' concerns about the disadvantages of the additional cost of opening bridges, and increased operational risk associated with them, as 'either/or' possibilities rather than cumulative costs. If opening bridges are not needed to cater for future marine traffic, they will not pose a significant operational risk, because Transport SA does not intend to open the bridges unless there is a need to do so. Effectively, they will be fixed bridges. If opening bridges attract significant increased future use of Inner Harbor by tall ships or other significant maritime vessels, the reasons for accepting extra construction and operating costs will be justified. However, careful management will be needed to ensure that the benefits to the character and life of the port are not offset by critical operational problems for the state's major export facility.

Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work be noted.

Mr VENNING (Schubert): This is the first time I have had to rise to say that this was not a unanimous decision of the Public Works Committee. In fact, the member for Unley and I submitted a minority report. It is a very important matter, and I have been raising it in the house for over two years. I was absolutely amazed at the overwhelming weight of evidence against a lifting bridge and that, in the end, the government members of the Public Works Committee fell over and voted for it. In politics, it is often difficult to talk about what you know members really think about things

when they go and make a decision such as this. We took extensive evidence on this matter, and everybody we spoke to was opposed to these bridges, except the Newport Quays developer and, to some degree, the Port Adelaide Enfield council.

Mr Caica interjecting:

Mr VENNING: Yes—opposed to the lifting bridge. The highway linking to these bridges is brilliant, and I give the government every credit for that, as well as the involvement of the Public Works Committee in relation to the upgrade of the intersections to unders and overs. It is brilliant and as good a piece of road as you will see in Australia. If we do any road work as good as that, it will be something of which we can be very proud. The Public Works Committee raised that matter, saying, 'For the sake of the extra money, why don't we put these in now, rather than put them in later?' So, they got that right, but here we are discussing lifting bridges.

The week before last, the member for Norwood, the Public Works research officer, Keith Barrie, and I attended the national conference for port infrastructure. Experts in ports asked the South Australians attending the conference, including us, 'This rail bridge is a vital link to the port and South Australia's heartland, if you like. How can you have a lifting bridge to break the link?' The bridge is mechanical, and it can break down. Everybody answered that the evidence was overwhelming, but the government said, 'There will be a lifting bridge,' and that is what we have got—a lifting bridge. When I consulted with members of the government privately (as I often do on many issues), some of them told me that they do not recall passing this matter in caucus. So, who made this decision on an extra $100 million? I know that in politics we get ourselves locked into things, but who locked us into this?

I firmly believe that this will be just like the Adelaide Oval light towers. Do you remember the saga of the lifting light towers and what happened? Eventually, they failed, and they are now fixed towers. This will be exactly the same. The technology required for the tolerance needed for a lifting rail bridge of this size and length to carry the weight that this will need to carry is not common; in fact, it is very rare around the world. It is okay when it is brand new. We must understand that it is a mechanical lifting bridge and not hydraulic—that is, cogs and wheels electrically driven, subject to power failure and to all sorts of other imponderables that you and I have no control over. Here it is—the most vital link in South Australia.

I am very concerned about this. As to the recommendations the member for Unley and I made in respect to the need for a third river crossing of the Port River and the need for separate road and rail structures, the dissenting members agree with the recommendations of the majority. They also accept the technical feasibility of the proposals. However, the bulk of evidence before the committee indicates that:

- opening bridges have higher operational risks than fixed structures;
- opening bridges will limit the effectiveness of the road transport corridor;
- there are significant risks in towing ships through the bridges. Tugs will need to be employed, and pilots will need extensive interstate training to manoeuvre ships through two consecutive opening spaces;
- there is a cost differential between the two types of bridges, which could be between $70 million to $100 million during the 30-year lifetime of the structures; and
- there is little evidence to support the argument regarding the benefit of opening bridges.

Dissenting members cannot commend the report to parliament without making a recommendation. The dissenting members do not accept the concept of a AAA bonus to the electors of Port Adelaide (as espoused by the member for West Torrens on public radio) as a prudent use of taxpayers' money. The project cannot be justified in terms of the additional expenditure required to erect opening bridges, estimated to cost between $70 million and $100 million. Accordingly, the dissenting members' recommendation is that the Parliament of South Australia should express the view that, in respect of the road and rail structures across the Port River, it is parliament's assertion that the additional expenditure of $70 million to $100 million cannot be justified and is a waste of taxpayers' money.

Before I sit down, I want to be straight and above politics in relation to this matter. I know I am the first to—

The Hon. R.J. McEwen: The member has just breached one of the most fundamental rules in this place.

Mr VENNING: What's that?

The Hon. R.J. McEwen: What is said in the corridor stays in the corridor. To come in here and disclose private conversations is outrageous.

Mr VENNING: I have not mentioned any names.

The DEPUTY SPEAKER: Order! The member for Schubert has the call.

Mr VENNING: I have highlighted the problem. I have not put anyone in. I want to go further and say that, when we were in government, our minister of the day had a policy of lifting bridges. I am not running away from that fact at all, minister. But, when it became apparent what the costs would be and when it became apparent that we could not put it on one bridge and that we had to have two bridges, we decided there and then that it was too expensive. Okay, maybe we should have declared our hand a lot sooner than we did, and I would have done so if I was in control. I would have said it 12 months ago.

Irrespective of the politics, we are stuck with this bridge, because I understand that the contracts have been let. So, we have this $100 million bridge, like it or not. I understand what you can do with $100 million today. Just imagine how many roads that would fix up. How many country roads could we fix for $100 million? Over 100 kilometres of road would be renewed for this sort of money. It saddens me, as I sit in this place, to see something that is going to happen in three or four years time. It will be a total waste of money, because I believe they will be fixed—in fact, even welded shut—because of the hassles and problems they could cause to a very vital link.

I give the Minister for Infrastructure credit. I was not in the house when he was making his little speech. I might have nodded once or twice! He has got a few things right, because they put the port in the right place. In this instance, the Minister for Infrastructure has not said a public word about these bridges. I think he would agree with me. But, for some reason, the Deputy Premier has everyone in this house, including the Independents, hoodwinked. Because he opened his mouth in his little battle with the federal member for Port Adelaide (Hon. Rod Sawford), the Deputy Premier has said, 'We're building these bridges,' and they have all said nothing. That is what has happened. The decision was his and his alone, and it has cost the state $100 million.

I will be very frank in relation to this matter. I have a stack of press releases on it that I have been putting together for

over two years. The evidence that came to us was overwhelming—that is, from the forward freighters, the trucking and rail companies, and the Farmers Federation. Everyone was opposed to lifting bridges. Yet, here we are, dishing up to parliament and the people of South Australia something we all know is not the best use of taxpayers' money. Even though the federal government is funding this project for over $80 million, it was stipulated quite clearly that that $80 million was not for the construction of these lifting bridges: it was for all the other works that go with it. The cost of these bridges has to be borne by the South Australian government.

I am concerned that this has happened. We do not put in a dissenting report lightly. I thank the member for Unley for his support in relation to this matter. We have certainly spoken with one voice. I doubt that we will be able to put this to the vote now. We will just have to agree with the report and let it go through. However, I dissent from that.

Mr BRINDAL (Unley): It is the solemn duty of this parliament to act in the best interests of the people of South Australia, and it is incumbent on every member of this parliament, whether or not they are appointed to a committee, at all times to bear that in mind. Therefore, it disappoints me to have to rise this day to support my colleague the member for Schubert and dissent from the majority ruling of the committee and say to this house that I believe that the majority of the committee are guilty, at best, of a lack of intelligence and attention to detail and, at worst, of playing base politics.

The Chairman could have stood, but did not, to say that the overwhelming majority of evidence was that the bridges should not open—to say that, time and again. Witnesses told the committee that the design was as it was because it was a policy decision of the executive government that there should be opening bridges, and that was a given that was being brought to the committee. Well, that given brought to the committee will cost this state between $70 million and $100 million. It gets worse, because every year those opening bridges continue to exist the additional maintenance on those bridges will be $2 million. So, if you take bridges with a lifetime expectancy maybe of 100 years—and, certainly, the Birkenhead Bridge is fast heading towards that—you are talking not about $100 million but about nearly double that.

Before I get onto the substance of my speech, I would like to gently chide the minister at the table, who has been in the chamber for only two minutes and who is in the habit of knowing everything about the betrayal of fundamental rules in this place—the champion of fundamental rules. Well, let me tell the minister at the table that he cannot berate my colleague the member for Schubert unless he first goes out and talks to the Deputy Premier, because it is a matter of public record that, in the 100 or so years that the IDC has existed—

The Hon. R.J. McEwen: What relevance does this have?

Mr BRINDAL: It has the relevance that the minister thinks he can sit there, ignored by the chair, and tell everyone else how to conduct themselves in business. So, he is getting this comment that it is equally wrong for any member of this house to stand and divulge the private details of the IDC over 75 years. In the last parliament that is exactly what the Deputy Premier did. He listed the subsidies to a whole lot of companies over a number of years, and that had never been done.

I do not think it is quite right, in the course of a debate, for ministers opposite who have been here for two minutes to berate members who have been here for 12 and 14 years over what are or should be the standards in this place. Maybe if they got dried behind their ears a bit and listened for a little longer, they might be capable of making useful contributions. The point is that this report before us is a disgrace, and it is something of which this parliament should be ashamed. I can remember in the last parliament when those opposite sat on this side of the chamber and the Hindmarsh Soccer Stadium was under consideration. I can remember the fuss and furore that took place over that.

The Hon. R.J. McEwen: The Wine Centre?

Mr BRINDAL: And the Wine Centre, as the minister points out. Relative to this, the amounts of money that they were then asserting were wasted were comparatively small—and that for a soccer stadium of which, in the course of this parliament, the Premier has said was a very good investment, an investment that was justified. In the last parliament it was a waste of money. However, in this parliament, when he is Premier and soccer is going well, it is such a good thing. He has changed his mind, and he has a right to do so, but in both cases the relative expenditure that was argued to be outside of the public good was less than this. It is a fact that will stand on the public record forever, because the member for Schubert has made a contribution, and so have I, that this government is wasting money simply because the Deputy Premier, who happens to be the local member for the area, and others have claimed that this is the bonus to the people of his area. If this is the bonus to the people of his area for good government in South Australia, then why are not the people of Unley, Schubert, Kavel, Stuart or Florey, and every other electorate, getting a $70 million bonus, an equal bonus, that the Deputy Premier has claimed that he is entitled to grab for his electors?

The arguments put forward for opening bridges were quite clearly to keep the inner harbour as vital and vibrant. In fact, witness after witness pointed out that that would no longer happen. The Navy will not revictual or refuel ships, nor will it allow ships within an inner harbour. When the original proposition was made, it was thought that naval vessels would continue to visit the inner harbour. They will not. It was considered that maybe tourist vessels would come in and dock in the amenity of the inner harbour. They will not. Tourist vessels, as they are now being constructed, are too big to pass the span of the bridge. In any case, modern law does not allow a ship to refuel anywhere in the vicinity of a residential precinct. As Newport Quays is a residential precinct, the existence in the port of residences precludes commercial-type shipping from going in there.

For yachts, it takes over an hour to steam down the Port River to Outer Harbor. It takes something like 10 minutes to drive across the other side of the peninsula, so anyone who has any brain at all, other than the cosmetic need to have a yacht sitting outside their house at Newport Quays, will actually put their yacht over at North Haven or somewhere on the gulf, save themselves an hour's futile steaming time and simply drive across and use their yacht. There are seven bridges between the city of Perth and the port of Fremantle, and many yachts are moored outside the expensive residences along the Swan River. None of those bridges open, so those who want yachts simply have a stepped mast. They put their mast down, motor up the river and, when they want, motor out. However, that is not good enough for Adelaide and Port Adelaide, because they want something different. They want

something different because this government is prepared to pay $70 million.

I can cop the politics of this, but I cannot cop the hypocrisy. I simply draw the line at people who sit there and pretend that this is a good deal. If those on the government side of the chamber sat there and shut up, I would not mind so much, but to actually sit there and try to pretend that this is a good deal, that somehow the people of South Australia are getting something from it, to be perfectly honest, means, I think, that they should be taken into Victoria Square and publicly flogged. If that is their belief in the good use of public moneys, it is no wonder that they lost $7 billion in the State Bank.

Ms Bedford: We don't have public floggings any more.

Mr BRINDAL: It is a pity that we did not for one or two of your ministers. I do not generally believe in it, but for one or two of your ministers it might assist. The fact is that there is no justification for this bridge. The fact is that witness after witness said that there was no justification for this bridge. The fact is that the only people who seem to believe in this bridge are the Deputy Premier of South Australia, whose electorate it is in, the Newport Quays developers, who somehow believe that they will lose money if they do not get the opening bridges, even though they were unable to quantify the bridges, and the City of Port Adelaide Enfield, which basically wants the bridges to be open. Their evidence was quite clearly because somebody else is going to pay for it. 'The government is going to pay for it, so we want them to open,' and that is an adequate representation of the City of Port Adelaide's position. This is a scandalous waste of public money. This is an affront to the people of South Australia. This disappoints me on behalf of the people whom I have worked with for three years and who I think are decent and honourable people but who I think in this case have severely erred and should be severely embarrassed by being forced by a government into a position that they do not deserve to be put in. I am ashamed of what this house is being asked to accept.

Time expired.

Motion carried.

PUBLIC WORKS COMMITTEE: GILLES PLAINS TAFE REDEVELOPMENT OF THE VETERINARY AND APPLIED SCIENCE CENTRE

Mr CAICA (Colton): I move:

That the 216th report of the committee, on the Gilles Plains TAFE redevelopment of the Veterinary and Applied Science Centre, be noted.

The Veterinary and Applied Science Centre facilities at Gilles Plains were first occupied in 1980 and are overcrowded, antiquated and unsuited to the delivery and development of expanded and innovative education and training programs. The laboratories and animal handling facilities require urgent and considerable upgrade to comply with industry standards, animal welfare and occupational health and safety requirements. Essentially, existing VASC facilities do not comply with Australian and New Zealand standards. The proposed work will cost $15 million and provide appropriate new accommodation by refurbishing an existing under-utilised building and constructing new building extensions. The new facilities will comprise laboratories, veterinary and animal handling infrastructure, classrooms, computer suites, staff offices and staff/student amenities. It is also proposed to construct a new campus distribution centre as part of this project, because the existing facility will be absorbed into the new development. Some new services infrastructure, access roads and loading docks will complete the project.

The Office of Sustainability has reviewed relevant environmental sections of this proposal. In addition, DAIS has certified that this proposal is consistent with the objectives and requirements of the SA government's Energy Efficiency Action Plan. The committee was told that the redeveloped facilities will facilitate the development of a centre of excellence, providing high quality vocational education and training programs relating to biotechnology, animal sciences, meat safety and quality assurance.

Since the release of the Bio Innovation Strategy in 2002, there has been strong growth in the number of biotechnology companies, with many more expected. There is an increasing need for technicians with skills in new and emerging technologies, such as molecular biology techniques, and Bio Innovation SA's mission is to accelerate the development of the bioscience industry to enable the creation of 50 new bioscience companies by 2010. With this acceleration in the bioscience industry there is an emerging need for skilled technicians. Throughout Australia demand for technicians with the relevant expertise is far outweighing the supply of such skilled personnel. The benefits of the redevelopment include:

- adding to the economic prosperity of the South Australian economy by providing a skilled work force for biotechnology and food production industries, veterinary and animal care industries and applied science activities;
- increasing the skill levels and the future earning of individuals undertaking training;
- providing laboratories that meet national standards and improve safety; and
- providing economies of scale resulting in a lower annual cost for the operation of the facility.

A number of options for the redevelopment were considered. The 'do nothing' option would fail to meet industry standards and OHS&W requirements, and this would result in closing down the program. Similarly, it is not possible to have another registered training provider take over the training, because no private provider offers this training in South Australia. An economic analysis compared the remaining options, which included building facilities on a green field site. The recommended option has a saving of approximately $5 million.

The committee was told that the delivery of teaching services to full-time students will be reduced during the construction period. This will affect students during 2006. This possibility greatly concerns the committee. The committee accepts that the new facilities are essential to support the delivery of education into the biotechnology animal sciences and meat safety area. However, it also accepts that the demand for technicians with relevant experience far outweighs the supply of such skilled personnel. Therefore, in the committee's view, it is critical to avoid exacerbating that shortage by reducing the level of teaching services available in 2006. The committee understands that options are being explored to accommodate students in 2006 at alternative laboratory facilities at Flinders Medical Centre or the Women's and Children's Hospital. The committee fully supports these efforts. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Motion carried.

CROWN LANDS (GLENELG RIVER SHACK SITES) AMENDMENT BILL

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Crown Lands Act 1929. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This bill seeks to provide a level of certainty to the 71 owners of shacks on the South Australian section of the Glenelg River at Donovans, the Reed Beds and Dry Creek that will see these assets upgraded to acceptable environmental, health and safety levels. At present these shacks are held on a 'life tenure' basis, when the last of the owners on the present leases dies the estate is required to remove the shacks and return the site to the state. In the life of the previous government this lease requirement was enforced on at least one occasion. These shacks add charm and character to the river and when upgraded would pose no risk to health or the environment.

This bill aims to give a greater certainty to the owners by granting them perpetual lease once all upgrades have been completed to the satisfaction of the minister. There would be a reasonable time limit set for these upgrades and that on expiry of any limit all non-complying shacks would be removed at the expense of the owner or their estate. Once upgrades have been completed perpetual leases would be granted and transferability and extended use would be permissible. There is potential for a tourism industry based on leasing these upgraded shacks which is not at present possible. A petition tabled in parliament containing over 5 000 signatures is fully supportive of this proposition.

The local community does not see any denial of access to the public, there are significant public areas available along the length of the river, and supports this proposal. Equally, I trust this house will support this eminently sensible measure.

Mrs GERAGHTY secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (PAEDOPHILIA) AMENDMENT BILL

Mr BRINDAL (Unley) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act. Read a first time.

Mr BRINDAL: I move:

That this bill be now read a second time.

In doing so, I wish to offer the following comments to the parliament. This bill, which seeks to amend the Criminal Law Consolidation Act 1935, in fact establishes in criminal law for the first time in South Australia an offence of paedophilia. I do not pretend that this is a definitive attempt at the law. I think there are matters that this house will need to consider in the course of debate of this bill and about which it may concur in my conclusions or come to different conclusions. Indeed, it might seek to further amend the bill. I have introduced this bill because, if there is one thing that has come to the attention of this state during this parliament, it has been the exploitation of children, and especially children in care over a number of decades.

It is bemusing to everyone to whom I have spoken, including to members of this house, that there is no offence in the statutes known as paedophilia. Every adult in the state understands what we mean by that term, yet there is no law. There is, rather, a number of offences. I am not saying it has not been covered, but it has been covered in a cumbersome way in that section 49 of the Criminal Law Consolidation Act relates to unlawful sexual intercourse; section 56 to indecent assault; section 66 to sexual servitude; and section 68 to the use of children in sexual services and related offences. There are a number of offences that can relate to children. Indeed, in some of those, the provisions as they relate to children differ from the provisions as they relate to adults.

However, the point that I think is of great relevance is that paedophilia is not just one of those offences. Those offences can occur between adults. One of those offences, indeed, is the offence of rape, which can be non-consensual sex at any age. Those offences perpetrated on children, especially pre-pubescent children, renders them different and remarkable from other offences of this nature. Therefore, one of the key points of this bill is to insert a new section 73A. If this bill passes, section 73A will read:

If a person is found guilty of a sexual offence against a child aged under 14 years—

and I interpose that 14 years was chosen because of some recent amendments of the government to set 14 years as a suitable age—

(the relevant sexual offence), the person must, instead of being convicted of that offence, be convicted of paedophilia.

Under subsection (2):

A person convicted of paedophilia, despite any other penalty prescribed in this act in relation to the relevant sexual offence, is liable to a term of imprisonment as follows:

(a) if the relevant sexual offence is an offence against section 48, 49, 66 or 68(1), the relevant term is life imprisonment.

I make no apology for that. If any adult comes along and, by interfering with someone under the age of 14, takes from them effectively the rest of their life by basically destroying it, interfering with their psyche, with their psychological development, with so many aspects of their life that their life is rendered different as a result—and if anyone doubts that I suggest that they ring Ky Meekins and a number of other people to whom this has happened, and ask them what the tragic consequences have been for them of being victims of a predator, under the age at which they were capable of knowing what was going on. If that is the extent of the offence perpetrated by an adult, the extent of the punishment should be commensurate.

That is why the proposition is that the offence of paedophilia, where it involves unlawful sexual intercourse, sexual servitude and related offences or the use of children for commercial sexual purposes, should carry with it a life imprisonment term. If any member of the government or, indeed, any member of this place wants to get up and argue that there should be a lesser penalty for these sorts of people, I would be very interested to hear their point of view. If the relevant sexual offence is an offence against section 59 or 67 of the act, then a period of 15 years imprisonment is appropriate; if the relevant sexual offence is an offence against section 56, 60, 61 or 68(2), it carries a penalty of 10 years imprisonment; and if the relevant sexual offence is an offence against section 58 or 68(3), it carries five years imprisonment. It is a gradated series of punishments commensurate with what the current criminal law sees as the gravity of the offences committed against a child.

I believe that members in this house who consider this matter may well say, 'Look, those penalties remain adequate.' They may in fact seek to increase those penalties. Similarly (and I explain this to the house so that the house can be fully aware), while the bill clearly defines paedophilia as any of those offences committed against a child under the age of 14 (which is consistent with the Attorney-General's submissions to this house), it does not prescribe in itself an age difference. It may be of interest to this house to consider if a 15 year old

commits any of these offences against a person under the age of 14 whether they should automatically be considered a paedophile and charged as a paedophile.

It might be a consideration of this house that this offence applies to people over the age of 18 who commit these offences. I have left that proposition open. It was not something that I thought I should consider on my own. Similarly, I have left open to the will of this house whether the offence is just an offence to children under the age of 14, or whether that offence should perhaps be against children under the age of 18 years of age if the perpetrator is a teacher, carer, parent or someone in a position of lawful authority.

In much of our law and in much of our thinking in this place there is the argument that, if the person is in a special position of authority, the age should not be 14, but because of the special position of power that exists between a teacher and a student, between a parent and their child or stepchild or, indeed, between a carer and their stepchild the age should be increased a lot from 14, and generally the law then recognises adulthood as the age. That is the basic proposition.

I will be interested to see how this government and this house deals with this bill. It is a private member's bill. There are those I expect (such as the Attorney-General) who could argue, 'Well, we have Mullighan reporting. Let's wait to see what he says,' but it will be convenient because Mr Mullighan will not report, at least in full, until after this parliament prorogues. We do know quite clearly that hundreds of people have been victims of this sort of behaviour, and it is not good enough for the State of South Australia to wait another six months, a year or two years before we say, 'This is not good enough' and declare this the sort of crime that it should be. Rather, we should do it now.

I would like to conclude by saying that last week, when I was interviewed on *Stateline*, I was asked why I would bother—given the trouble that I have been into in the last four or five weeks—to introduce a bill such as this. Indeed, I make no pretence in saying to every member, that the media of this state, in the involvement that I had with a 24-year old person, tried to present it as some sort of variation on this theme. They tried to say, 'Well, the person might have been 24 years of age physically, but if that was not their mental age this was a predatory act.' Indeed, *The Advertiser* and a number of other newspapers used words such as 'an abuse of power'.

I am standing here with some authority (because that is what I have been accused of) to say that no-one should be guilty of an abuse of power. Anyone who is guilty of an abuse of a power of their office or of the position that they hold, vis-a-vis another person, because of their abilities or because of relative power structures, should be guilty of an offence. That offence should be created; that offence should be spelt out; and that offence should protect people in the criminal law who deserve our protection.

I would rather that some other member had come into this house and tackled this sort of bill, but it appears that only those of us who are tainted and involved in these sorts of things are prepared to do it. So, in the absence of anyone else sponsoring this bill, I will. I will continue to argue long and loud for it, because I believe that our young people deserve protection. I believe that if we have a government that touts as long and as loud as this government has about being tough on law and order, we should start being tough on law and order in the protection of the defenceless and the young, the Aboriginals and the people who are marginalised in our society.

If we are going to be tough on law and order, they are the ones whom we should first protect and defend. We are not being tough on law and order by obtuse notions that, simply by putting more police on the beat, simply by pulling down bikie fortresses and simply by following a number of prescribed rules, that means we have succeeded. A society succeeds in justice only when it is just. A society succeeds in protecting itself only when it truly protects the most disadvantaged in our community. If we are a parliament that is competing the one side against the other to have the hairiest chests and to be the toughest on law and order, let us start being tough on law and order by protecting those who need our protection.

No-one needs our protection more than our children—our pre-pubescent children—who, if laws like this are not passed, will continue to be predated, who will continue to be used up and who will continue to be the flotsam and jetsam of the next generation. Members will be sitting here in 20 years saying, 'Isn't it a tragedy; we must do something about it.' The time for doing something about it post Mullighan is now. This has been drawn to our attention in this parliament and, unless this parliament acts on this matter, it is derelict in its duty to the young people of South Australia. I do not believe that we can be; I do not believe that we should be; and I have enough confidence in the other 46 other members to urge that this bill be passed.

Time expired.

Mrs GERAGHTY secured the adjournment of the debate.

ECONOMIC AND FINANCE COMMITTEE: SCHOOL BUS CONTRACTS

Ms THOMPSON (Reynell): I move:

That the 53rd report of the Economic and Finance Committee, on School Bus Contracts, be noted.

Thank you, Mr Deputy Speaker, for drawing my attention to the *Notice Paper*. The Economic and Finance Committee has examined processes applied by the Department of Education and Children's Services to determine the terms of contract in the tendering process for private school bus contractors. This was on the initiative of the member for Chaffey—who, at the time, was a member of the committee—after one of her constituents had drawn her attention to a problem concerning school bus contracts. Under the Education Act 1972, the Minister for Education and Children's Services is empowered to make arrangements for the transportation of children to and from school either through the provision of state owned buses or through contracting private school bus services.

As you would know, sir, in many rural and country regions where there is no public transport private bus services have fulfilled the department's obligations for many years. This has been an established practice since 1950. When private contractor services were first introduced, the department developed an index benchmark system that incorporated both fixed and running costs, and this indicated the maximum amount it would pay a contractor to provide a bus service over a particular bus route. The committee was told that, over time, this benchmark system has become more strategic in its intent and, as part of a DECS acquisition plan in the late 1990s to upgrade the school bus fleet, the benchmark and index systems provided a payment for prior service, and an allowance for the quality of bus provided. Also, a 5 per cent variance payment was incorporated into the private contractor tendering process.

However, committee members were told by the Bus Contractors Association and individual contractors that the value of individual bus contracts had been eroded in recent years due to an inadequate index system. Bus contractor complaints touched on a range of issues, including predatory pricing, insufficient depreciation allowances, increased insurance costs, driver accreditation costs and bus replacement factors, to name but a few. However, three recurring themes were evident in contractors' complaints. These were: the index system did not backdate wage increases when they are granted retrospectively; the use of petrol price increased as a benchmark when most buses used diesel; the view that DECS officials seemed not to resolve or respond to contractor complaints; and the claim that contractors were fearful of reprisal should they speak out.

However, in evidence before the committee, it was not found that over time there had been a general erosion of the value of individual contracts, as stated by the bus contractors. In response to the claims of the bus contractors, DECS informed the committee that the dollar payments to bus contractors had increased by 60 per cent overall between 1999-2000 and 2003-04, and that the index had increased by 14.2 to per cent, while the Adelaide CPI had increased by only 9.6 per cent. The committee also notes that, from September 1999 to September 2004, the price of petrol as measured by the ABS increased by 42.08 per cent, while the corresponding diesel increases measured by FuelTrack was 42.34 per cent. Hence, the increase in the two types of fuel was quite consistent, and the different index base did not seem to have any real impact. The committee also took into account the fact that DECS obtained an independent Price Waterhouse Cooper analysis to test its benchmark system, which was found to be a fair basis for comparison of tenders.

During the course of the inquiry, the committee was informed by DECS that since July 2004 diesel price movements were incorporated into the index, as were wage movements, as requested by the contractors. The committee was encouraged by these changes, as during its deliberations on the evidence it concluded that these were measures worthy of further consideration, as was the need to confront the more vexing issue—that of the perception of the deteriorating relationship between individual contractors and DECS.

During the hearings, the committee was told of the heavy-handed tactics being used by DECS officials. It was also told that bus contractors were too scared to speak publicly about the individual contract disputes. Accordingly, the committee offered individual bus contractors an in camera hearing so that identities would not be revealed. An opportunity was there for bus contractors to present any serious allegations to the committee. However, in camera, the contractors merely reiterated their fears of reprisal, and provided no evidence whatsoever of improper behaviour on the part of identified DECS officers. Accordingly, the committee was of the view that it did not have any concrete evidence with which to progress this aspect of the inquiry.

Nevertheless, the committee raised the general concerns with senior DECS officers, who denied any knowledge of such events. With no evidence whatsoever from any party of identifiable incidents of improper behaviour, the committee was unable to progress this matter. However, it was evident that the contractors did hold a number of fears about their livelihood. The committee therefore considers it important that DECS acknowledges these fears and takes action to address them, despite the fact that they have not been substantiated.

This is particularly important when half of the 573 school bus routes in South Australia are operated through such contracts with private operators, and when school bus contractors are part of a local community and seen by that community as providing an important service. Given that DECs has agreed to undertake a review of the new index system every five years and commenced a review in 2003, there is an opportunity for improved relations between both DECS and contractors.

The committee is of the view that a mechanism to establish greater rapport and understanding between DECS and bus contractors is a critical challenge that needs to be addressed. The committee considers it prudent that DECS review the overall approach to school bus provision, including whether the approach used by Victoria would provide better transparency to contractors and whether the bus contract system would be more appropriately run by another department such as the Department for Transport, Energy and Infrastructure, public transport division.

It was clear from the evidence that school bus contracts are very complex. The Department of Education and Children's Services accepts a responsibility to provide children in rural communities with safe transport to school. However, this must be done in a manner that protects the valuable taxpayer dollars, so that funds are primarily directed to providing education for children. However, school bus contracts are often the only or the major source of income for many country residents. This can give rise to tensions between the parties, and such conflict has an adverse impact on country communities as well the parties involved. It is therefore important that the department be very conscious of the sensitive nature of the contract negotiations and the fact that people negotiating for their livelihood will be very sensitive to all comments made. The committee sincerely hopes that this inquiry will provide an opportunity for better understanding between the parties and improved recognition of each other's needs and responsibilities.

Mr MEIER secured the adjournment of the debate.

WATERWORKS (WATER MANAGEMENT MEASURES—USE OF RAINWATER) AMENDMENT BILL

Mr BRINDAL (Unley) obtained leave and introduced a bill for an act to amend the Waterworks Act 1932 and to make related amendments to the Sewerage Act 1929. Read a first time.

Mr BRINDAL: I move:

That this bill be now read a second time.

The purpose of these four acts is basically this: when I was the minister for water resources I saw in the better utilisation of our resource some discrepancies between the way in which the public utility, SA Water, operated our water distribution network and the way in which water should be better utilised for the benefit of all South Australians and, indeed, to our economic advantage. One of the things that are difficult under the Waterworks Act and the Sewerage Act is that at present it is not legal to have an interconnection between water which you might collect and use on site and the mains water system. In places like Mawson Lakes and in the proposition for Lochiel Park, that has been overcome by, if you like, a disconnect—by having an airspace between the water supply and the rainwater tank. In other words, briefly, the water supply can be connected to the rainwater tank by a float

valve, and the water comes in and fills up the rainwater tank. That will suit the purpose of Mawson Lakes and Lochiel Park; however, you cannot have a system whereby there can be a more direct connection between your rainwater tank and the public water supply.

The Hon. R.J. McEwen: What about the pressure? How are you going to put it back under pressure?

Mr BRINDAL: The minister talks about the pressure. The point is that, were it permissible, for $25 any plumber could install on your property side of the metre a back-flow valve, and the back-flow valve will stop the water flowing back into the main system. I do not know how it stops the higher pressured mains water from gushing out, but I quite sure that an engineer can explain to him how it will work.

However, the point is that I have been advised constantly by members of the Australian Water Association that we could better plan and utilise our water resources on site by the installation of a back-flow valve, or by the legality of being able to install a back-flow valve. The valve will protect, quarantine and isolate the public water supply, but it will allow greater flexibility with the use of our water resources on Torrens titles. It would cost something in the order of $25, or it may be less if they were put in as a component of the future installation of meters.

I can see no reason why a government that is moving down the track of saying that all new homes must be equipped with rainwater tanks does not see this as a sensible proposition. I cannot see why, for $25, any person in South Australia is not allowed the flexibility to use this mechanism, given that the public water supply will be protected. I think that it is conducive to what we would normally believe are our liberties to enjoy our amenity and the resources available to us. It also says something to a supplier that has rather too big a monopoly and, in my opinion, exercises it rather too poorly and does so simply because it can do so as there is no competition. I think that, in many ways, this bill helps water as a resource, helps the state with what is its most precious resource and, in fact, puts SA Water on notice that perhaps it had better be a little more competitive and serious in the game.

Another concomitant amendment is an interesting one that I am surprised the government has not introduced. The government has been very clever in its thinking about Mawson Lakes and Lochiel Park. In its consideration of rainwater, the government has been intelligent—that is, we should use rainwater. Where the government has missed the point a bit is that it is currently illegal to put rainwater down the sewerage system. A proposition is about to come into this state which provides that you have to use rainwater—that is, you must have rainwater tanks, collect rainwater and connect the rainwater tanks to your toilet. That is fine, but the problem is that at present it is technically illegal to discharge toilet water into the sewerage system because—

The Hon. J.W. Weatherill: The doctrine of implied repeal—later laws override earlier laws.

Mr BRINDAL: The minister says that you can repeal the law, and that is exactly right, but he does not have to, because it is in this bill.

The Hon. J.W. Weatherill: No—it is the doctrine of implied repeal: a later law overrides an earlier law.

Mr BRINDAL: But you have to bring the law in, and I am bringing it in for you.

The DEPUTY SPEAKER: Order!

Mr BRINDAL: Sir, I am helping the minister. I am bringing in this measure now so that they will not have to worry.

The Hon. J.W. Weatherill: To help us?

Mr BRINDAL: Yes. I might not be here after the next election.

The Hon. J.W. Weatherill: No!

Mr BRINDAL: I might not.

The Hon. J.W. Weatherill: Say it's not so!

Mr BRINDAL: It is just so.

The DEPUTY SPEAKER: Order!

Mr BRINDAL: A few things need to be done, but I do not have the protection of the whole right wing of the Labor Party, as the member for West Torrens has. I venture that he could commit some heinous crime on the steps of Parliament House, but he would still survive in here, because Don Farrell would look down from on high and say, 'Bless you, my son. I didn't see the sin; therefore you will survive.' But I do not enjoy the same enviable position as the member for West Torrens. Indeed, I see that the member for Colton is smiling benignly, because he is in the other little rumpish faction.

The DEPUTY SPEAKER: The member for Unley will return to the bill.

Mr BRINDAL: I was incited and excited by the member for West Torrens, sir. As I was trying to say, the fact is that, while I think that the government has made some intelligent moves in relation to water and the better use of our resource, technically it is not possible to discharge rainwater into the sewerage system. It is against the statute in South Australia. In acknowledging that that is the way we are going, the second part of the amendment of the bill is simply to make it legal to collect rainwater off your roof, to use it in your toilet, in your shower, or however else you want to use it, and, when it becomes grey water, or water not suitable for reuse on your property, you can discharge it lawfully into the sewerage system.

Although I do not pretend that the measures I put before the house are earth-shaking, I say that, in a way, they are modest improvements to the system and that a number of such improvements to the system will go a long way. I lose track of time, but I think that it was either this summer or last summer when the government introduced watering restrictions and permanent measures for the better conservation of water in South Australia. In so far as those measures can be, might be and perhaps were effective, they are only part of the solution. The government has now embarked upon another part of the solution which I think is more intelligent in that it has the potential to create much greater savings—that is, the collection of water from our own rooves, the use of that water as much as we can and the reuse of water as close as we can to our own properties.

Mawson Lakes and Lochiel Park, about which the Public Works Committee heard evidence today, are excellent examples of the ability to collect grey water for an aggregate group of houses and reuse it; to collect roof water and reuse it; and, indeed, in the case of Lochiel Park, to collect local stormwater run-off, treat it to an adequate standard and use it. These are all good measures, but good measures that will be better if they are supplemented by these modest modifications to the law that enable people greater flexibility with the use of their resources. Therefore, I commend this bill to the house.

Ms CICCARELLO secured the adjournment of the debate.

SEWERAGE (WATER MANAGEMENT MEASURES—USE OF WASTE MATERIAL) AMENDMENT BILL

Mr BRINDAL (Unley) obtained leave and introduced a bill for an act to amend the Sewerage Act 1929. Read a first time.

Mr BRINDAL: I move:

That this bill be now read a second time.

Again, I think this is a modest change to the law—one that might cause some controversy in the community but one that is part of a generally established practice around the world. If we go back to the comments I made in regard to the previous matter, we in South Australia have gone so far in Mawson Lakes, as I said a minute ago, in the proposed Lochiel Park development, taking an aggregate of grey water and recirculating that grey water around houses. That is fine where we have greenfield sites in new developments. However, most of us represent post-war areas, or even newer areas, and the infrastructure is in place. Certainly, in my case, and in the case of minister and the members for Colton and Norwood, some of the infrastructure is not only in place but it has been in place for a better part of a century and is not likely to be changed.

Therefore, the ability of people in areas such as those which we represent to take advantage of the sorts of innovations that are being presented by the government of South Australia in new developments are very limited. However, there is an exception, and the exception is that, throughout the world, sewer mining is in many places allowed. At present, in South Australia it is not. Everything that goes into the sewer must go via common sewers to sewerage treatment works and then be treated. As I have said, throughout many places in the rest of the world, this is not a necessary occurrence. While it is sewerage and while it is, in fact, raw sewerage, the better part of it is liquor, and the bacteriological content and the nasties in it are not, generally speaking, in the fluid content but in the solid matter.

Therefore, what happens in many places in the world is that the sewer runs along the street, and licensed bodies, such as corporations and councils, are allowed to extract from the sewer an amount of fluid such as to not endanger the flow to the sewerage works. The amount of fluid is generally around 10 per cent. So, the City of Norwood, say, in wanting to water parks and gardens, can apply for and be given a licence to extract an amount of liquor from the sewerage stream up to about 10 per cent. This bill does not have figures; that is a matter for engineers at SA Water and for the councils.

The bill protects the public health by saying, 'Look, no-one can just come along and apply for a licence and mine sewerage. It has to be people who have appropriate expertise and qualifications, and it has to be done in an approved manner.' Indeed, to extract sewerage from the sewerage system would require an application for a sewerage mining licence, and the application must relate to a specified part of an undertaking and be done in conditions that satisfied prescribed regulations.

So, it is not as if everyone is going to rush along, put their hose down into the sewerage, extract liquor and use it. It has to be done in a manner which is licensed and to which conditions apply, and in a manner in which the public health and safety is in no way compromised. It is possible, because I am not asking for something for nothing, in the granting of that licence, that an extraction fee be charged. So, I am not basically saying that councils can get all their water for nothing. However, what it will allow is the watering of public parks and gardens, using a form of water which is currently waste water and which is currently very low value. So, whatever value is placed on this, it will be a lot less than the value of A grade potable water. The member for Morphett, as shadow minister for local government, is well aware that all our parks and gardens in the corporations in the cities around Adelaide are watered by A grade potable water that is chlorinated and fluoridated, and costs about $1.20 a cubic metre.

This is a way of giving every corporation within the city environs water for their parks and gardens at about half to a third of the cost that they currently pay. This is a way of helping councils keep down their rates and taxes, by providing safe, low quality water for a usage which does not need high quality water. More importantly, it is a way of using water as it is best used. The best way to use water is to collect it as close as possible to where you are going to use it and then to use it and reuse it as many times as you can within an immediate vicinity.

There is no economic sense in taking water hundreds of kilometres, using it once, taking it another few hundred kilometres, and half-using it again before you discharge it. It is sensible to adopt systems like they do in the UK where every drop of water between Windsor Castle and the sea in the River Thames is reused six times. The city of Paris has the outflow of the Paris sewerage works 50 metres upstream from the intake of public water in the Seine. I asked, 'Why do you discharge it back into the Seine if you are going to suck it out for the people of Paris to drink?' They gave a very simple answer. They said, 'We have not quite convinced Parisians that they should drink their own sewage.' In fact, they do; they have been for several hundreds of years, but they do not like to think that they are, so it goes back into the river for 50 metres and then gets sucked out again. I am not suggesting that, but I am suggesting that doing what we do with our current water resources is a waste.

To actually allow councils like Norwood Payneham St Peters, Burnside and Unley to be able to have a cheap, safe use of water that allows them to alter their parks and gardens for a fraction of the cost that they are currently paying is economic good sense. It is good sense for us, as ratepayers of those cities; it is good sense for us, as members representing the ratepayers of the cities; and it is good sense for every citizen of South Australia. Why do we need to fluoridate and chlorinate water that we are putting on our roses and all over the place and not drinking it?

Mrs Geraghty: We have to clean it. Can you imagine the things that people flush down the loo?

The DEPUTY SPEAKER: Order!

Mr BRINDAL: If the member was listening, she would know that it is something that is done all over the world, and I am sure that they put a series of filters and a series of licence conditions on it. I am absolutely sure that one of the things that you would not be able to do is use those aerial impact sprinklers that go zip-zip-zip all around the place because it could have some bacterial content. I think that the danger of this proposition is not so much in the solid material, which is easily filtered out—I know what you are saying; That is easily filtered out. The big danger is making sure that the licence conditions ensure that the water is not used in any way that can compromise public health, because it is the bacterial content of the water that is probably the bigger danger than any solid matter.

The point is—and I go back to it—that this is not a system which would allow councils or anybody else to have carte blanche to just put down a hose and suck out what they want. It is a licensed system where, under agreed conditions, for agreed purposes and at an agreed price, this becomes possible. Who is going to take it up? Maybe nobody, maybe everybody; therefore, if I do not know an answer to that question, what is the point of doing it? The point of doing it, which the member for Colton will understand because he is an intelligent person, is that it gives us greater flexibility, and I am sure that the minister will understand because he went to school, too.

Mrs Geraghty: Are you making some assumptions that some of us didn't?

Mr BRINDAL: No; not on your side. The point that I make quite seriously is that the reason for doing it is that it gives us flexibility. It actually allows us to provide water at cheaper prices to people who need it, to not expend public moneys filtering, chlorinating and fluoridating water for purposes for which it is not needed, and it gives to us greater flexibility in the use of our resources. If this government understands one thing—and clearly it does, because of Mawson Lakes and Lochiel Park—more than anything else, we have to get smart with our use of the resource water. It is the most precious resource that this state has because it is the scarcest. If we want this state to grow, if we actually look at the economic figures and trends—and this state needs to grow—then we must grow this state and become less reliant on the River Murray.

If we are going to be less reliant on the River Murray and still want the lifestyle that we are proud to enjoy, the only way to do that is to use less water and to use what we use more efficiently so that we can have less water that we can use more times and of which we will need a lesser volume drawn from the river. It may well be that, if we adopt measures like this, within five to 10 years we can see a city where we do not draw every year from the River Murray and where we only draw from the River Murray in bad years so that there would be an environmental benefit to that river. There will also be an environmental benefit to this city.

I conclude by saying that, when the government came in and I was talking about this, because it was a Liberal proposition that we would waterproof Adelaide, I know that some of the ministers were running around trying to find the plans but they were not written down because I had them myself. I did not bother telling my public servants that. I was not so silly. These are some of the measures which are not rocket science but, considered in concert, they will actually benefit the water resources of South Australia.

I say this to the minister, because I have said it to his colleague. I am putting these on the table as private members' bills because I have had them done. I am more than happy, if the government wants to pick any or all of them up, for the government to have them. I am not doing this to score points for myself. I could have basically waited three months and given them to the opposition and said, 'Go into the election with these as a policy.' I did not do that, and the reason I did not do that is that I do not think this is a resource with which we should play politics. If these are good ideas, and I think they are, and if the government is minded to think that they are good, the government can have them. I will give the government every credit it deserves for picking them up. If the opposition wants to use them as part of a policy and manages to get into government, I do not care. All I care about is that we have a chance to do something good.

I will just finish by saying this (because I will not introduce the other two measures today). In the world scene we are probably second only, in my opinion, to the state of Israel (and I am talking a little bit generally) with respect to the issues of water and water resources. We have some of the best practice in the world here. Certainly, in aquifer storage and retention we lead the world. Our sewage treatment works at Bolivar, even though it is 20-odd years old, is still among the best plants in the world. We are an exemplar, and some of our engineers and academics are world experts. The only country that I think comes close to us in the field of water is Israel. We have a unique opportunity in this parliament and in this state not only to help ourselves and our people to create an economic prosperity that lasts into the future but also to provide a body of expertise that will help the rest of the world.

While I have been criticised for going to places such as Thailand and Cambodia, I have learnt a lot in those places. One of the things that I find almost frightening is that, as we speak, the Mekong River, which is one of the great rivers of the world and which will sustain three rice crops a year, is failing. It is failing to produce the fish that it has produced for hundreds of years. The Mekong River is only one example of rivers all over the world, including the Tigris-Euphrates, systems in Africa and systems in America. All over the world our river systems are faltering and failing, and some of them are now irretrievably lost. As we go into the third millennium and as the climate changes, nothing will be more important than our world water resources. If this state, because of necessity now, learns best how to handle them we will become in water what Microsoft has become in computing, and that will put us in the position where we can go to the world and give the world something that it will need.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: EYRE PENINSULA WATER SUPPLY UPGRADE

Mr CAICA (Colton): I move:

That the 217th report of the committee, on the Eyre Peninsula water supply upgrade, be noted.

Eyre Peninsula's water supply system is insufficient to supply existing townships or allow for further development. This project provides the most cost-effective solution to allow existing and future residents to secure a water supply of improved quality. SA Water proposes to construct a new interconnection pipeline by February 2007 between the Morgan-Whyalla pipeline system and the Eyre Peninsula water supply distribution system at an estimated cost of $48.5 million. The annual recurrent costs will be $1.1 million. The proposal comprises a new ductile iron concrete lined 375 millimetre pipeline from Iron Knob to Kimba, a pump station at Iron Knob to boost flow from the Iron Knob tank, a booster disinfection station at the new pumping station at Iron Knob and another at Knotts Hill storage in the existing Eyre Peninsula system. In addition, booster pumps will be required in the existing line between Kimba and Lock to ensure that existing customers are not affected. Water will be transferred through the new pipeline to Kimba—1.4 gigalitres a year in stage 1 and a total of 2.3 gigalitres a year in stage 2—by duplicating a section of the existing pipeline between Kimba and Lock.

Desalination of brackish surface water diverted from the Tod catchment to Tod Reservoir was once the preferred

option. However, significant changes were necessary, and this altered the cost relativity and the alternatives. Interconnection with the Morgan-Whyalla pipeline system is now the least cost option. All viable options have been evaluated on the basis of scope and requirements to meet an ultimate capacity of 2.3 gigalitres of water a year to the Eyre Peninsula. This capacity also allows flexibility to meet demand, should growth be greater than forecast. The committee was told that the proposal is the most cost effective option and has a number of advantages over the Tod desalination alternative. Connection to the Morgan-Whyalla pipeline has the lowest power consumption and, therefore, the least environmental impact from greenhouse gas emissions. Also, there is no waste discharge stream and no EPA licence requirement. Consequently, there is no risk of impact on the marine environment or the valuable aquaculture industry, which is an important part of the state and regional economies.

The proposal offers more certainty for long-term growth needs and protection of ground water resources because augmenting booster pumping requires lower capital investment than increasing the capacity of desalination options. The proposal may also enable increased environmental flows to the downstream wetlands and/or the use of the Tod catchment water to support economic development within the region. Finally, the operational risks with a pipeline are significantly less than for a desalination plant and reliability is inherently higher. In the short term, SA Water will increase its licence holding for extractions from the River Murray. However, it intends to purchase additional licences from interstate users, who will cease to extract water from the River Murray. This water will be utilised for Eyre Peninsula with an environmental benefit, because the water will flow further down the Murray River prior to extraction.

Following the development of additional water resources, SA Water will replace the existing water restrictions on the Eyre Peninsula with the measures that apply elsewhere in the state. The benefits of the project are expected to be:

- improved water quality and reduced restrictions within the Eyre Peninsula townships;
- reduced impact upon the environment;
- community acceptance in terms of affordability and quality;
- reduced pressure on the ground water basins; and
- the preservation of horticultural and agricultural activities with associated benefits to small business in the community.

The project has a net present value loss of $38.3 million on the entire community. The next cheapest option exceeds the preferred solution by more than $20 million.

It has been suggested to the committee that the proposal does not meet the needs of the area—in particular, that it lacks vision—and South Australia should be looking to MVC desalination plants at Ceduna and Port Lincoln to create new water instead of continuing to rely upon the River Murray and the area's underground basins. A desalination plant at Ceduna could utilise the new graphite block technology that would be of benefit to the state. It has also been suggested that the proposal will not provide sufficient additional water to enable population growth and new economic development to occur and will be more expensive to upgrade. These points have been rebutted by SA Water. The agency has advised that:

- the projections for future demand for water in the Eyre Peninsula water supply considered population growth and the known potential economic developments;
- the pipeline is able to have its pumping capacity expanded in future years beyond the expected upper limit of need by installing additional inter-stage booster pumps and add-on surge protection;
- the MVC desalination process is still at the pilot trial stage in Australia and presents a clear process risk. There are also significant approval, cost and location issues that will require significant time to resolve, which will require further stress upon the ground water basins; and
- there is no cheap waste heat source close to the SA Water networks and systems that could be exploited for a possible MVC process.

On the balance of the evidence available to it, the committee is not convinced that a desalination plant at Ceduna is a better solution to the current water supply problems on Eyre Peninsula than the proposed pipeline. In reaching this conclusion, the committee recognises that there is increasing pressure upon the state's water supplies and that new and cost-effective solutions to this problem should be explored. Therefore, the committee recommends to the minister that consideration be given to assessing:

- the viability, cost and potential locations of desalination plants in South Australia as economic means of increasing the supply of potable water in the state; and
- the benefits, if any, of the MVC desalination process and improved graphite block technology, and the most suitable locations in South Australia for their use.

Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr BRINDAL (Unley): It is with very heavy heart that I follow the member for Colton, whom I respect on many matters, but twice today the member for Schubert and I have been forced to disagree with him. This is not so much a disagreement with the member for Colton nor with members of the parliamentary committee that we all serve on but, rather, a fairly trenchant criticism of a government instrumentality that came and presented to us in this submission.

I commend to all members the rather stunning dissenting member's report that is, I think, 13 pages long, so I will not have time to completely canvass it here. However, I will just point out the following. It is to substitute water from the Tod River for water from the River Murray, very much akin to saying that the Tod River is like a terminally ill patient who is going to die tomorrow so there is not much more blood we can get out of that patient, so we will transfer this to an equally terminal patient, but one who might have 20 or 30 years, so we will worry about it later.

They do say, and I will not be unfair to them, that they are going to get that water by buying it commercially upstream, and I hope that there is more veracity in that statement than there was when I as minister and the then Leader of the Opposition as Deputy Premier committed to using the same methodology to buy water for the Clare Valley scheme, only to have this same department tell us afterwards—I am not sure for what reason: we did not put it in writing, or something, or we did not tell them, we just told the public of South Australia, the result being that they just went and drew more water from the river by drawing down on the allocated portion of the country towns licence, something that I am ashamed of for myself because, if I had known that as minister, I would have issued an instruction. I am quite sure that the now Leader of the Opposition would have done the same. We committed a government to not drawing any more

water from the River Murray and a department chose additional profits and did exactly that.

Many of the arguments put forward by SA Water have no substance. The part that the EPA played worried me. SA Water decided to trial some things and, after spending a lot of money and time (and the men for Flinders will speak about this), almost two years, at the end of that process, whoopy-do, we cannot do it because of all the problems that the EPA saw.

I invite members to read the dissenting report because I cannot see that they are problems. They claim this will increase the loads of heavy metals and pesticides in the discharge water, but surely the existence of a scheme on the Tod or anywhere else will not increase the load of pesticides or heavy medals. That is the load that is going in there and that is the between the agriculturalists, the system and the EPA. To simply come in and say that because SA Water is going to do something we can make it clean up a problem that already exists is a fallacious argument. By taking a salt load out of the Tod and desalinating it arguably gives the Tod system greater life. At present they take the best water from the Tod, allow the salty water to go down it and they are worried because the wetlands and the whole system is in precarious balance. It was proposed to take the salty water, desalinate it and presumably allow the freshest water to flow down the Tod, which would have given the Tod system greater life, but for some reason that was not considered a viable proposition.

So, we go to the proposition of using waters from the Murray. What upset me and the member for Schubert more than anything else—and I hope the minister takes note of this—was their evidence on desalination. I asked the minister to read this and draw it to the attention of the executive government and, if there is a flaw in the logic of the dissenting report, I ask him to report it to the parliament. Having asked a series of questions, SA Water's replies were not adequate or complete and were in fact misleading. I take umbrage at that because as a committee of the parliament we are entitled to accurate and factual information. I take double umbrage because they were prepared to savagely criticise the member for Flinders who, as a private member, did the best she could with the material available to her. They then brought all the resources of the department to criticise what she had done, only for me to find by using the web that their answers were inadequate, misleading and not cost effective for the people of South Australia. A lot of it—

The Hon. J.W. Weatherill interjecting:

Mr BRINDAL: Pardon?

The Hon. J.W. Weatherill interjecting:

Mr BRINDAL: Steady? Well, you read it, because much of it involved processes of desalination. SA Water appears to be linked to a reverse osmosis technology cum rain or high water. When I asked SA Water about IDE technologies from Israel (part of which has been proposed for the mechanical vapour compression system and graphite technology, which the member for Flinders has proposed out of Ceduna), they said, 'It's too expensive. It uses too much electricity.' They completely ignored the fact that the electricity generated for the member for Flinders' proposition would be solar generated electricity and came at no cost, and that when the sun was not shining and the system was not needed the minimal amount of electric power needed to keep the compressors running (or some piece of equipment running) was totally negligible and could be obtained from storage batteries.

They used electricity cost as a reason for saying that it was not cost effective when, in fact, the whole purpose of the member for Flinders' proposal was to generate electricity. But even worse, they completely discounted or did not bother to mention multi-effect distillation techniques. It is clearly able to be established from the web that the multi-effect distillation technique is used elsewhere in the world in several plants, principally at Telde and Las Palmas, Spain, a plant at the Enron-Penuelas power station in Puerto Rico (which produces 7 600 cubic metres of water a day) and reliance petroleum at Jamnagar in India, which produces 48 000 cubic metres of water a day.

These systems use errant heat which use virtually no electricity. The cost of producing water using these systems is less than the cost of pumping the water from Morgan to Whyalla. So, there is a technology which will produce water on site at a cheaper price, and it has been ignored.

Time expired.

Mrs PENFOLD (Flinders): This report was a disappointment on many levels. I was very pleased to see that a dissenting report raised concerns about some of the issues that worried me. Its major recommendation to extend the River Murray pipeline from Iron Knob to Kimba I consider to be short-sighted, environmentally irresponsible and ultimately inadequate. The report dismissed the possibility of using instead desalination in partnership with private enterprise. This decision, I believe, was based on a lack of understanding of the latest technologies available, despite desalination being used successfully around the world.

I was surprised that this report has been made without the members of the committee at least investigating the other option that I put forward to put a desalination plant at Ceduna. It is my hope that they will ensure that the proposal that I put forward will be given proper consideration, as it needs to be put in place as soon as possible to provide for the mining, marina and housing developments expected in the Ceduna region within the next few years.

There would be no-one here who does not know about the dire straits of the River Murray. Even the most conservative scientists believe that its extraction limits already exceed its long-term sustainability; and recent climate studies indicate that changing weather patterns could lead to lower flows through the entire system. The Murray Darling system is salinising at an alarming rate. This is now being slowed by a system of salt interception schemes but, as salt loads escalate, these schemes will not be able to keep up.

Minister Wright has said that the water for Eyre Peninsula will be brought from South Australia and interstate irrigators who already hold water allocations. However, we are all being hit with the River Murray levy that was supposed to be used to buy these water allocations so that environmental flows in the Murray could be increased. Instead, that water will be pumped to Eyre Peninsula. There will also be an energy cost for pumping the water from the Murray and building and installing the pipeline and extra pumping systems.

The pipeline will do little to alleviate the environmental problems we face in our own region. Currently, Eyre Peninsula's requirement of 10 gigalitres of water per year is taken predominantly from the underground basins south of Port Lincoln, which are critically overdrawn. Merely reducing that take by 1.4 gigalitres—the new pipeline—will not be enough to allow these basins to recharge, particularly if the predictions of low rainfall as a result of climate change become a reality. In addition, the new pipeline will not meet

the needs of Eyre Peninsula households and industry in the future.

The pipeline is due to be commissioned in 2007 when it will supply up to 1.4 gigalitres. This supply may be increased to the pipeline's full capacity of 2.3 gigalitres if BHP Billiton constructs a desalination plant at Port Augusta or Whyalla—or possibly even Port Pirie—primarily to service the proposed expansion of Roxby Downs, which is yet to be approved. Even if Eyre Peninsula gets 2.3 gigalitres, we will still be on water restrictions and there will be no water to spare for new industries, such as the potential lead and zinc mines being explored north of Kimba and the mineral sands north-west of Ceduna. In addition, the Eyre Peninsula Catchment Water Management Board anticipates that about 5 000 housing and commercial developments will be built in the region in the next three to five years, including more than 600 homes at the Ceduna Keys Marina.

Contrast all these disadvantages with the benefits we could get from desalination plants built and funded by private enterprise and using the latest environmentally friendly technology. A consortium, which includes a company that operates more than 350 Mercury vapour compression (MVC) desalination plants around the world, has proposed building a plant at Ceduna that could produce 5 gigalitres of water a year if necessary. This would meet more than half the Eyre Peninsula's current water requirements, and all the government, through SA Water, has to do is give the private operators access to the pipes or pay the company a fair price for the water, which could then be sold to householders and businesses through SA Water at the usual price.

Any subsidy that might be required for this price should cost less than even the interest on the $48.5 million that is going to be spent on the pipeline. The plant could be built and maintained at the cost of private enterprise. It would be modular, and its capacity could be increased as required—unlike the new pipeline from Iron Knob to Kimba. If the Ceduna plant went ahead, there is a good possibility that another could be built at Port Lincoln and/or at Streaky Bay using wind energy.

The proposal for the desalination plant at Ceduna is to use solar power stored in a graphite block to enable the plant to operate 24 hours a day on natural energy. It is proposed that the waste water will be returned to the existing salt pans and be used in the existing salt export business. The plant would produce few greenhouse emissions after the initial construction. The desalinated water provided would be of good quality, whereas the water that has to be pumped thousands of kilometres from the River Murray would be highly chlorinated, as is the current supply that is pumped up from the overdrawn underground resource south of Port Lincoln.

In a meeting of the Public Works Committee on 29 June, SA Water's General Manager of Infrastructure, John Williams, admitted that the organisation had 'discounted' certain future developments on the Eyre Peninsula on the basis that the government would have to provide them with subsidised water and therefore they would not be 'real developments', to use his words. Those developments included horticulture, viticulture and other activities, and information about them was provided to SA Water by councils on the Eyre Peninsula. On what basis were these developments discounted? Who did the calculations? Since when have SA Water bureaucrats been experts on the wine industry or indeed on any commercial development and its future potential?

Time expired.

Debate adjourned.

ROAD TRAFFIC (DRUG DRIVING) AMENDMENT BILL

The Hon. P.F. CONLON (Minister for Transport) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961; and to make related amendments to other acts. Read a first time.

The Hon. P.F. CONLON: I move:

That this bill be now read a second time.

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

The DEPUTY SPEAKER: Leave is sought. Is leave granted?

The Hon. I.P. Lewis: No.

The DEPUTY SPEAKER: Leave is not granted.

The Hon. P.F. Conlon: Gee, you are predictable, Pete. Don't think you are going to explain a question for the rest of your time here.

The DEPUTY SPEAKER: Order!

The Hon. I.P. Lewis: I'll be here longer than you are.

The Hon. P.F. CONLON: Yeah! Good on you! You wouldn't like to get set on that, would you Peter?

The Hon. I.P. Lewis: Yes.

The Hon. P.F. CONLON: Good. We'll get someone else to hold the money!

The DEPUTY SPEAKER: Order!

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

The Hon. P.F. CONLON: This bill introduces a scheme to permit drug testing of drivers using oral fluid and blood. Drug driving is one of a number of contributors to road deaths in South Australia. Statistics show that, on average, for the period 2000-2004, 23 per cent of drivers and motorcycle rider fatalities tested post-mortem had either THC (the active ingredient in cannabis) and/or methamphetamine in their blood at the time of the crash.

The government has approached the issue of drug driving in a coordinated and comprehensive manner. In addition to this legislation, a targeted public education campaign will be undertaken to warn drivers of the dangers of drugs and driving, and to support enforcement activities. Research clearly shows linking education and enforcement maximises the deterrent effect. Recent technological advances have seen the development of testing procedures that can detect a range of drugs through the use of saliva samples taken by means of a mouse swab.

Victoria has been the first in the world to trial random roadside saliva drug testing, and recently published results show a substantial detection rate of drug drivers. This government has closely monitored the current regime in Victoria prior to the introduction of this bill. Other states and territories which have or which are introducing drug driving legislation include New South Wales, Western Australia and Tasmania. This bill establishes a regime for drug driving that complements the existing drug driving scheme to deal comprehensively with substances which, when consumed by drivers of motor vehicles, create danger to both the drivers themselves and other road users, augmenting the current offences of driving under the influence of intoxicating liquor or a drug (section 47 (1)) and driving with a prescribed concentration of alcohol in blood (section 47B (1)). One will

be the new offence of driving with a prescribed drug in oral fluid or blood (proposed section 47BA (1)).

This new offence will be based on the presence of a prescribed drug in a person's saliva or blood. Initially, only two drugs will be defined as a prescribed drug for the purposes of random drug testing—THC and methamphetamine. These two illicit drugs have been selected for random roadside testing because there is evidence that drivers using these drugs are at increased risk of causing crashes; they are the substances with the highest incidence, after alcohol, in the blood of fatally injured drivers. Neither THC nor methamphetamine are found in any Australian prescription medicines; and they can be reliably detected in oral fluid samples of drivers at the time that they will adversely affect drivers' ability to drive safely.

The court imposed penalties for the new prescribed drug offence will be set out at the same level as the category 1 Blood Alcohol Content (BAC) offence (that is, an offence consisting of concentration of alcohol of less than 0.08), namely, a maximum fine of $700, with a first offence being expiable.

There is provision for the mandatory disqualification of the defendant's licence, the period being determined by reference to whether the offence is a second, third or subsequent offence. In addition, three demerit points will be attributed for each offence, including expiations. For the purposes of determining whether an offence is a first, second, third or subsequent offence, driving under the influence and refusal to take a breath or blood test will be counted.

However, the prescribed drug offence will not be counted in calculating previous convictions for any other offences. This will quarantine the impact of the new offence, and will be one of the aspects of the bill that will be examined in the review of the operation of the amendments within 12 months after their commencement.

The drug screening test cannot be undertaken unless an alcotest has first been administered. The drug screening test is similar to an alcotest, and will require a person to suck or chew an absorbent pad which will provide a result within a few minutes. It will detect recent consumption of methamphetamines and THC. Drivers who have THC or methamphetamine residues in their bodies as a result of use in the previous days or weeks will not be detected. The tests will not produce a positive result for drugs such as Sudafed and other over-the-counter medications, such as attention deficit disorder medication.

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

The Hon. P.F. CONLON: I seek leave to insert the remainder of the explanation of the bill into *Hansard* without my reading it.

The SPEAKER: Leave is sought; is leave granted?

The Hon. I.P. Lewis: No.

The Hon. P.F. CONLON: Sir, he is not in his place. It's too late.

The SPEAKER: Yes, the member was not in his place.

The Hon. I.P. LEWIS: On a point of order, Mr Speaker: leave was not granted.

The SPEAKER: The member called 'No'; he wasn't in his chair—but leave is not granted. The minister.

The Hon. P.F. CONLON: Drivers who return a negative drug screening test will not be detained further. Drivers who return positive test results will be required to provide a second saliva sample. Drivers who produce a positive result to the second sample will be interviewed according to normal police procedure—

Ms Breuer: What is the purpose of this exercise?

The Hon. P.F. CONLON: It's to prove that Peter's still got relevance; it's not working—and the sample sent to a laboratory for oral fluid analysis. The driver will be provided with a portion of the second sample, which they may choose to have independently analysed. An expiation notice will not be issued nor a complaint laid until the presence of THC or methylamphetamine in the saliva sample is confirmed by the laboratory analysis.

For the purposes of protecting the community from drivers who are detected with an illegal blood alcohol content or who have tested positive roadside to the presence of a prescribed drug, the bill will provide police with additional powers to take steps to prevent the person from driving for a predetermined period of time.

Police will be provided with a less intrusive alternative to arrest where they suspect a person may attempt to drive once they have left the scene. This provision will supplement the existing general power of arrest available to police.

These new powers have been requested by and developed in conjunction with SAPOL and will not be primarily dealt with in this bill but have been included in the Statutes Amendment (Road Transport Compliance and Enforcement) Bill 2005 which will amend the Road Traffic Act 1961 to revise all powers relating to the direction and enforcement to achieve consistency with new model national compliance and enforcement legislation. It is anticipated that this bill will come into operation at the same time as the drug driving bill.

Random drug testing will only be conducted by a group of trained traffic police. The Commissioner of Police will be required to establish operational procedures designed to minimise the inconvenience to drivers of testing. Police would be able to target drink driving and drug driving or a combination of both. These amendments will not enable random testing of drivers for drugs other than THC and methamphetamine. The drugs will be prescribed in the regulations and it may be the case that in future years other drugs will be tested for.

General police patrols will also be able to test for prescribed drugs. This testing will be predicated on driver impairment, and will occur in 'prescribed circumstances'; that is, where a person has committed a prescribed road traffic offence, behaved in a manner that indicated the ability to drive is impaired or has been involved in an accident. In such a case, the driver will be tested for alcohol in accordance with section 47E of the Act. The driver may then be tested for drugs using an oral fluid analysis, or he or she may instead be taken to a medical practitioner for a blood test.

The results of any analysis of oral fluid or blood collected as a result of this bill will not be able to be used in any proceedings other than under the Road Traffic Act, the Motor Vehicles Act or a driving-related offence and will not be able to be relied on, for example, in exercising search powers or to obtain a search warrant. Furthermore, the bill contains provisions to ensure that samples taken under the Road Traffic Act cannot be used for a purpose other than that contemplated by the Act, for example DNA testing. All samples must be destroyed at the conclusion of proceedings or the expiry of the period in which proceedings must be commenced.

The bill also contains a requirement for a review after 12 months operation of drug testing. This review will consider the operation and effectiveness of the process, penalties,

privacy issues, and other relevant matters, and will identify and recommend any legislative or operational changes that will maximise the road safety outcomes of the process. The draft bill was put out for community consultation earlier this year and the majority of responses supported a testing regime being introduced for drug testing of drivers.

The bill has been prepared in close consultation with SAPOL and has their full support. I commend the bill to members, and I seek leave to have the explanation of clauses in *Hansard*.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

4—Substitution of heading to Part 3 Division 5

This clause amends the heading of Part 3 Division 5 to reflect the inclusion of the provisions inserted by this Bill relating to drug driving.

5—Amendment of section 47A—Interpretation

This clause amends section 47A of the principal Act to insert definitions of terms used in the provisions inserted or amended by the Bill, and to amend provisions of the section consequent to the provisions of the Bill.

6—Insertion of section 47BA

This clause inserts a new section 47BA into the principal Act. This proposed section provides that it is an offence to drive a motor vehicle or attempt to put a motor vehicle in motion while a prescribed drug is present in his or her oral fluid or blood. A prescribed drug is defined to be a substance prescribed as such by the regulations.

The clause provides that is a defence to a charge of an offence against new subsection (1) if the defendant proves that he or she did not knowingly consume the prescribed drug present in his or her oral fluid or blood (but not if the defendant consumed the prescribed drug believing that he or she was consuming a substance unlawfully but was mistaken as to, unaware of or indifferent to the identity of the prescribed drug).

The provision sets out penalties for offences, which are in line with those for a driving with the prescribed concentration of alcohol in the blood offence in the category 1 range. The penalty also includes (other than in the case of a first offence) disqualification from holding or obtaining a driver's licence, and sets out procedural matters relating to the same. However, new subsection (6) provides, in line with the treatment of a Category 1 offence under section 47B of the Act, that a person 16 years or older cannot be prosecuted for a first offence unless the person is first given an opportunity to expiate the offence.

An offence against new subsection (1), section 47(1) or a refusal offence under proposed section 47EAA(9) or sections 47E(3) or 47I(14) for which a person has been convicted may be considered in determining whether an offence is a first, second, third or subsequent offence for the purposes of the clause (other than subsection (6)), and only an offence against those provisions for which a person has been convicted, or has expiated, may be considered in determining whether an offence is a first offence for the purposes of subsection (6).

7—Amendment of section 47C—Relation of conviction under section 47B or 47BA to contracts of insurance etc

This clause amends section 47C of the principal Act to include an offence against proposed section 47BA in the provisions set out in that section. Section 47C operates to prevent a person from being taken to have been under the influence of intoxicating liquor (and now a prescribed drug) simply by virtue of a conviction or finding of guilt of an offence against certain sections of the principal Act.

8—Amendment of section 47D—Payment by convicted person of costs incidental to apprehension etc

This clause amends section 47D of the principal Act to include an offence against new section 47BA or 47EAA in the section, with that section allowing the court to order a person convicted of an offence to pay certain costs relating to the apprehension etc of the person.

9—Amendment of section 47DA—Driver testing stations

This clause amends section 47DA of the principal Act to change the references to a "breath testing station" to "driver testing station". This change reflects the Bill's provisions relating to testing drivers' oral fluid or blood for the presence of a prescribed drug, including as a consequence of having been stopped for alcotesting or breath analysis at breath testing stations. The clause also amends the reference to an alcotest for the same reason, referring now to "screening tests", which is defined to mean alcotests and drug screening tests.

10—Amendment of section 47E—Police may require alcotest or breath analysis

This clause amends section 47E of the principal Act. Subclause (3) inserts a new subsection (4a) into the section, which has simply been relocated from section 47F (itself repealed by the Bill). The clause makes other consequential amendments to the section as a result of the insertion of proposed subsection (4a).

The clause also inserts new subsection (7a), which provides that there will be reasonable ground to suspect that the prescribed concentration of alcohol is present in a person who either refuses or fails to comply with a direction under section 47E, or fails an alcotest, for the purposes of the exercise of any power conferred on a member of the police force to prevent the person committing an offence by driving a vehicle in contravention of Part 3 Division 5 of the principal Act.

11—Insertion of section 47EAA

This clause establishes a new scheme for the testing of drivers and other relevant persons for the presence of a prescribed drug in their oral fluid or blood.

New subsection (1) provides that, if a person has submitted to an alcotest or breath analysis under section 47E, then an authorised member of the police force may require the person to submit to a drug screening test. New subsection (2) provides that, where the drug screening test indicates the presence of a prescribed drug in the person's oral fluid, the member of the police force may require the person to submit to an oral fluid analysis or a blood test.

However, if a person has been required to submit to the initial alcotest or breath analysis in prescribed circumstances, the member of the police force may require the person to submit to an oral fluid analysis or a blood test without first requiring a drug screening test. A prescribed circumstance is defined in section 47A.

Procedural matters relating to the testing provided for by the new section are set out, including a power for a member of the police force to give reasonable directions for the purpose of making a requirement that a person submit to a drug screening test, an oral fluid analysis or blood test, and provides an offence of refusing to comply with such a direction. The maximum penalty is a fine of $700, consistent with the equivalent Category 1 offence under section 47E of the Act, and also provides for disqualifications to apply in the case of subsequent offences (including offences against new subsection (9) or section 47(1), 47BA(1), 47E(3) or 47I(14)).

The proposed section also provides for alternative testing arrangements where, because of a medical or physical condition, it is not possible or reasonably advisable or practicable to undertake the required test. In particular, if a test requiring oral fluid is not possible etc, then the person may instead have a blood test, and vice versa. It will not be possible to raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under the proposed section relating to a drug screening test or oral fluid analysis by reason of some physical or medical condition of the person unless has had such a sample of blood taken.

The clause also provides that (for the purposes of the exercise of certain powers conferred on a member of the police force) there will be reasonable ground to suspect

that a prescribed drug is present in the oral fluid of a person if he or she refuses or fails to comply with a direction under the proposed section or fails a drug screening test, or if the preliminary result of the oral fluid analysis indicates the presence of a prescribed drug in the person's oral fluid.

The regulations will prescribe the manner in which testing under this new section is to be conducted.

12—Amendment of section 47EA—Exercise of random testing powers

This clause amends section 47EA of the principal Act to reflect the changes made by the Bill regarding the random testing of drivers for prescribed drugs in addition to alcohol.

In particular, the clause inserts new paragraph (ca), providing that a member of the police force must not make a requirement of a driver to stop and take a drug screening test unless he or she has in his or her possession, or a member of the police force in the immediate vicinity of the place at which the requirement is made has in his or her possession, an approved drug screening test apparatus.

13—Substitutions of sections 47F, 47FA and 47FB

This clause repeals sections 47F, 47FA and 47FB of the principal Act. The provisions of section 47F(2) relating to a blood test of a person who is unable to take an alcotest or breath analysis on medical grounds has been relocated to proposed section 47E(4a). The remain provisions have been relocated to proposed Schedule 1 of the principal Act as part of the process of consolidating related procedural provisions under the principal Act.

The clause inserts new section 47F into the Act to act as a signpost for the provisions of proposed Schedule 1.

14—Amendment, redesignation and relocation of section 47G—Evidence etc

This clause amends the current section 47G of the principal Act to include evidentiary provisions relating to drug screening tests, oral fluid analyses or blood tests under proposed section 47EAA.

The new subsections provide for the admissibility of certificates relating to the testing and results in a manner that is consistent with the current provisions of section 47G relating to alcotests and breath analysis.

The clause also inserts provisions relocated (proposed subclauses (12) and (13)) from section 47I as part of the process of consolidating related evidentiary provisions under the principal Act.

Subsection (18) provides that evidentiary provisions under the section only apply in relation to proceedings for the specified offences.

The clause also redesignates section 47G as proposed section 47K, and relocates the provision after section 47J so that it follows the sections of the principal Act that it affects.

15—Insertion of section 47GB

This clause inserts section 47GB into the principal Act, and sets out procedures regarding what is to happen if the defendant satisfies the court that he or she consumed a prescribed drug after the conduct in relation to which they are being prosecuted. If the person complied with the provisions of proposed paragraphs (b) and (c), then the person may be found not guilty of the offence under section 47(1) or proposed section 47BA(1) of the Act with which they are charged. This provision is consistent with section 47GA of the Act dealing with alcohol consumed after such conduct.

16—Amendment of section 47H—Approval of apparatus for the purposes of breath analysis, alcotests, drug screening tests and oral fluid analysis

This clause amends section 47H of the principal Act to enable the Governor to approve apparatus of a specified kind for the purpose of conducting drug screening tests, oral fluid analyses or both by publication of a notice in the Gazette.

17—Amendment of section 47I—Compulsory blood tests

This clause amends section 47I of the principal Act. The procedural provisions setting out how samples of blood taken must be dealt with have been relocated to proposed Schedule 1 of the principal Act as part of the process of consolidating related procedural provisions under the principal Act. Similarly, the provisions relating to evidentiary matters are relocated to proposed section 47K.

18—Insertion of Schedule 1

This clause inserts a new Schedule 1 into the principal Act, consolidating related matters regarding oral fluid and blood samples taken under the Act as follows:

Schedule 1—Oral fluid and blood sample processes

Part 1—Preliminary

1—Interpretation

This clause defines terms used in the Schedule.

Part 2—Provisions relating to blood samples under section 47E, 47EAA or 47I

2—Blood sample processes generally

These provisions have been relocated from section 47I, and amended to included blood taken under proposed section 47EAA.

The provisions set out what must be done in relation to a sample of blood by the medical practitioner taking the sample and an analyst analysing such sample and are essentially unchanged from the current provisions.

3—Blood tests by registered nurses

This clause is the former section 47FB of the Act, amended to include the taking of blood under new section 47EAA.

4—Member of police force to be present when blood sample taken

This clause requires that taking of a sample of blood under proposed section 47E(4a), 47EAA(2) or 47EAA(11) must be done in the presence of a member of the police force.

5—Cost of blood tests under certain sections

This clause provides that the taking of a sample of blood under proposed section 47E(4a), 47EAA(2), 47EAA(11), or section 47I, must be at the expense of the Crown.

6—Provisions relating to medical practitioners etc

This clause consolidates provisions currently in various sections of the principal Act relating to medical practitioners acting under the principal Act.

Part 3—Processes relating to oral fluid samples under section 47EAA

7—Oral fluid sample processes

These provisions set out what must be done in relation to a sample of oral fluid by the police officer taking the sample and an analyst analysing such sample.

The requirements are consistent with those relating to a sample of blood.

Part 4—Other provisions relating to oral fluid or blood sample under Part 3 Division 5

8—Oral fluid or blood sample or results of analysis etc not to be used for other purposes

This clause provides that a sample of oral fluid or blood taken under section 47E, proposed section 47EAA or section 47I (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) must not be used for a purpose other than that contemplated by this Act.

The clause also prevents the results of an oral fluid analysis or blood test under Part 3 Division 5 of the Act, an admission or statement made by a person relating to such an oral fluid analysis or blood test, or any evidence taken in proceedings relating to such an oral fluid analysis or blood test (or transcript of such evidence) from being admissible in any proceedings, other than proceedings for an offence against the Act or the *Motor Vehicles Act 1959* or a driving-related offence and from being relied on as grounds for the exercise of any search power or the obtaining of any search warrant.

9—Destruction of oral fluid or blood sample taken under Part 3 Division 5

This clause provides that the Commissioner of Police must destroy a sample of oral fluid or blood taken under Part 3 Division 5 (and any other forensic material taken incidentally during an oral fluid analysis or blood test) after the specified time periods.

Part 3—Review of operation of Act

19—Review of operation of Act

This clause provides for a review of the operation of the principal Act as it relates to the provisions of the Bill.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Criminal Law (Forensic Procedures) Act 1998*

2—Amendment of section 5—Non-application of Act to certain procedures

This clause amends section 5 of the *Criminal Law (Forensic Procedures) Act 1998* to provide that that Act does not apply to a sample of oral fluid taken under the *Road Traffic Act 1961*.

Part 3—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 72A—Qualified supervising drivers

This clause amends section 72A of the principal Act to include in the list of provisions under the *Road Traffic Act 1961* that are deemed to include a reference to a qualified supervising driver proposed sections 47EAA and 47GB, Schedule 1 and the amended and redesignated section 47G (now proposed section 47K) of the *Road Traffic Act 1961* as inserted by the Bill, along with making consequential amendments to the section.

4—Amendment of section 75A—Learner's permit

This clause amends section 75A of the principal Act to reflect the redesignation of section 47G (now section 47K), and to include proposed sections 47EAA, 47GB and proposed Schedule 1 in the provisions listed in subsection (5a) of the section, and makes other consequential amendments.

5—Amendment of section 81A—Provisional licences

This clause makes similar amendments to clause 4 of this Schedule.

6—Amendment of section 81AB—Probationary licences

This clause makes similar amendments to clause 4 of this Schedule.

7—Insertion of section 81D

This clause inserts a new section 81D into the *Motor Vehicles Act 1959*, providing for Registrar-imposed disqualifications in the case of an offence against proposed section 47BA(1) that has been expiated.

The Hon. I.F. EVANS secured the adjournment of the debate.

VICTORIA SQUARE BILL

The Hon. P.F. CONLON (Minister for Transport) obtained leave and introduced a bill for an act to provide for the construction and operation of a tramline in Victoria Square; to provide for the designation of certain land within Victoria Square as parkland; to make a related amendment to the Passenger Transport Act 1994; and for other purposes. Read a first time.

The Hon. P.F. CONLON: Before commencing the second reading, I table a map of the proposed work, and I will be referring to that in my second reading explanation. I have copies available for members, should they wish. I move:

That this bill be now read a second time.

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

The SPEAKER: Is leave granted?

The Hon. I.P. Lewis: No.

The SPEAKER: Leave is not granted. The Minister for Transport.

The Hon. P.F. CONLON: I am more than happy to do so, sir; I can understand that the member for Hammond has a certain fondness for my voice. In April 2005 the Rann government announced that it would extend the Glenelg tramline from Victoria Square, down King William Street, to the Adelaide Railway Station. This extension of Adelaide's tramline is a project that has long been desired and will bring light rail to North Terrace. The bill is required to ensure that this iconic project can be realised whilst minimising the impact on the square and ensure that it remains a significant public asset.

Victoria Square was dedicated in 1849 as public land for specific use as a square and cannot be dealt with in a manner inconsistent with this use. This will be the second act of parliament that seeks to alter the use of Victoria Square. The first was the Victoria Square Thoroughfare Act 1883, which enabled a roadway to be constructed through the square. A tramway was subsequently constructed and operated on that roadway. The existing tramline which terminates in the centre of the square was located on the roadway.

The bill enables the Glenelg tramline in the square to be relocated and the line extended along the edge of Victoria Square towards North Terrace and provides mechanisms to clarify the status of land in Victoria Square. Without the bill the tramline and Victoria Square stop would have to stay in the centre of the square, remaining as an obstacle to the improvement of the square. To accommodate the extension project the bill designates land known as 'the defined area' and delineated in schedule 1 in Victoria Square, within which the—

Mr Williams interjecting:

The Hon. P.F. CONLON: The member suggests we put it underground. Perhaps we could put it in that tunnel that Mark Brindal wants to build and just run it all the way up there. The majority of construction works will be within the defined area. Any auxiliary tramline structures such as poles to suspend overhead electricity wires must also be constructed within the defined area. The bill also enables the minister, once the tramline is constructed, to dedicate a corridor of land within the defined area for the purposes of a tramline by deposit of a plan in the Lands Titles Registration Office. The effect of these dual provisions is that a much narrower final constructed tramline corridor, rather than the whole of the defined area, will be dedicated for the purposes of a tramline. The remaining land in the defined area will continue to be used as it is at the moment, either as parkland or roadway.

Members interjecting:

The Hon. P.F. CONLON: I would not deny Peter his fond desire to hear my dulcet tones. The bill also provides a mechanism to clarify the legal status of existing uses of the square to enable the centre strip of Victoria Square (where the Victoria Square stop is currently located) to be designated as parkland once the new line and stop are operational and the remediation of the old tramline and stop in the centre of the square is completed.

Between the 1880s and 1960s, King William Street bisected the square from north to south. Electric trams operated along this alignment through the square from 1909 to 1958. In fact, I understand that Graham Gunn used to catch it to work. In 1965 the part of the street that passed through the square was closed and was physically reinstated for public use as parkland. Records show that the legal status of this strip of land through the square, which currently accommodates the fountain, is closed road. There are also four small portions of land in each corner of the square whose legal status is also closed road. While these portions of closed road are currently physically used as parkland, their legal status does not correspond with this existing use. This bill will also

clarify the legal status of the diagonal roads that currently dissect the square.

Since the strip of land through the centre of the square has the legal status of a closed road, the tramline extension could proceed through the centre of Victoria Square without further legislation (and would replicate the original tramline alignment). However, a centre alignment through the square—

The Hon. K.O. Foley: It's the fountain.

The Hon. P.F. CONLON: You would have to take the fountain away, but I never liked the fountain, anyway. However, a centre alignment through the square would ultimately take more land from Victoria Square, would divide the square and would not provide the best access for pedestrians. The western alignment proposed in this bill is preferred, since it provides the best traffic management outcome, better integrates pedestrian activity towards the Adelaide Central Market and leaves a larger area of the square as a single unit. The western alignment also takes the least land from Victoria Square, since the centre strip where the Glenelg tramline currently terminates will be returned to the square for public use and will be legally dedicated as parkland after the extended tramline has been constructed.

The government's Adelaide City Park Lands Bill 2005 provides similar mechanisms to deal with status of land within the Adelaide city parklands and squares; however it is appropriate that this bill, which deals with land in Victoria Square, deals with all land within the square at the same time. It is my intention that the centre strip that currently accommodates the fountain and the four small portions of land in each corner of the square shall be legally re-designated as parkland as soon as practicable.

Similarly, it is my intention that the diagonal roads be designated as public roads established in accordance with the Roads (Opening and Closing) Act 1991 at the same time. As I said previously, the centre strip where the Victoria Square stop is currently located will be designated as parkland once the new line and stop are operational. I tabled a plan that shows the current legal status of land in Victoria Square and the proposed tramline corridor. The plan illustrates the legal status of land in Victoria Square and clearly demonstrates the actual land that will be taken up by the tramline. The legend on the plan indicates what the legal status of land in Victoria Square will be once this bill is passed. Although the alignment along the western edge of Victoria Square provides the greatest flexibility for future development of the square, it does impact on some existing vegetation and on the statue of Sir Charles Cameron Kingston.

An honourable member interjecting:

The Hon. P.F. CONLON: No; he will go to a better place—as he did some time ago.

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: He has gone to a worse place. There are up to 18 trees that may have to be removed along the proposed alignment in Victoria Square for the project.

Members interjecting:

The Hon. P.F. CONLON: They're rats! The trees form part of the overall planting in Victoria Square that over the years has become disjointed with no particular theme or context. Only one tree of those impacted by the tramline was deemed to be of sufficiently good condition, health and size to be worth consideration for transplanting.

The Hon. K.O. Foley: Are we keeping that one?

The Hon. P.F. CONLON: We are replanting that one, but we will give the council a whole load of new trees. Most of these trees are, of course, feral imported trees that do not meet our standards. They are the rats of the tree community. No; I am just kidding. Can we record in *Hansard* that I am just kidding?

Mr Williams interjecting:

The Hon. P.F. CONLON: There are all sorts of odds and ends. The project creates an opportunity to improve Victoria Square as a significant public open space, and the government is working with Adelaide City Council on a landscaping scheme to make the best use of that opportunity. The scheme will determine the form and type of trees to be established to replace those removed, the value of transplanting any trees and the best location for the Charles Cameron Kingston Memorial. We are thinking of the Naracoorte roundabout! No—I am not serious, sir, I am just playing up to the member for MacKillop.

The government is aware of the significance the site has for Aboriginal people. The Tandanya clan of the Kaurna people had their central camp near or in Victoria Square and it is important that developments in the square recognise this. Adelaide City Council has been consulted on the tramway extension project and on this bill and is supportive. The tramway extension is a priority project for the joint Adelaide City Council and state government Capital City Committee. The Development Assessment Commission is currently considering the project and, as part of this consideration, a public consultation process will be undertaken.

This bill will enable the Glenelg tramline to be extended along Victoria Square with the least amount of land taken from the square and the best possible traffic management and pedestrian outcomes. The bill also ensures that the legal status of land in Victoria Square is clarified and that the strip of square where the tramline currently terminates can be given back to Victoria Square for public use. I commend the bill to members and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure. In particular, it includes a definition of the ***defined area***, which is the area within Victoria Square (depicted on the map in Schedule 1 of the measure) within which a tramline is proposed to be constructed.

4—Dedication of land for purposes of tramline

This clause provides that the Minister may, by deposit of a plan in the Lands Titles Registration Office, dedicate a corridor of land within the defined area for the purposes of a tramline. The Minister may exclude areas of public road from the dedicated corridor, so that those particular areas would remain dedicated as roads even if the tramline is built over them. The corridor may be subsequently varied, but only provided that it remains wholly within the defined area. The provision also provides for the dedicated land to be placed under the care, control and management of the Minister or another person or body and allows the Minister, by deposit of an instrument in the General Registry Office (the ***GRO***), to make any necessary consequential provision relating to the status, vesting or management of land.

5—Power to construct tramline etc

This clause gives the Minister responsible for the administration of the *Passenger Transport Act 1994* power to erect structures on land in the defined area and carry out other works on land in, or adjacent to, the defined area for the purpose of the construction and operation of a tramline in Victoria Square.

6—Designation of other land in Victoria Square as park land or as road

This clause allows the Minister, by deposit of plans in the GRO, to designate areas of closed road (depicted in Schedule 2) as being reserved for use as park land or as being incorporated into the Adelaide Park Lands and to designate land within Victoria Square that was, immediately before the commencement of the provision, being used as a road (or as part of a road) as being a public road or a part of a public road. Land designated as road may also be designated as having been established in accordance with the *Roads (Opening and Closing) Act 1991*.

The provision also provides for the determination of road boundaries (where the Surveyor-General has certified that there is uncertainty as to the location of the boundary) and allows the Minister, by deposit of an instrument in the GRO, to make any necessary consequential provision relating to the status, vesting or management of land.

7—Presumption as to closed road boundaries

This clause provides a conclusive presumption that the boundaries of the areas of closed road in the centre strip of Victoria Square are the same as the boundaries of the road authorised by the *Victoria-square Thoroughfare Act 1883*.

8—Notice of deposit in GRO

This clause requires the Minister to give public notice of the deposit of a plan or instrument in the GRO.

9—Duties of Registrar-General and other persons

This clause imposes a duty on the Registrar-General, and any other persons required or authorised under an Act or law to record instruments or transactions relating to land to take action necessary to give effect to actions under the measure.

Schedule 1—Defined area

This Schedule indicates the defined area within which the tramline is to be constructed.

Schedule 2—Areas of closed road

This Schedule shows the areas of closed road referred to in clauses 6 and 7.

Schedule 3—Related amendment

Part 1—Preliminary

1—Amendment provisions

This provision is formal.

Part 2—Amendment of *Passenger Transport Act 1994*

2—Amendment of Schedule 3—Public transport assets

This provision makes a minor consequential amendment to change a reference to the tram track from "Victoria Square (Adelaide) to Glenelg" to a reference to the tram track from "Adelaide to Glenelg".

The Hon. I.F. EVANS secured the adjournment of the debate.

LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

The Hon. P.F. CONLON (Minister for Infrastructure) obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. P.F. CONLON: I move:

That this bill be now read a second time.

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

The SPEAKER: Is leave granted?

The Hon. I.P. Lewis: No.

The SPEAKER: Leave is not granted. The Minister for Infrastructure.

The Hon. P.F. CONLON: The bill will protect the open space of Lochiel Park (to be known as the Lochiel Park Lands) for the use and enjoyment of all South Australians for generations to come. The Rann government has reversed a decision by former Liberal governments to develop the entire Lochiel Park site for residential purposes and instead preserve 100 per cent of the open space and develop only the land formerly occupied by the TAFE college and the MFS training centre. In 2004, the Premier announced that the Lochiel Park development would become the nation's model 'green' village', incorporating ecologically sustainable development technologies. This is the first act of parliament that seeks to control the use of the Lochiel Park Lands and preserve the open space.

The bill amends schedule 8 of the Local Government Act 1999, as well as the City of Campbelltown's development plan. The Lochiel Park Lands will include a wetland system and an urban forest created as part of the state government's urban forest Million Trees program. The Lochiel Park Lands will be integrated with the River Torrens Linear Park and will contribute to the health of the river ecosystem. A system of walking and cycling paths through the Lochiel Park Lands will provide access through the open space, connecting with the existing River Torrens Linear Park trail. The urban forest will feature vegetation native to the City of Campbelltown area and will provide an important habitat for local fauna and bird species, act as a 'sink' for greenhouse gases—

Mr Brindal: That is simply not true.

The Hon. P.F. CONLON: He is a stickler, but he might wait his turn—and help to preserve flora species. A wetland system will be established to collect and treat stormwater from the site and the surrounding residential area for reuse in the irrigation of parks and gardens.

The Lochiel Park Lands will be integrated with the 81-dwelling model 'green' village. This development will demonstrate leading edge ESD technologies, including innovative stormwater, waste water and rainwater solutions, biodiversity and energy conservation measures, and efficient building and urban design. The bill defines the Lochiel Park Lands as two distinct parcels of open space which surround the future Lochiel Park 'green' village. On proclamation of this legislation, the Lochiel Park Lands will revert to the status of unalienated crown land, with a licence to the Land Management Corporation to occupy the land for the purposes of establishing and maintaining the Lochiel Park Lands. The responsible minister will establish, in consultation with the City of Campbelltown, a scheme to be undertaken by the LMC to establish the Lochiel Park Lands. The LMC will consult with council in relation to the works to be undertaken in accordance with the scheme.

Following the establishment of the Lochiel Park Lands, the LMC will occupy the land for a period of between 24 and 30 months after practical completion of the development. The land will then be placed under the care, control and management of the council, and the land will be classified as community land. Schedule 1 of the legislation will require amendments to the council's development plan to ensure consistency with the bill. The LMC and the council will jointly prepare a management plan for the Lochiel Park Lands, which will be finalised and adopted within two months following the transfer of the land to the council.

The bill prevents the council from developing or adapting the Lochiel Park Lands for any purpose that restricts free access or alters the use of any part of the Lochiel Park Lands. The bill also requires the council to take reasonable steps to preserve any vegetation within the Lochiel Park Lands and to maintain all existing infrastructure on the site. The bill will ensure that the Lochiel Park Lands are protected for the enjoyment of all South Australians for future generations. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of Schedule 8—Provisions relating to specific land

This clause amends Schedule 8 of the *Local Government Act 1999* to insert a new clause as follows:

11—Lochiel Park Lands

This clause provides for the ***Lochiel Park Lands*** (as defined in the measure) to be established as park lands and held for the benefit of the community.

On commencement of the clause, the Lochiel Park Lands are to revert to the status of unalienated Crown Land with a licence to be granted to the Land Management Corporation (***LMC***) to occupy the lands for the purpose of carrying out functions under the clause. The responsible Minister is to establish, in consultation with The Corporation of the City of Campbelltown (the ***Council***), a scheme specifying works to be undertaken by LMC to establish the Lochiel Park Lands as park lands. LMC is to consult with the Council on a regular basis while undertaking the works and is to continue to occupy the Lochiel Park Lands during that period and for a period of between 24 and 30 months after practical completion of the works (determined by the responsible Minister after consulting with the Council).

At any time after 24 months after practical completion, the Governor may, by proclamation, cancel the licence granted to LMC and place the land under the care, control and management of the Council (and if that is not done within 30 months after practical completion, the licence will be taken to be cancelled and the land placed under the care, control and management of the Council by force of the clause). On the Lochiel Park Lands land being placed under the care, control and management of the Council, the land will be taken to be classified as community land and the classification is irrevocable. The clause imposes certain obligations on the Council in relation to the ongoing management of the land and requires the Council (with the assistance of LMC) to prepare and adopt a management plan for the land.

Schedule 1—Amendment of Development Plan

1—Interpretation

This clause provides that references to ***the Development Plan*** in the Schedule are references to the Development Plan that relates to Campbelltown (City), as consolidated on 10 March 2005.

2—Amendment of Development Plan

This clause makes minor changes to the Development Plan to ensure consistency with the measure.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I ask whether the bill presented to the house is orderly. I draw your attention to the fact that the long title of the bill is 'An act to amend the Local Government Act 1999'. According to the minister's second reading explanation, and according to the last page of the bill, it also seeks to amend the Development Act 1993. I believe that is a requirement to—

The Hon. P.F. Conlon: Why don't you want us to make parklands, Mark?

Mr BRINDAL: We are very particular in this house. I believe the long title, if two acts are to be altered, should include both acts, sir. I therefore submit that the long title is incorrect, so the bill as submitted to this house thus far is disorderly.

The SPEAKER: The chair will look at it to ensure it is in order. The member for Unley is entitled to raise that issue, and we will look at it and ensure it conforms with the practices of the house.

The Hon. I.F. EVANS secured the adjournment of the debate.

COLLECTIONS FOR CHARITABLE PURPOSES (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.W. WEATHERILL (Minister for Families and Communities) obtained leave and introduced a bill for an act to amend the Collections for Charitable Purposes Act 1939. Read a first time.

The Hon. J.W. WEATHERILL: I move:

That this bill be now read a second time.

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

The SPEAKER: Is leave granted?

The Hon. I.P. Lewis: No.

The SPEAKER: Leave is not granted. The minister.

The Hon. J.W. WEATHERILL: The Collections for Charitable Purposes Act 1939 provides for the control of persons soliciting money or goods for certain charitable purposes. The Collections for Charitable Purposes Act 1939 does not regulate gambling but is committed to the Minister for Gambling because many of the charities that conduct gambling activities under the Lottery and Gaming Act 1936 (which is also committed to the Minister for Gambling) are licensed under the Collections for Charitable Purposes Act 1939.

There has been concern from the public regarding the lack of disclosure by charities and their collectors. Information about the cost of collections is generally not provided or made available to donors. Concern has been expressed about whether collectors are volunteers or paid collectors and the application of donations to the charitable purpose. The recent appeals for tsunami and Eyre Peninsula bushfire victims and the Cherie Blair visit also raised the profile of this issue.

The Collections for Charitable Purposes (Miscellaneous) Amendment Bill provides for increased disclosure requirements for charity collections and a number of other administrative and technical amendments. The new disclosure requirements for charities in the amendment bill focus on the overall use of funds by the charity and improved disclosure at the point of collection of funds. The public availability of this information via the annual Income and Expenditure Statement on the Office of the Liquor and Gambling Commissioner web site would also put pressure on charities to ensure they maximise the proportion of donations received that are applied to the intended charitable purpose. The annual Income and Expenditure Statements, which are submitted by licensees, will be simplified for this purpose.

The amendments also propose that collectors have information available to provide to prospective donors when soliciting for donations whether door to door, or by telephone canvassing, collection tins and the sale of tickets in public places. At the time the collector invites a potential donor to contribute to a charity, the prospective donor should also be able to seek sufficient information to make an informed decision about that donation.

The Cherie Blair function raised the same disclosure issues for events and entertainment. The amendments equally propose to improve transparency and consumer information in those circumstances. Specifically, it is proposed to make it a requirement that when a charity sells tickets to an event the advertising of tickets must display the estimated amount and the proportion of intended sales revenue that will be provided to the specified charity. The amendment bill also includes amendments of a statute law—

Mr Brindal: Can you read it a bit more enthusiastically than that?

The Hon. J.W. WEATHERILL: I cannot be any more enthusiastic about the Collections for Charitable Purposes (Miscellaneous) Amendment Bill than I am. The amendment bill also includes amendments of a statute law revision nature to update the language of the 1939 act. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Collections for Charitable Purposes Act 1939*

4—Amendment of section 4—Interpretation

This clause amends section 4 to insert definitions used in the measure.

5—Substitution of sections 6, 6A and 7

This clause substitutes new provisions as follows:

5—Delegation by Minister

This provision provides a delegation power for the Minister.

6—Collectors must be authorised by licence

This provision is a rewrite of the current section 6. Because of the introduction of new defined terms in section 4 and the proposed new evidentiary provision (section 18C), much of the current detail in the section is no longer necessary.

6A—Licence requirements where collection contract entered into

This provision is a rewrite of the current section 6A (because of the introduction of new defined terms in section 4).

6B—Disclosure requirements for collectors

This provision provides new disclosure requirements for collectors and, in particular, requires collectors to disclose whether or not they are being paid and to provide certain other information and documents on request. The provision creates offences for collectors who fail to comply with the new requirements (punishable by a Division 7 fine), however these offences apply only to paid collectors and not volunteers. The provision also requires licence holders to take reasonable steps to ensure collectors are aware of the new requirements and to provide the necessary information and documents to collectors (whether paid or volunteers). Failure to comply is an offence by the licence holder (punishable by a Division 6 fine).

7—Licence required in relation to certain entertainments

This provision rewrites the current requirements of section 7 (as has been done for the other licensing provisions of the Act in sections 6 and 6A) and introduces new disclosure requirements in relation to advertising for the charitable events to which the provision applies. Failure to comply with the new disclosure requirements is an offence by the person conducting the event (punishable by a Division 6 fine).

6—Amendment of section 12—Conditions of licence etc

This clause amends section 12 to update the language used in the provision, to give the Minister power to vary licence conditions or add new conditions and to extend the Minister's power to revoke a licence in section 12(4)(b) to a situation where excessive commission has been paid to a person acting in connection with the conduct of an entertainment to which the licence relates.

7—Substitution of section 15

This clause inserts new provisions as follows:

15—Accounts, statements and audit

This provision sets out the requirements for licensees in relation to accounts and audit, and the provision of accounts and other financial information to the Minister. The provision also allows the Minister to publish information received under the provision on a website. Failure to comply with the section is an offence punishable by a Division 6 fine.

15A—Appointment of inspectors

This provision allows the Minister to appoint inspectors for the purposes of the Act and for the inspectors to be provided with identity cards (which must be produced on request).

15B—Powers of inspectors

This provision sets out the powers of inspectors.

15C—False and misleading statements

This provision makes it an offence to make a false or misleading statement in information provided under the Act (punishable by a Division 6 fine).

15D—Dishonest, deceptive or misleading conduct

This provision makes it an offence to act in a dishonest, deceptive or misleading manner in the conduct of an activity that is, or is required to be, authorised by a licence under the Act (punishable by a Division 5 fine or division 5 imprisonment).

8—Substitution of section 18

This clause substitutes new provisions in the principal Act as follows:

18—Exemptions

This provision allows the Minister to grant exemptions.

18A—Immunity of persons engaged in administration of Act

This provision is consequential to the new provisions on inspectors and provides for immunity from personal liability for persons engaged in the administration of the Act (with liability instead lying against the Crown).

18B—Service of notices etc

This provision sets out the manner in which notices and other documents may be served under the Act.

18C—Evidentiary

This provision provides an evidentiary presumption in relation to certain matters alleged in a complaint.

Schedule 1—Statute law revision amendment of *Collections for Charitable Purposes Act 1939*

The Schedule makes various amendments of a statute law revision nature to the principal Act.

The Hon. I.F. EVANS secured the adjournment of the debate.

CARERS RECOGNITION BILL

The Hon. J.W. WEATHERILL (Minister for Families and Communities) obtained leave and introduced a bill for an act to provide for the recognition of carers, and for other purposes. Read a first time.

The Hon. J.W. WEATHERILL: I move:

That this bill be now read a second time.

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

The SPEAKER: Is leave granted?

The Hon. I.P. Lewis: No.

The SPEAKER: Leave is not granted. The minister.

The Hon. J.W. WEATHERILL: The background to carer relationships in the report is as follows. The South Australian carers policy, charter, and now the Carers Recognition Bill, will address the situation of nearly 250 000 carers in South Australian who provide care and support in their role as mothers, fathers, husbands, wives, partners, children, brothers, sisters, aunts, uncles, cousins, friends and neighbours. People who care do so out of love, despite considerable impact on their own health and wellbeing. There are many positive and rewarding aspects of caring. However, the difficult aspects of caring need to be acknowledged. These aspects can depend on the emotional, financial and other resources of an individual carer and their families, the amount of care they need to provide and the level of support they receive from the wider community and service providers.

Research has shown that, depending on the circumstances, carers tend to have higher levels of stress and anxiety than non-carers, difficulties with work and study, restricted social and recreational opportunities, and feelings of grief, resentment and great emotional upheaval from the caring situation. Carers have been affected by changing social patterns and demographic changes that have occurred in recent decades. Policies of community-based living also have increased the caring responsibilities for families. Our longevity has also increased, and therefore many people will need considerably more care because of prolonged ill-health or disability. Women continue to comprise the majority of carers, despite their expanded role in society.

Carers in South Australia, irrespective of their background, report common experiences from caring responsibilities. However, for particular groups of carers, there may be additional stresses because of young age, difficulties accessing support because of cultural barriers or geographical remoteness, financial pressures or their own ill-health. Carers enable the cared-for person to remain within the family and community to which they belong. They provide an enormous cost saving, which current research estimates that carers save the Australian community $18.3 billion per year for adult care alone. Those figures come from the Australian Institute of Health and Welfare, 2001.

The rationale for the Carers Recognition Bill is as follows. The Carers Recognition Bill will give further effect to the commitment made by the government in its 2002 election platform to recognise the important role of carers in South Australia. Commitment was given to 'Ensure that carers have access to support and advocacy for themselves in their role as carers.' That is a quote from page 52 of our platform. The Carers Recognition Bill will also progress the South Australia Strategic Plan, objective 2: 'Improve Wellbeing', where the priorities are to focus on further improving our quality of life and the wellbeing of the community and individual citizens.

The Carers Recognition Bill will assist in the achievement of targets 2.1 (quality of life) and 2.2 (improved wellbeing), and would be considered to have a positive influence on 2.4 (psychological distress). Carers policies have been completed in the Australian Capital Territory, Queensland and Western Australia. Carers recognition legislation has been enacted in Western Australia and is being considered in the ACT. The United Kingdom adopted carer assessment legislation in 2000. The South Australian carers policy provides a broad overview of the needs of carers in many caring situations and will provide direction to government departments in the provision of services to many people who are carers.

The South Australian carers charter is intended for use by service providers to ensure that carers are included as an integral component of their work in supporting the cared for person's health and wellbeing. The charter consists of seven stand-alone principles which are described in detail in the South Australian carers policy. Carers recognition legislation will ensure that the role of carers is affirmed within the South Australian community and provide a formal mechanism for their involvement in the provision of services that affect them as carers. The objects of the legislation are to recognise and support carers and their role in the community; and to provide for the reporting by organisations of the action taken to reflect the principles of the carers charter in the provision of services relevant to carers and the persons they care for.

The Carers Recognition Bill will provide a mechanism to ensure the implementation of the South Australian carers charter and the reporting of compliance by government departments within their annual reporting. The bill also proposes that a review of the act will be undertaken as soon as possible after the fifth anniversary of its commencement. The time frame of five years has been chosen to provide sufficient time for implementation by agencies. The bill provides the power to make regulations as contemplated by this act, or as necessary or expedient for the purposes of the act.

In relation to consultation, the Carers Recognition Bill has built on to the previous consultation process in relation to the development of the South Australian carers policy and charter. A carers ministerial advisory committee provided advice on the issues facing carers during the development of the policy and charter and were consulted in relation to the bill.

A carers reference group will be convened by the Department for Families and Communities to provide a mechanism for ongoing communication about the issues facing carers. This reference group will include carers and representatives of carers associations, as well as government and non-government agencies. In summary, the response of government in the development of the South Australian carers policy, charter and now the Carers Recognition Bill is due to the increasing awareness of the contribution made by carers, the impact of caring and the issues faced by carers. The Carers Recognition Bill provides legislation which recognises and focuses on carers in their own right, and provides support for carers and their caring role. I commend the bill to members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

1—Short title

2—Commencement

Clauses 1 and 2 are formal.

3—Objects

Clause 3 provides that the objects of this measure are to recognise and support carers and their role in the community and to provide for the reporting by organisations of the action taken to reflect the principles of the Carers Charter.

4—Interpretation

Clause 4 defines various terms used in this measure. In particular, an ***applicable organisation*** means

(a) a reporting organisation; or

(b) a person or body providing relevant services under a contract with a reporting organisation (other than a contract of employment); or

(c) any other person or body declared by regulation to be an applicable organisation,

and a ***reporting organisation*** means

(d) a public service administrative unit within the meaning of the *Public Sector Management Act 1995* that provides relevant services; or

(e) any other person or body declared by regulation to be a reporting organisation.

5—Meaning of *carer*

Clause 5 determines who will be a carer for the purposes of this measure. It provides that a person is a carer if that person provides ongoing care and assistance to a person who has a disability, a chronic illness or who, because of frailty, requires assistance with the carrying out of everyday tasks. However, a person is not a carer if the person provides the care or assistance under a contract for services or a contract of service or in the course of doing community work.

6—Obligations of applicable organisations relating to Carers Charter

Clause 6 imposes obligations on applicable organisations. Such organisations must ensure an awareness and understanding of the Carers Charter and reflect the principles of the Charter in the provision of their services. An applicable organisation that is a public sector agency must consult carers

or representatives of carers in policy development and strategic planning relevant to carers and the people they care for.

7—Reporting by reporting organisation

Clause 7 provides that reporting organisations must include in their annual report a report on the organisation's compliance with their obligations under clause 6 of this measure and the compliance of any person or body that provides relevant services under a contract with the organisation.

8—Regulations

Clause 8 provides that the Governor may make regulations for the purposes of this measure.

9—Review of Act

Clause 9 states that the Minister must carry out a review of the Act as soon as practicable after the fifth anniversary of its commencement.

Schedule 1—South Australian Carers Charter

The Schedule sets out the South Australian Carers Charter. It provides the following:

1—Carers have choices within their caring role

(1) Carers should have the same rights, choices and opportunities as other South Australians.

(2) Carers should be supported by individuals, families, business and community organisations, public institutions and all levels of government in the choices they make in their caring role.

2—Carers health and well-being is critical to the community

(1) Carers are entitled to enjoy optimum health, social, spiritual and economic well-being and to participate in family, social and community life, employment and education.

(2) Carers should be supported to balance their caring role with their own needs.

3—Carers play a critical role in maintaining the fabric of society

(1) Carers should be recognised and valued for their important contribution to the well-being of the Australian community.

(2) Carers should be recognised for their unique experience and knowledge in the caring role.

4—Service providers work in partnership with carers

(1) Caring is a social and public responsibility shared by individuals, families, business and community organisations, public institutions and all levels of government.

(2) Carers should be recognised as individuals with their own needs, within and beyond the caring situations.

(3) The relationship between a carer and the person they care for needs to be respected and honoured.

(4) The role of carers must be recognised by including carers in the assessment, planning, delivery and review of services that impact on them and the role of carers.

(5) The views and needs of carers must be taken into account along with the views, needs and best interests of people receiving care when decisions are made that impact on carers and the role of carers.

5—Carers in Aboriginal and Torres Strait Islander communities need specific consideration

(1) Aboriginal and Torres Strait Islander carers should be specifically identified and supported within and outside their communities.

(2) Aboriginal and Torres Strait Islander carers should be supported by business and community organisations, public institutions and all levels of government.

(3) Aboriginal and Torres Strait Islander carers should be provided with culturally appropriate support services that take into account the history, health and well-being of their extended families.

6—All children and young people have the right to enjoy life and reach their potential

(1) Children and young people who are carers should be specifically identified and supported by individuals, business and community organisations, public institutions and all levels of government.

(2) The special needs of children and young people who are carers and the unique barriers to their access to service provision should be recognised and acted on so that, as far as possible, they have the same opportunities as other children and young people in Australia.

(3) The caring responsibilities of children and young people who are carers should be minimised.

7—Resources are available to provide timely, appropriate and adequate assistance to carers

(1) Carers need access to a wide range of responsive, affordable services to ensure informed decision making and support for them in their caring situation.

(2) Carers from culturally and linguistically diverse backgrounds may have complex needs that require appropriate service delivery.

(3) Carers in rural and remote communities have barriers to service provision.

The Hon. I.F. EVANS secured the adjournment of the debate.

LIQUOR LICENSING (EXEMPTION FOR TERTIARY INSTITUTIONS) AMENDMENT BILL

The Hon. K.A. MAYWALD (Minister for Consumer Affairs) obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. Read a first time.

The Hon. K.A. MAYWALD: I move:

That this bill be now read a second time.

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

The SPEAKER: Is leave granted?

The Hon. I.P. Lewis: No.

The SPEAKER: Leave is not granted. The minister.

The Hon. K.A. MAYWALD: This bill amends the Liquor Licensing Act 1997 to enable the supply of liquor to a student, who is a minor, enrolled in a tertiary educational course declared by liquor licensing regulations to be an approved course under the act, and the liquor is supplied to the minor as part of that course. Under section 110 of the Liquor Licensing Act 1997, if it is sold or supplied to a minor on licensed premises by, or on behalf of, the licensee, the responsible person for the licensed premises and the person by whom the letter is sold or supplied are each guilty of an offence. A licensee who permits a minor to consume liquor on the licensed premises is guilty of an offence. In this section, licensed premises includes areas appurtenant to the licensed premises.

The University of Adelaide holds a special circumstances licence under the act in respect of the National Wine Centre. The university conducts its Bachelor of Science (Oenology) course at the centre and is concerned that, as some first year students are minors, it will breach section 110 of the act if, as part of the course, liquor is supplied to minors on, or in an area appurtenant to, the licensed premises. The university has requested that the act be amended to enable the supply of liquor to a student, who is a minor, at the National Wine Centre as part of a course of instruction or training declared by liquor licensing regulations to be an approved course. Effectively, this would exempt the licensee from the provisions of section 110 of the act in those specific circumstances. This amendment does not weaken the provisions of the act prohibiting access to liquor or licensed premises by minors but provides practical relief for tertiary educational institutions where a limited number of minors maybe enrolled in an approved course. I commend the bill to members. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Amendment provisions

This clause is formal.

Part 2—Amendment of *Liquor Licensing Act 1997*

3—Amendment of section 110—Sale of liquor to minors

Section 110 of the *Liquor Licensing Act 1997* prohibits the sale or supply of liquor to minors on licensed premises. It is also an offence under the section for a licensee to permit a minor to consume liquor on licensed premises. Subsection (5) provides that the section does not apply to the gratuitous supply of liquor to, or the consumption of liquor by, a minor in certain specified circumstances.

This clause amends section 110 by recasting subsection (5) so that the section does not apply to the gratuitous supply of liquor to, or the consumption of liquor by, a minor enrolled in a tertiary educational course declared by the regulations to be an approved course for the purposes of section 30 of the Act if the liquor is supplied to the minor as part of that course.

Under section 30, which relates to cases where a licence is not required, educational courses may be declared by the regulations to be approved courses for the purposes of the section.

4—Amendment of section 114—Offences by minors

Section 114 of the *Liquor Licensing Act 1997* provides that a minor who consumes liquor in regulated premises is guilty of an offence. A person who supplies liquor to a minor in regulated premises is also guilty of an offence. Subsection (3) provides that the section does not apply to the gratuitous supply of liquor to, or the consumption of liquor by, a minor in certain specified circumstances.

The amendment proposed to be made by this clause recasts subsection (3) so that the section does not apply to the gratuitous supply of liquor to, or the consumption of liquor by, a minor enrolled in a tertiary educational course declared by the regulations to be an approved course for the purposes of section 30 of the Act if the liquor is supplied to the minor as part of that course.

The Hon. I.F. EVANS secured the adjournment of the debate.

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 3255.)

The Hon. I.F. EVANS (Davenport): The purpose of this bill is to make some minor but important amendments to the governance arrangements for what is commonly known as Funds SA or the Superannuation Funds Management Corporation of South Australia. Funds SA, as it is better known, had something like $7.5 billion worth of assets under management as at 31 March 2005. The level of funds under management has grown by some 90 per cent over the last five years and, as at 30 June 2004, the government's superannuation liability exceeded the level of its asset backing by some $5.3 billion, which is referred to as the net unfunded superannuation liability. The government is funding the unfunded past service liability in respect of the closed defined benefits scheme, and it is expected that the liabilities will be fully funded by 30 June 2034. I am sure that we all look forward to that date.

The amendments contained in the bill have basically two principal effects. One is the extending of the existing functions of Funds SA relating to the investment and management of funds to include the investment and management of funds on behalf of such government and related bodies as the Treasurer sees fit and, further, it provides the power of direction and control to the Treasurer but with important limitations prohibiting a direction to Funds SA in relation to an investment decision dealing with property or the exercise of a voting right.

I will briefly expand on those two principles. In relation to the management and investment of funds on behalf of other government and related bodies, currently under the act Funds SA is restricted to investing superannuation funds from the public sector. That is defined in the act generally as meaning things such as the Police Superannuation Fund, the South Australian Superannuation Fund, the Southern State Superannuation Fund, the very important Parliamentary Superannuation Fund and contributions made by an employer pursuant to an arrangement under section 5 of the Superannuation Act 1988.

The amendments in the bill will remove Funds SA's current limitation on investing funds of only public sector superannuation funds by allowing for the investment of funds of such prescribed public authorities as the Treasurer approves. In other words, it will expand the public sector funds, or the Crown funds, which Funds SA will be able to invest, subject to the Treasurer's approval. The opposition has no objection to that principle.

The second principle outlined in the bill removes a restriction that limits the power of the Treasurer to give directions to Funds SA. The bill will allow the Treasurer to give directions to Funds SA on matters other than investment decisions and the use of votes. In other words, the Treasurer could, for instance, give a direction to Funds SA about employment policy but could not direct the way in which a vote should occur and could not make a direction with respect to an investment decision. The opposition has no problem with those principles. At this stage, we have no problem with the bill.

The Hon. K.O. FOLEY (Deputy Premier): I thank the opposition for its constructive approach to this particular piece of reform. I thank my officers, Deane Prior and officers of the Department of Treasury and Finance, for a good piece of reform. It is something that I have been keen to see happen for many years. It will enable the government, should it so choose, to better manage the larger assets of government and of superannuants in a more efficient and beneficial way for the community.

Bill read a second time and taken through its remaining stages.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT AND RATING) AMENDMENT BILL

In committee.

(Continued from 13 September. Page 3329.)

Clause 25.

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

Page 15, lines 4 to 6—

Delete 'Subject to complying with the requirements of this section, a person is entitled to a postponement of the payment of rates under this section if—'and substitute:

A person may apply to a council for a postponement of the payment of the prescribed proportion of rates for the current or a future financial year if—

Earlier this year, the LGA and the Office of Local Government constituted a working group to examine the proposals in the bill for a seniors deferral scheme. The working party's report recommended a few minor changes. Three of those changes have received the support of the LGA

and my office and, accordingly, they are being moved today in the form of the following three amendments. The first amendment refers to a prescribed portion of the rates. The intention of this amendment is to provide that not all the rates may be postponed. The seniors deferral scheme is designed to assist particularly those whose homes have increased in value relative to their income.

Persons in that position do not generally object to paying rates per se. They object to the increased quantum of rates that are due and payable. Therefore, this amendment will permit the Governor, after consultation with the LGA, to prescribe a minimum amount that will be due and payable, permitting the remainder to be postponed.

Ms CHAPMAN: I indicate on behalf of the member for Morphett that I will be assuming the conduct of the completion of the committee stage of this matter on behalf of the opposition. In the circumstances of these amendments being brought to the attention of the opposition only yesterday, we will be considering these matters between houses but thank the minister for indicating his position.

The Hon. R.J. McEWEN: Respectfully, that is the understanding we have on a number of these amendments. We are indicating on the record the support of the LGA but, equally, we respect the fact that not all these amendments were provided to the opposition members in time for them to take them to their party room. If there needs to be any discussion on any of them, that will be dealt with between the houses.

Amendment carried.

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

Page 15, lines 15 to 19—Delete subsections (2) and (3)

This amendment is consequential upon the previous one.

Amendment carried.

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

Page 15, lines 23 to 25—Delete subsection (5) and substitute:

(5) A council may—

(a) reject an application for the postponement of rates; or

(b) impose conditions on the postponement of rates, but only in accordance with the regulations.

This is a simple amendment that also has the support of the LGA. It permits the Governor, after consultation with the LGA, to make regulations to specify in what circumstances, if any, a council could impose conditions upon a rate deferral or, in extraordinary circumstances, actually refuse a rate deferral.

Amendment carried.

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

Page 17, lines 8 to 13—

Delete the definition of **prescribed rate** and substitute:

prescribed rate is an amount calculated as follows:

$$P = \frac{CADR + 1\%}{12}$$

where—

P is the prescribed rate

CADR is the cash advance debenture rate for any relevant financial year;

This amendment is another of those proposed by the seniors deferral working party. It simply amends the definition of the prescribed interest rate that applies to rates deferred under the state's seniors scheme. The amendment increases the rate 1 per cent above the cash advance debenture rate. That would leave the rate comparable to or lower than most bank mortgage rates. The 1 per cent will help defray some of the costs incurred by councils in administering the scheme.

Amendment carried; clause as amended passed.

New clause 25A.

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

Page 17, after line 17—Insert new clause as follows:

25A—Amendment of section 184—Sale of land for non-payment of rates

Section 184—after subsection (18) insert:

(19) This section does not apply where the payment of rates has been postponed under, or in accordance with, another provision of this act (until the postponement ceases to have effect or unless the rates become rates in arrears under the terms of the relevant provision).

This amendment is another of those proposed by the seniors deferral working party. It clarifies the provision in section 184 enabling the council to sell land for non-payment of rates. It does not apply where rates have been postponed under the seniors deferral scheme.

New clause inserted.

Clause 26.

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

Page 17, lines 22 and 23—

Delete "rating practices and procedures" and substitute:

administrative practices and procedures relating to rating.

This clause has been opposed entirely by the LGA. Nevertheless, the LGA was of the view that, if the clause was retained, it should be amended to make clear that the Ombudsman's role is confined to reviewing administrative practices and procedures and could not extend to reviewing the rating policy set by the elected council. I am advised that the amendment is strictly unnecessary because rating practices and procedures are administrative in their nature. Nevertheless, so that the issue is beyond doubt, this amendment inserts the word 'administrative' in a proposed new section 187A(1).

Amendment carried; clause as amended passed.

Clause 27 passed.

New clause 27A.

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

Page 19, after line 13—Insert:

27A—Amendment of Schedule 2—Provisions applicable to subsidiaries

(1) Schedule 2, clause 13(3)—delete 'An' and substitute 'Subject to the regulations, an'

(2) Schedule 2, clause 30(3)—delete 'An' and substitute 'Subject to the regulations, an

This new clause is as a consequence of the acceptance of amendment No. 9.

New clause inserted.

Clauses 28 and 29 passed.

Schedule.

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

Page 19, line 32—delete ', rating policies'.

This amendment corrects an oversight in the bill and removes reference in the Local Government Act to rating policies for all councils. Rating policies are to be subsumed into the broader annual business plan.

Amendment carried.

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

Page 19, line 34—delete ', rating policies'.

This amendment is almost identical to the previous one and deals in the same manner in the following subsections of the City of Adelaide Act.

Amendment carried.

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

Page 20, after line 2—insert:

(1) Section 3, definition of council—delete '*Local Government Act 1934*' and substitute '*Local Government Act 1999*'.

This amendment amends section 3A of the Rates and Land Tax Remission Act 1986. It merely removes an outdated reference to the Local Government Act 1934, replacing it with a reference to the Local Government Act 1999.

Amendment carried.

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

Page 20, line 5—After 'the provision' insert 'or treatment'.

This amendment amends section 3A of the Rates and Land Tax Remission Act 1986. It corrects an oversight in the bill. Clause 18 of the bill allows a council to impose a service charge for not only the provision of water but also the treatment of water.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

JUSTICES OF THE PEACE BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1063.)

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

A quorum having been formed:

Ms CHAPMAN (Bragg): This bill was introduced in the House of Assembly by the Attorney-General on 24 November 2004, and 10 months later we are now concluding this matter. This bill replaces the Justices of the Peace Act 1981. There is, of course, to be a new act with some changes, the most significant of which are that justices of the peace will be appointed for a term of five years. Presently, they are appointed for life. There is to be a code of conduct for justices of the peace, which may be made by regulation. Members of parliament and mayors will be entitled to be justices of the peace while they hold office.

We will have special justices—those who can sit in a court—who may be appointed upon conditions but who can be appointed only if the Attorney-General is satisfied that they have successfully completed a course of training approved by the Chief Justice, and I will refer to that matter shortly. There is also to be a specific power for the Governor to take disciplinary action against a justice of the peace if there is proper cause to do so. A justice of the peace can be reprimanded or suspended for up to two years, or have conditions imposed on their appointment. The present position is that there is only a power to remove but not to discipline a justice of the peace who is unfit to remain in office. There will also be a new provision for retired justices to be entitled to use the post-nominal 'JP (Retired)'.

The bill is to confer immunity on justices of the peace for any criminal or civil liability for any honest acts or omissions carried out during the course of their duties, and that provision follows the situation that prevails in Victoria and Queensland. Transitional provisions will be provided which will enable all existing justices of the peace to continue to hold office until the end of the period prescribed by the minister. Whilst the opposition has some reservation in respect of the tenure proposed under this bill, the Liberal opposition will be supporting the government in this proposal. Since 1997, the role of a justice of the peace on the bench in South Australia has been very limited. Consistent with development in other jurisdictions, there has been an increasing tendency for those who sit on the bench to have legal training and qualifications. The government has announced that it will be allowing a justice of the peace to sit in the Magistrates Court to hear minor matters.

According to media statements, justices of the peace will not have the power to sentence a person to imprisonment. They must be specially trained and will be described as 'special justices'. The opposition expects that this will be popular amongst some justices of the peace who will relish the opportunity to return to the role on the bench, which has not been available to them for some years. As a legal practitioner in the time when they existed, I can recall days past when they made a contribution. It was a valuable contribution.

I trust that, with suitable training, those who elect to become special justices will do so and will do so well. The concern expressed by the opposition is that it is important for justices of the peace who will be operating under the new regime to appreciate the significant level of training that will be required. A TAFE course is to be developed which must be complied with under the new requirements and which is to be to a standard determined by the Attorney-General. That course of training will inevitably involve some level of onerous time and commitment to achieve a standard which will enable them to competently and confidently undertake their duties.

So the caveat on this is that justices of the peace who do aspire to take on this extra responsibility fully appreciate what they will be taking on—what I consider to be a somewhat onerous task for a non-pecuniary reward. It will be a heavy responsibility and we encourage the government to ensure that those who elect to take up those positions have the support they will need, and also that they have a clear understanding, through the training they will undertake, of the legal enforcement and application of documents they will be expected to advise and witness signatures on—which in some circumstances, in today's current litigious climate, fully qualified legal practitioners have been advised not to do. So there will be a significant onus on those who elect to undertake this work, and we hope this sends a very clear message to the government that they must ensure that justices of the peace in these circumstances are given that support.

The special justices will be permitted to hear traffic matters, especially in rural and remote areas, and that is a common area of jurisdictional responsibility that they had undertaken prior to 1997. They will be able to deal with adoption matters in the Youth Court with a judge or magistrate, and they will be able to hear bail applications under the Bail Act from those who are in custody and who apply to be released pending the determination of their matters or subsequent arraignment to the court in which the matter is to be determined. They will be able to assist magistrates in determining matters in the Nunga Court which, as the parliament is no doubt well aware, is a court that specifically deals with matters in which the defendant is indigenous. Special justices will also be able to hear expiation enforcement order reviews and act as visiting tribunals in prisons. I think it is fair to say that their duties, as proposed by the Attorney General's second reading explanation, extend very much beyond their pre-1997 duties and, again, I would like to caution that the government needs to ensure that a reasonable and proper standard of training and support is given to those who undertake this.

From consultation with a number of relevant organisations, including the Chief Magistrate, it appears that there is general support for using trained justices of the peace in the

tasks outlined and, whilst we can make some comment (in its crudest form) about whether we are foisting the more menial tasks upon willing volunteers without them necessarily fully appreciating the work they are going to undertake, at the very least those who elect to be justices of the peace and not special justices have the option of not taking on that area of responsibility.

I believe that there are well over 9 000 justices of the peace, who are currently all appointed for life, and I think it is fairly commonly accepted that there are many who, although they retain the title, are either inactive or only undertake very limited duties—they may, perhaps, witness the occasional signature for a declaration or an affidavit or the like. On the other hand we have many valuable justices of the peace who are active, and I can think of a number of those who regularly volunteer at the community centre at the Burnside Town Hall, where they make themselves available on a rostered basis to witness documents and undertake other duties as justices of the peace.

We have a good number of those, there is no doubt, who not only take their responsibility seriously but who also actually fulfil duties on a regular basis. Nevertheless, in the interest of in some ways cleansing the role, this bill will certainly achieve that objective. The five-year period, I might say, is one which has caused the opposition some disquiet. We had certainly taken the view that it may have been preferable to consider a longer period of, say, 10 years and, certainly, in the briefings that I had, I made inquiries into the real validity of imposing as short a tenure as five years.

One response to that was that this was a way of making sure the bureaucrats kept the role in order and that they would then be forced to have to deal with this matter on a regular basis. Of itself, I do not think that that is actually a justification for setting a five-year limit but, nevertheless, as I have indicated, relevant parties and the Royal Association of Justices of South Australia have indicated that they accept that period of tenure. It will no doubt create more paperwork, but, if it is a way of being some instrument of discipline on the public servants to actually do their job, then I suppose it has some benefit.

Another aspect of the five-year tenure was to raise the question as to whether this would give an opportunity to politically cleanse the role. We would certainly hope that that does not occur.

The Hon. M.J. Atkinson: Politically cleanse?

The DEPUTY SPEAKER: Order!

The Hon. M.J. Atkinson: What do you mean by that?

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: We would want to have some assurance from the government that there will be no mechanism, because the second reading speech states:

> It is envisaged that over a five-year period, all serving JPs will be offered the choice of applying for appointment under these new provisions or accepting retirement from the role.

The bill gives the government extensive regulation making powers. As an example, it may have been preferable to include the code of conduct within the legislation, but we accept that at least to be covered by regulation will preserve a limited form of parliamentary scrutiny.

The spokesperson on these matters, the Hon. Robert Lawson in another place, wrote to the Attorney-General in February this year. In reference to his second reading speech he states:

> It ought to be clear to all how Justices of the Peace are chosen and why some applications are refused.

That sentiment as expressed by the Hon. Robert Lawson we agreed to, but we would be seeking some indication of the departmental guidelines that would be imposed regarding the appointment of justices, and also to look at the whole question of the quota system, which has operated on a rather ad hoc basis, I think it is fair to say, in the past. He also sought the standard conditions that would apply in relation to those appointments. The Attorney-General kindly responded—

The Hon. M.J. Atkinson: As always, and swiftly.

Ms CHAPMAN: Well, five weeks later the Attorney responded and did provide—

The Hon. M.J. Atkinson: Griffo was slower.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: —the guidelines under which his office proposed to deal with applications for appointment as a Justice of the Peace in South Australia; they were certainly provided. It seems that a number of those guidelines are largely unchanged since the previous government, and we thank the attorney for making that provision. He also provided on a somewhat confidential basis the implementation report on review of the justices of the peace which has been sought, requesting that that not be distributed as a report. I do not propose to refer to it because it was requested that the report not be published, but we appreciate that being provided. The Attorney also advised in relation to the material for which there would be some assessment: 'Other examples are the production of a handbook to be distributed soon to justices of the peace—

The Hon. M.J. Atkinson: Yes, we are on to that.

Ms CHAPMAN: —and the preparation of a training course in conjunction with TAFE.'

The Hon. M.J. Atkinson: Yes, done that.

Ms CHAPMAN: 'I have also improved the JP role and database used to manage the role. This project is nearing completion.' I hear the interjections of the Attorney-General to indicate that the first two of those have been completed, and that is encouraging. We would hope that we could have some indication from the Attorney, perhaps in his response, as to the progress or completion of the database used to manage the role.

The Attorney also indicated that it was proposed that a geographical quota system will be retained and that he was considering including that in the regulations. He indicated further that it was intended that there be some flexibility to allow for specific needs as outlined in the examples provided in the correspondence.

The Hon. M.J. Atkinson: Yes, particularly ethnic groups.

Ms CHAPMAN: As the Attorney interjects, in relation for example to ethnic groups. The quota system as I understand it at present is somewhat of an internal matter to be determined and so I think perhaps I will just place on the record that certainly the rejection of applications to be a justice of the peace have sometimes historically been made on the basis that there is already the presumed number that is desirable for a certain suburb, and if that is to be exceeded then an application would be rejected. That had absolutely no basis in law or regulation but was a rule of thumb, and so I just place on the record that that has really been a bureaucratic imposition as distinct from a regulation.

The Hon. M.J. Atkinson: Tell us what you really think of JPs on the bench.

Ms CHAPMAN: One of the other aspects that is important to appreciate about a quota system in relation to geographical areas is that we are now looking at a situation—

The Hon. M.J. Atkinson: I dare you to tell us what you really think of JPs on the bench.

The DEPUTY SPEAKER: Order! I warn the Attorney-General.

Ms CHAPMAN: We are now looking at a situation where in this day and age people are very transient and they do not always remain in the same locality, so to be able to identify a quota based on geographical location at the time of the application can be somewhat misrepresentative when the population is so mobile. The Attorney also advises that a search of interstate acts did not disclose any legislation that indicated that members of parliament are justices of the peace by dint of holding office as a member of the parliament, nor was there any legislation found indicating that they could not be justices of the peace. He told us:

> In Western Australia there is a new act which I understand is not yet in force that provides members of Executive Council are justices of the peace while holding that office.

He also advised that it was proposed that the appointment of all justices of the peace would be subject to a condition that they notify the Attorney-General if they are found guilty of an offence after their appointment, that they consent to their suburbs and phone numbers but not street addresses being made available to people who need their services, and that they notify the Attorney-General of all changes of their name, address, telephone number or other recorded details. All or most might be subject to a condition that they make themselves available at all reasonable times to perform their duties. Some justices of the peace might be appointed subject to conditions such as they perform official functions only within a particular area. I assume that to be a geographical area, but at present you may be aware, sir, that there are often applications for a person to be appointed a justice of the peace in a circumstance to carry out a specific duty—that is, consistent with their employment.

Persons who are employed in our electorate offices from time to time make applications to undertake that duty and, although they are advised that this appointment is made only for the tenure of their employment, in fact, that is not the legal position. Under the current legislation, once they are appointed, they are appointed. This legislation will enable conditional appointment to be made, that is, for a specific term, or conditional upon certain events, that is, carrying out duties as an electorate officer.

Another important aspect I wish to place on the record is the indication by the Attorney-General that it is not intended to charge a fee to people who apply to become justices of the peace, and certainly it should not be. We are in the situation of calling upon good citizens to come forward and make their services available without any remuneration for the work they might undertake. They incur their own costs in that service, just as many thousands of volunteers in organisations serving the community do. It would be inappropriate for them to be charged a fee to undertake service to the public in the way in which they are offering to do so, whether they are a justice of the peace under the new legislation or a special justice.

The other important initiative which the opposition has been minded to consider in support of this bill is that, if we are going to have a new regime in relation to the approval and maintenance of justices of the peace, and even extending back the duties that some of them might undertake, it would be quite inappropriate if we were to cleanse the roll, so to speak, and remove the post-nominal JP title from those who have served and were appointed with the clear understanding that they would be appointed for life. So the government and the Attorney-General have identified in this bill, that the post-nominal JP (Retired) may be retained by those who elect not to reapply when the new legislation comes into effect.

For the record, on behalf of the opposition, let me say that we express our thanks and gratitude to those who have served, some for many years, and for the work they have undertaken. Of course, we also indicate our appreciation for those who may proceed with an application to continue those duties or, indeed, expand them.

One of the aspects in relation to the duties identified by the Attorney-General, which he also confirmed in the March correspondence, indicates that, where justices of the peace are appointed as special justices, they will be able to deal with bail and urgent restraining order applications where there is no magistrate available. That is most common, of course, in country areas. Those who undertake that work are to be applauded. We are yet to see, of course, how many will undertake what we predict to be fairly onerous training for the purpose of being a special justice and only if a reasonable number of those take up that challenge will the benefits flow of having this back-up service to magistrates.

The shadow attorney-general also sought some explanation in relation to section 3 of the Debtors Act. The Attorney-General advised that:

> It would be amended by paragraph 18 of the second schedule of the bill. The Debtors Act 1936 is a consolidation of two now repealed acts, the Intercolonial Debts Act 1887, originally called the Intercolonial Absconding Debtors Act 1887, and the Abolition of Imprisonment for Debt Act 1889. Section 3 of the act was taken from the latter act until the passing of the 1889 act, as the Hon. J.H. Gordon described it, 'At present if a writ were issued. . . on a man to pay. . . and he could not do so, he is liable without further notice or ceremony to be arrested and put into prison, and there except for the provisions of the Insolvent Act which practically has no bearing on the point, he must remain.'
>
> The 1889 act abolished imprisonment for non-payment of debts with certain exceptions. It also limited the time for which a debtor could be imprisoned to six months. The exceptions that remain today are set out in Section 3(1) of the Debtor's Act 1936. The first exception is default in payment of a fine or penalty or sum in the nature of a fine or penalty (not being a contractual fine or penalty). The second exception is default in payment of any sum recoverable summarily. This exception covers payments imposed by or under acts that provide that the Governor make regulations, or a specified body may make by-laws which prescribe a penalty 'recoverable summarily' not exceeding [the sum specified] for breach of, or non-compliance of a regulation.

The Attorney-General went on to identify some examples. It is my understanding—and I will be corrected if I have this erroneously in my mind—that the Chief Justice had conveyed some concerns in relation to the duties being imposed in the special justices provision. Nevertheless, in the face of that, as I have indicated, other relevant parties have indicated their support and there has been a long period of consultation and consideration, and a comprehensive review in this matter. It is disappointing in some ways that the government, as usual, rushed these things into the parliament, and then it was 11 or 12 months before we actually dealt with the matter. Having brought it in and had all the publicity about it, it was nearly a year later before it was actually in operation. We would certainly hope that the database and other matters that I have mentioned are sorted out and the regulations ready so that, when this bill passes through the parliament with the blessing of the other place, we expect, the matter can be implemented promptly.

Mr SNELLING (Playford): I rise to speak in support of the bill. The proposed JP bill was initially drafted based on

the 41 recommendations resulting from the review conducted in 1999 and from the findings of the JP survey which was carried out in 2001. It is obvious upon reading the Justices of the Peace Act 1991 that it does not define clearly how justices of the peace are selected, what training or education they must have, if any, and in general does not provide a good definition of the contemporary office of JPs. The only descriptions in case law and the practices of offices in the Attorney-General's department give us some understanding of the office. This makes it necessary to formulate statutory criteria to help the Attorney-General to select JPs and improve their education and training.

I agree with the proposed bill that provides legislative instruments to authorise policies for JPs. For example, the new bill specifies who can become a JP. For a long time people had to meet an eligibility criteria to be considered for appointment. One of the recommendations of the review was to enshrine in legislation who is and who is not suitable for the office of JP. There was a need to describe the applicants' suitability requirements. The Attorney-General proposed to expand the existing eligibility criteria to better establish the suitability of persons who apply to become JPs and ensure they match the needs of the community.

I am pleased that one of the areas of improvement has been on the eligibility criteria quota. People are told that there is a quota system operating and that they can apply if there is a vacancy in their area of residence. This is a constant complaint to my electorate office. As I understand the quota system, which is based on the aggregate population per postcode using ABS data, the quota is calculated on the basis of having four JPs per 1 000 people in metropolitan Adelaide and eight JPs per 1 000 people outside metropolitan Adelaide. The policy is that where the quota has been met no additional JPs will be appointed in that area. That is a particular problem where JPs who live in that area do not do anything to fulfil the office of JP—they do not make themselves publicly available. So, while on paper there may be four JPs in a particular suburb or a particular postcode per 1 000 people, in reality often there is no-one and the legislation does not provide the flexibility to allow any further JPs to be appointed.

The review proposed that this system should be restructured to consider issues such as representation of disadvantage or minority communities, cultural diversity and geographical distribution. I know how important it is. One of my staff members is Vietnamese born and Vietnamese speaking. He is a justice of the peace who provides a valuable service to the Vietnamese community, not just in my electorate but further afield, because they know there is a Vietnamese speaking justice of the peace in my electorate; and it is very important for them to go to him.

I support the bill which proposes to include a secondary criteria which allows for flexibility in the quota system so that people from vulnerable and culturally diverse, as well as geographically dispersed communities, have better JP representation. The survey indicated there was considerable variation across regional South Australia and that more regional areas were under quota than on or over quota. It particularly indicated that rural areas with a dispersed population had fewer than needed JP services.

I believe that clause 5 of the bill—appointment of suitable persons as justices—adequately describes the primary eligibility criteria to appoint JPs. I also support the Attorney-General's moves to improve the quota system to provide additional JPs in areas of need. I stress that the proposed modification to the quota system is a clear indication that the government's major priorities are access and equity. A more relaxed approach to the quota system intends to provide for regional areas and areas with a high concentration of disadvantaged groups and equitable access to JP services.

The second area about which I want to speak is special justices. The most welcome measure relates to the reintroduction of appointing JPs to perform minor judicial functions. At the time of the review in 1999 there were 38 JPs whose services were used for bench purposes. These JPs would usually sit with local court registrars to constitute a court, grant bail or remand a person. It was further found that the courts with the highest use of JPs were in rural areas. Although the Justices of the Peace Act 1991 provides for the appointment of special justices, it does not specify clearly their role or the qualifications they should possess to perform bench duties adequately; nor does it have any training requirements.

The bill provides that special justices (section 3A) may be appointed only after they successfully complete a course of training approved by the Attorney-General and after consultation with the Chief Justice of the Supreme Court. I think that, after they complete training, special justices will provide a valuable service within the Magistrates Court and the Youth Court. I am informed that options being explored include hearing minor traffic matters (especially in rural and remote areas), adoption matters in the Youth Court, applications under the Bail Act, matters in the Nunga Court (perhaps assisting a magistrate) and reviews of expiation enforcement orders.

I am told that, in support of the recommendation of the review of JPs, the Adelaide Institute of TAFE consulted with the Attorney-General's office, the Chief Magistrate and the Royal Association of Justices, and as desired training for all justices of the peace there are three to four different courses of training to be offered. The course 'Carry out designated judicial functions' is the one about which I will speak tonight, as this is the one designed to meet the training needs of special justices. The applicants will be carefully selected by the Attorney-General's office and the Chief Magistrate, and their suitability to undertake the course will be assessed to ensure that public interest is met when considering their appointment to the court.

The Attorney-General has told me that justices who wish to express interest to be selected for the bench will need to contact the Chief Magistrate to register their interest. I am also told that the Attorney-General has ensured that TAFE is equipped to offer the course in a flexible mode of delivery and is able to offer it in regional centres. TAFEs will help us train and bring back to the bench highly respected JPs. A number of other states and territories have training requirements for their JP's, and I believe that the trained special justices will provide a valuable service to the Magistrates Court in minor matters and allow more time for magistrates to handle more complex issues that come before them.

Clause 8, relating to special justices, includes sections that will handle the conditions of appointing special justices. The Governor will determine these concessions and will specify or limit the official powers of special justices. We believe that TAFE training will assist special justices to gain the necessary expertise required to perform judicial functions as needed, especially in rural areas. I am pleased to support the bill and wish it a speedy passage.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. M.J. ATKINSON: This amendment is consequential upon my amendment No. 4 on file as 'Attorney-General (1)'. If that amendment is not passed, I will withdraw this amendment so that clause 3 remains in the bill. I seek leave to have this amendment put to the committee after it has dealt with my amendment No. 4.

Leave granted.

Clause 4 passed.

Clause 5.

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

Page 5, after line 8—Insert:

(4a) The information in, or accompanying, an application for appointment must be verified by the applicant by statutory declaration.

Regrettably, there have been some instances of applicants for appointment providing incorrect information in their application forms. For example, some have not disclosed past convictions. This amendment would mean that each applicant for appointment would have to verify his or her application by statutory declaration. This should serve to impress on applicants the importance of giving truthful and frank answers to the questions in the application form and discourage them from giving false information. Also, it would make it possible to prosecute a person who gave deliberately false information for an offence against the Oaths Act.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7.

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

Page 5, line 39—Delete subparagraph (i) and substitute:

(i) a Judge or Master of the Supreme Court; or
(ii) a Judge or Master of the District Court; or
(iii) a Magistrate; or

This amendment will allow newly appointed justices of the peace to take their oaths or affirmations of allegiance of office before District Court Masters, as well as other judicial officers who are specified in the bill in its current form. It will bring the bill up-to-date with the amendments made to the Oaths Act last November after the omission of District Court Masters in the act was noticed by the Chief Justice.

Amendment carried; clause as amended passed.

Clause 8 passed.

New clause 8A.

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

Page 6, after line 20—Insert:

8A—Exercise of powers by justices

(1) Subject to the conditions of his or her appointment as a justice, a justice has the powers conferred on a justice by or under this Act, the Oaths Act 1936 or any other Act.

(2) Subject to the conditions of his or her appointment as a special justice, a special justice has (in addition to the powers conferred on a justice) any powers of a judicial or quasi-judicial nature, or authority to make an inquiry or receive evidence, conferred on a special justice by or under an Act.

(3) A reference in any other Act to a justice or special justice and the exercise of a power or authority by a justice or special justice under that Act is to be read as a reference only to a justice or special justice who is, under the conditions of his or her appointment, able to exercise that power or authority.

(4) An act done outside of the State by a justice for the purpose of taking a declaration or attesting an instrument or document in writing intended to take effect in the State is as valid and effectual as if the act were done in the State, unless the act is required by law to be done in the State.

First, I will explain the reasons for subclauses (1) and (2) of proposed new clause 8A. Neither the existing act nor this bill as introduced contain anything about the functions of justices of the peace or special justices. Although this is not legally necessary, it was remarked upon during the consultations, including by the Chief Justice. It would not be practical to specify every function. An attempt to do so would result in a long list of references to provisions of other acts that would soon become out of date. It was decided that subclauses (1) and (2) should be added to the bill so that readers of the act would see that special justices had functions additional to ordinary justices of the peace, and to give them a clue to the need to refer to other legislation to ascertain the functions of both ordinary justices and special justices.

I will explain subclause (4) before dealing with subclause (3). There is some doubt about whether justices of the peace for South Australia may perform any JP function while they are interstate. The cautious view is that a JP's commission authorises a JP to act only in South Australia. This is consistent with the wording of the Evidence (Affidavits) Act 1928. Subclause (4) would put beyond doubt that a JP may take declarations or attest instruments for use in South Australia, although the JP is at the time outside South Australia. This will be convenient for people living in places near the borders of the state. Queensland and Western Australia have included in their recent acts similar provisions.

Subclause (3) of proposed new clause 8A would replace, and is the same as, clause 3 of the bill. Parliamentary counsel advise that it would be best to include it in this proposed new clause of the bill. It serves the important function of ensuring that other acts conferring power or authority on justices are not read so as to override any limitations on a justice's authority imposed by the conditions of his or her appointment. If proposed new clause 8A is passed by the committee, I will move that clause 3 of the bill be deleted, as per amendment No. 1 standing in my name.

New clause inserted.

Clause 3 negatived.

Remaining clauses (9 to 17) and schedule 1 passed.

Schedule 2.

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

New clause, page 11, after line 12—Insert:

6A—Amendment of section 5—Bail authorities

Section 5(1)(d)—Delete 'any magistrate' and substitute 'The Magistrates Court'

Clauses 7 and 8, page 11, lines 13 to 28—Delete these clauses.

Amendment No. 4 is also about bail applications, but I will deal with that amendment later if my first two amendments are carried. I move these amendments because of a recommendation made recently by the Chief Magistrate. At present, two JPs may constitute a bail authority. A bail authority is a person or a court that has authority to grant or refuse bail and authority to review bail decisions made by other bail authorities of lesser status.

The intent of the bill as introduced was that a bail authority could be one special justice instead of two JPs. Recently, the Chief Magistrate advised me that in some of the remoter parts of the state it will not be possible to find either a magistrate or a special justice to deal with a bail application within a reasonable time. He recommended that two JPs be able to continue to constitute a bail authority in those circumstances: that is, two JPs who are not special justices. These two amendments to the bill will achieve this.

Amendments carried.

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

New clause, page 15, after line 26—Insert:
40A—Amendment of section 7—Divisions of Court
Section 7(1)—After paragraph (d) insert:
(e) the Petty Sessions Division

There are already several divisions of the Magistrates Court. This amendment would create a new division of the Magistrates Court to be called the Petty Sessions Division. Amendment No. 5 standing in my name will set out the jurisdiction of the division. I will move that amendment if this amendment is passed. I am moving this amendment and amendment No. 5 after further consulting the Chief Magistrate on the bill as introduced. As introduced, the bill would allow a special justice to constitute the Magistrates Court only if there is no magistrate available. The Chief Magistrate (with whom I agree) wishes to be able to have a special justice deal with minor traffic matters for which imprisonment is not a possible penalty.

The Chief Magistrate intends that special justices deal with these cases only when the accused person pleads guilty. Also, it is intended that special justices be able to reconsider orders for payment of fines and other monetary penalties under section 70I of the Criminal Law Sentencing Act.

Amendment carried.

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

Clause 41, page 15, after line 30—Insert:
(2) Section 7A—after subsection (2) insert:
(2a) If there is no magistrate or special justice available to constitute the court as a bail authority, the court may be constituted of two justices for the purposes of an application under the Bail Act 1985.

This amendment follows on from amendments Nos 1 and 2 about bail authorities. Amendment No. 1 is to say that the Magistrates Court is a bail authority. This amendment is to allow the Magistrates Court to be constituted of two ordinary justices of the peace for the purposes of applications under the Bail Act only. Two justices of the peace will not be able to constitute a Magistrates Court in other circumstances. As I mentioned earlier, this is so that people who are in custody in the remoter parts of the state can have their bail applications dealt with within a reasonable time.

Amendment carried.

New clause 41A.

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

Page 15, after clause 41—
Insert:
41A—Insertion of new section
After section 9 insert:
9A—Petty Sessions Division
The court in its petty sessions division has jurisdiction—
(a) to reconsider matters remitted to the court under section 70I of the Criminal Law (Sentencing) Act 1988 and make appropriate orders under that section; and
(b) to hear and determine a charge of an offence against the Road Traffic Act 1961 for which no penalty of imprisonment is fixed.

The amendment follows on from amendment No. 3 which has just been passed. It provides for the jurisdiction of the new petty sessions division of the magistrates court. As I mentioned earlier, minor traffic matters that do not carry a possible penalty of imprisonment will be heard by this division.

Also, reviews under section 70I of the Criminal Law (Sentencing) Act will be heard by this division. These will be cases in which a fine or other pecuniary penalties have been imposed by the court in its criminal jurisdiction. If an offender says he or she cannot pay, the registrar may conduct an investigation into the offender's means. If the registrar is satisfied that the offender does not have the means to pay, he may remit the matter to the court for reconsideration. The court can then make different orders such as ordering community service in lieu of payment of the fine or cancelling the offender's driver's licence.

These matters will be dealt with by the petty sessions division constituted either of a special justice or a magistrate. It will be for the chief magistrate to make an administrative decision about when it will be constituted by a special justice and when it will be constituted by a magistrate. These measures will allow the chief magistrate to manage the work load of the court better by having special justices sit in this division, thereby freeing magistrates to deal with more difficult or time consuming matters.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

HOSPITALS, WUDINNA

Mrs PENFOLD (Flinders): It is now over 12 months since issues at the Wudinna Hospital came to a head with the popular and exceptionally well qualified Dr De Toit being threatened with the sack in August 2004. These issues predated Dr De Toit, when a colleague who left before Dr De Toit arrived stating in a letter:

I find it tragic that the general attitude of the hospital is one of complacency and an apparent willingness to embrace unsafe practices, and to bully and harass staff who endeavour to address the issues and attempt to elevate the level of nursing care. I am aware I will not be the first to leave over such issues, but I am distressed that the trend will continue and that Wudinna and surrounding communities whom we serve continue to suffer as a result.

In November 2004, a clinical review of the hospital was finally undertaken, and in a letter dated 13 January 2005 the minister stated:

I hope I will be able to visit Wudinna in the new year to meet with you and other residents to discuss your concerns.

The minister has not visited Wudinna, there has been no public meeting to discuss the issues and the report has not been made public. Indeed, the report suddenly became an interim report, and the minister advised that even she had not seen it. One cannot help but think that she wants to bury it, if at all possible. However, there has been a miscarriage of justice and a number of people will not see that report buried until the truth comes out. Meanwhile, the hospital has not been given a clean bill of health and people are concerned about using it. It takes more than the golden hour in which most lives are saved to travel to the next nearest hospital, and lives are at risk while confidence is not there to use it.

I understand that a great many patients are currently being flown out from Wudinna to Adelaide at great cost to the region. It cannot be anticipated and, therefore, budgeted for. There is also the added problem of not having a doctor or having a doctor who cannot deliver babies and cannot provide the prenatal and postnatal care that is so important to young mums. One mum has to travel over 200 kilometres to Port Lincoln to have her next baby, having already had one in the

car on the way to the hospital last time when Wudinna did not have an obstetrician. Members can imagine her concern this time. She has only two weeks to go. On 13 July 2004, a constituent wrote:

> At this point in time, any requirement for hospitalisation would lead to me requesting to be admitted to another hospital as I believe certain members of the current staff are unable to give quality care.

No reassurance has yet been given by the minister that anything has changed. In November 2004, I was sued by the minister for suggesting that she was 'conspiring to protect possible corruption, intimidation and unprofessional conduct'.

The Hon. M.J. Atkinson: No; you received a solicitor's letter.

Mrs PENFOLD: Isn't that suing?

The Hon. M.J. Atkinson: No.

Mrs PENFOLD: Sorry, I received a solicitor's letter. I am not educated as well as you are. I retracted, saying that I accepted the minister's assurance that this was not the case. There has been more than enough time for the minister to prove her 'assurance'. In absence of any answers—

The Hon. M.J. Atkinson: So, you retracted and apologised. Good. Stick to it. Now you are at it again under privilege.

The DEPUTY SPEAKER: Order!

Mrs PENFOLD: —I ask a few questions that I have about the process that has been undertaken thus far that has only seen the two highly skilled and respected professionals who drew attention to the problems reluctantly leave. The minister stated on ABC Radio on 1 July that the board of Mid West Health 'engaged two very competent reviewers' to investigate the issues raised about the Wudinna Hospital under a 'clinical review'. Can the minister advise if the two people were the two originally chosen by the board and, if not, why not? Was one of the original reviewers chosen by the board a close associate of the former CEO, having stayed with her in her home in Port Augusta and that this person was not changed until the intervention of the Ombudsman? As the review of the Wudinna Hospital is only a 'clinical' review, who is going to investigate the non-clinical issues raised with the review team that involved former board members and the former CEO of the hospital? In the ABC Radio interview on 1 July, the minister stated:

> My information is that it's an interim document that the reviewers have had to go very carefully. . . issues relating to natural justice when individuals are implicated in various allegations, they have had to take the opportunity [to] have their say as is proper in an investigation like this.

Why, if some must have 'the opportunity to have their say', did Dr du Toit only get 1½ hours of the five-hour interview that he requested in advance with the reviewers?

If it is not appropriate for the minister to read the now so-called interim review until it is finalised, as she stated on ABC Radio on 3 June 2005, because it is an 'independent' process, then why is a subcommittee of the Mid West Board able to access it and possibly change it? Who are the board members on the subcommittee of the Mid West Board who have the job of reviewing what is now the 'interim' independent clinical review of issues associated with the Wudinna Hospital? Who else besides the subcommittee of the board have seen the 'interim' report? Will Dr du Toit and Sue Gordon be given a similar opportunity to read the interim report for the purpose of natural justice?

In the interview on ABC Radio on 3 June and 1 July, the minister mentioned the need for 'natural justice' a number of times; however, she has stated that 'my department has had informal contact with them (the Mid West Board) to make sure that they have had access to the resources of any legal advice that the department could help them with in relation to managing these issues'. She stated for herself, 'we will be taking legal advice on that' in relation to tabling the report in parliament. Under the principles of natural justice, can the minister advise if any legal assistance has been offered or given to Dr du Toit and Sue Gordon who have been the two people brave enough to challenge the bureaucracy? I understand that Sue Gordon, who is a registered nurse with specialist midwife qualifications, has not been employed by the department except as an agency nurse since being part of the problems at Wudinna and having her resignation signed without her approval.

Under the same principles of natural justice, and when there is nothing indicating that she is not an excellent nurse with many much-needed skills, why is she not currently employed by the department on a permanent basis? Does the minister believe that natural justice has been afforded to the former Wudinna Hospital's doctor du Toit, midwife Sue Gordon and the patients of the Wudinna Hospital? Is the minister aware of the following in relation to two of the people mentioned in the Wudinna Hospital issues: the former chairman of the Mid West Board is now the chairman of the Eyre Regional Board and the former CEO of the Mid West Health Service is now on the staff of the Eyre Regional Health Service, a service that oversees the Mid West Health Board and service? Have these two people been shown the interim report? On ABC Radio on 1 July the minister stated, in part:

> It's interesting how people wanted there to be an independent process and now they supposedly want me to interfere and read the report before it comes out. . .

How is this an independent process when two of the people who were previously on the Mid West Board are now in positions of power over the three hospitals—Wudinna, Streaky Bay and Elliston—that constitute the Mid West hospitals and can make things very difficult for those representing the Wudinna Hospital, which has already had most of its services removed? I understand that the Wudinna Hospital is down to fewer than half of the permanent registered nurses required, with the remainder being provided by an agency, but there have not been any advertisements for more permanent nurses despite the additional expense.

In August 2004, in desperation, a constituent wrote to the President of the AMA seeking support, citing a range of concerns, including the loss of nursing staff. He stated that one of those in authority 'told us to stop probing and pushing issues and to be quiet, because if we asked too many questions Wudinna would be closed down and turned into an aged care facility'. Will the minister guarantee that the Wudinna Hospital and other small hospitals like it will not be conveniently downgraded to aged care facilities under the control of the federal government to get them out of the way of the state government? Finally, when will the clinical report be tabled, and when will the minister visit Wudinna to hear people's concerns and reassure them of the quality of their hospital service as promised?

PUBLIC WORKS

The Hon. I.P. LEWIS (Hammond): I want to draw attention to what I consider to be the convenient indifference of the government to its responsibilities to the people of South Australia in its approach to determining where it will

spend money and on what projects to spend that money and the reasons it gives for doing so. I refer to remarks that were made earlier today about a project on Eyre Peninsula. That strikes me as being a ridiculous proposition, for the reasons that were given in the course of that debate. I do not reflect on that debate: I simply say that the money that is being spent to alienate water from the River Murray to meet the needs of the people living on Eyre Peninsula (and, indeed, their needs must be met and they are entitled to expect them to be met) would have been better spent if it had been spent on building an interconnector between the power grid on Eyre Peninsula and the main high tension grid from Port Augusta on the eastern side of the gulf, thereby enabling—

Mrs Penfold: Hear, hear!

The Hon. I.P. LEWIS: I note the member for Flinders' enthusiasm for that idea, and I want to further elaborate my reasons for it, which I am sure she will be equally enthusiastic about—and so would any sensible, sane, level-headed person. Connecting the Eyre Peninsula and the west coast of the Eyre Peninsula to the main high tension grid of South Australia and the Eastern States in the national market would have enabled quite a substantial number of wind generators to have been installed on Eyre Peninsula. They would have received winds on days of high power consumption, and at other times, differently from power generators as wind farms in other parts of south-eastern Australia, and there would be quite significant differences in terms of the hours involved when high velocity winds arrive at the west coast as compared to, for example, the Great Ocean Road on the south-west coast of Victoria or the south-east coast of South Australia.

Connecting that power grid on the West Coast with high tension lines capable of carrying that electricity into the grid would have provided far greater viability and interdependence for power generation over there, and relieved those people on this side of Spencer Gulf of the problem of having to argue the stupidity of the NIMBY (not in my back yard) syndrome. Many of the people on the West Coast are friends of mine, if they are not my cousins, and there are thousands of them. People like the Grays, the Osbornes and the Lewises bred fairly well, and my DNA and theirs has a fair bit in common. And they are sensible folk. Had we done that, it would have been possible to install that generating capacity and to use the excess capacity whenever it was available from that wind farm to desalinate water. That would have been at a fraction of a cent per kilowatt hour.

It would have been the lowest cost high quality desalinated water of any generated anywhere in the world, probably. All you would have to recover was the recurrent cost of allowing the wind generators to operate whenever there was an excess of power in the grade, and to use that power to desalinate. It is not necessary to desalinate the water when you want to turn on the tap. All you have to do is have it there waiting, and that is what reservoir storage is about. We know that we can store it not necessarily above ground but very successfully as fresh water lenses in the aquifers underground, and retrieve it as and when we need it. That technology is now well accepted.

I was thought to be a fool when I first suggested it 25 years ago, or a court jester, if not a fool. The end result, however, is that we have now denied ourselves not only the benefits that could have come from having an extended wind generation network across the west of the south-eastern part of the Australian continent, and on the West Coast of South Australia in particular, but for the member for Torrens' inept recollections, if you like, of what I am talking about, can I point out that we would have had cheap desalinated water as a consequence and would not have had to take the water from the Murray to meet the needs of the people on Eyre Peninsula, such as the government now proposes to do.

That water, of course, is not only a loss of fresh water from the River Murray but it is also at great cost to greenhouse gas contributions for the generation of power needed to pump it, because it will have to be pumped at regular times when those pumps on the river and along the pipeline can deliver it. The friction losses mean that the costs of pumping the water are indeed, as the member for Flinders pointed out, more expensive than the costs of desalinating the water in situ and, even if you have to use greenhouse gas-producing generators to provide the electricity to store it in situ in fresh water lenses, it is still cheaper to desalinate than to pump.

May I say for the benefit of members opposite, including those who have been the advocates of the Run South scheme from the Ord River in the north to the south of the continent as a supply of fresh water, it is equally ridiculous, because the costs of the power are so high or the costs of the large diameter pipelines are so high that the cost of that water, when amortised and annualised, is greater than would be the cost of pumping it from the Murray anyway. The way to go for all of us is to use natural power generation and use the spare power whenever it is available to excess to desalinate water at that time, not on a regular basis having to pump water at a fixed rate through extended length pipelines. It simply does not make any sense at all.

Now I want to turn to another matter, the regrettable misadventures of the frolics of the member for Unley. How many people in this place or outside it—particularly journalists—would have taken the same view of the topic had it been the misfortune of some intellectually challenged young woman 24 years old whom he had seduced in his office? How many people would have taken the same view of his actions? I believe the public outcry would have been enormous, yet that very same man has the gall to suggest that there are things which he did which ought to be taken into consideration as being nothing more or less than homophobia. I do not see it that way at all.

To take advantage of someone who is intellectually challenged such that they have an equivalent age of eight, nine or 10, in the way in which he did in those circumstances, begs the question as to why he would then say of some other members, myself included, especially in the circumstances in which he took such advantage, that we, or I in particular, make misuse of our premises and privileges, be they in our electorate offices, our electorates or in our electorate offices here (and there are only two of us, so far as I am aware, who have an electorate office in Parliament House, that is, the member for Stuart and myself).

That has historically been the case because people from those two respective electorates do not have access. People who live in our electorates do not have direct access through public transport to those electorate offices. You cannot expect people in Clayton and Milang who do not have a motor vehicle to make their way to Murray Bridge. They have access to public transport, which brings them radially to the city and its therefore their right to be able to see their member of parliament in parliament, whereas it is not, unfortunately, possible for them to do so otherwise.

So, the member for Unley, in the course of some remarks he made on 12 September, unfortunately set out to attack me for something I never did. He completely misrepresented my

involvement, as limited as it was, in the inquiries that were made by journalists about those things.

Time expired.

Mr BRINDAL: On a point of order, Mr Deputy Speaker, I believe that the standing orders provide that a member of this house is not to be criticised other than by substantive motion. I would like Mr Speaker to look at the record, because I consider the speech I just heard from the member for Hammond a gross abuse of the privilege of this place and I would like something done about it. I would particularly like Mr Speaker to look at the fact that I believe the member for Hammond said that a person with whom I was involved had a mental age of eight. That is a bloody lie. The member for Hammond knows nothing about it.

The DEPUTY SPEAKER: Order!

Mr BRINDAL: Look, if you want to prevent quarrels in here I ask you to uphold the standing orders because what he has done is a total bloody outrage.

The DEPUTY SPEAKER: Order! The member for Unley will take his seat and calm down. I was not paying full attention to the comments of the member for Hammond.

Mr Brindal: Well, you should have been.

The DEPUTY SPEAKER: I will look at what the member for Hammond said in *Hansard* tomorrow. My impression is that the member for Hammond did not say anything that expressly reflected on the member for Unley. I will look at those comments and, if the member for Unley wants to take it up with the Speaker tomorrow, he is at liberty to do so.

Motion carried.

At 9.45 p.m. the house adjourned until Thursday 15 September at 10.30 a.m.