HOUSE OF ASSEMBLY

Thursday 20 October 2005

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

SITTINGS AND BUSINESS

The Hon. I.P. LEWIS (Hammond): I move:

That Notices of Motion: Other Motions No. 1 be adjourned and taken into consideration on 10 November.

The SPEAKER: Is the motion seconded?

An honourable member: Yes, sir.

The SPEAKER: I put the question. Those in favour, say 'aye', against 'no'. I believe the noes have it.

The Hon. I.P. LEWIS: Divide!

The house divided on the motion:

(14)

Brokenshire, R. L.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kerin, R. G.	Lewis, I. P. (teller)
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.

NOES (18)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Geraghty, R. K.	Hill, J. D.
Key, S. W.	Lomax-Smith, J. D.
McEwen, R. J.	Rankine, J. M.
Rau, J. R.	Snelling, J. J.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

PAIR(S)

Matthew, W. A.	Stevens, L.
Buckby, M. R.	Maywald, K. A.
Scalzi, G.	Bedford, F. E.
Brown, D. C.	Rann, M. D.

Majority of 4 for the noes.

Motion thus negatived.

The Hon. I.P. LEWIS (Hammond): I move:

That Notice of Motion: Other Motions No. 1 be postponed and taken into consideration after Notice of Motion No. 9.

The SPEAKER: Is that motion seconded?

Honourable members: Yes, sir.

The SPEAKER: I put the question. Those in favour, say 'aye', against 'no'. I believe the noes have it.

The Hon. I.P. LEWIS: Divide!

The house divided on the motion:

AYES (17)

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

NOES (22)

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

PAIR(S)

Buckby, M. R.	Rann, M. D.
Matthew, W. A.	Stevens, L.
Kotz, D. C.	Maywald, K. A.

Majority of 5 for the noes.

Motion thus negatived.

DIVISION LIST

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

Leave granted.

Mr WILLIAMS: I believe that my name was not put on the register of the vote for the first division that was taken this morning. I was in the gallery, and my colleagues were aware that I was there but, apparently, the teller, the member for Hammond, was unaware that I was there. However, I was there and supporting the proposition that he put to the house.

The SPEAKER: Order! The record will be corrected under standing order 179—not that it would have altered the outcome. However, the record will be changed to take that into account.

SITTINGS AND BUSINESS

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

DEPUTY PREMIER

The Hon. I.P. LEWIS (Hammond): I move:

That this house—

(a) express its dismay at the arrogant indisposition, intemperate remarks, personal invective and abuse from the Deputy Premier, directed at—

(i) Mr Terry Paget, the Director of Public Prosecutions, certain police officers and other public servants and prominent citizens;

(ii) the Leader of the Opposition, the former and current Speakers of this house, and other members in this place; and

(b) censures the Deputy Premier and calls on him to apologise to the house and to those people who may have been offended by his actions.

Whilst the device of attempting to further adjourn the matter is open to me, I will not continue on that path but will proceed with the proposition as I have put it on the *Notice Paper*, that is, to alert the Deputy Premier to the offence that he causes to the parliament as an institution and to this house

in particular, in consequence of the arrogant indisposition—not 'disposition' but 'indisposition'—as well as the intemperate remarks that he makes in the course of his participation (if you can call it that) in debate in this place; the personal invective that he uses; and the abuse that he directs at any and everyone who takes his fancy to direct it at, and, in particular, to those people whom I have mentioned.

What the Deputy Premier fails to understand is that the intimidatory tactics that he uses may well work in the Labor Party and in his faction. If they work in here because they intimidate you and/or the Deputy Speaker, the Chairman of Committees or anyone else who may be in the chair, because they have the effect of shouting down other members from time to time when it takes his fancy to do so, nonetheless they do not enhance the public reputation and standing of the House of Assembly, or the Deputy Premier for that matter. It does not help us win the support of the public to have a Deputy Premier who simply, when it suits him, goes wandering off across the floor of the chamber while someone else is speaking—

The SPEAKER: Order!

The Hon. I.P. LEWIS: —waving his arms around and saying what a bunch of dunces we are. It is his incompetence—

The SPEAKER: Order! The member for Hammond—

The Hon. I.P. LEWIS: —and improper behaviour that we—

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

Mr Scalzi interjecting:

The SPEAKER: And the member for Hartley will not speak over the chair—he will only do it once. The member for Hammond knows that he has to speak from his place. Anywhere else is out of order.

The Hon. I.P. LEWIS: Yes, I know, Mr Speaker, but I wish that you would help the Deputy Premier understand that on more occasions than is presently being done—

The SPEAKER: Order!

The Hon. I.P. LEWIS: —because he bullies everyone in this chamber by his behaviour and gets away with it—

The SPEAKER: Order! The member for Hammond will resume his seat. The member for Hammond is entitled to have his argument heard. He is not, however, entitled to flout the rules of the house. The member for Hammond is entitled to the courtesy of our hearing his argument.

The Hon. I.P. LEWIS: I thank you, sir, for reminding me, and all other members, and I hope the Deputy Premier, that that is the way he has to behave in future. He cannot please himself how he addresses this place.

The SPEAKER: If the member for Hammond does that again he will be named. He is deliberately flouting the rules of this house. He knows he should address the chair. He has been in this chair and knows the rules probably better than anyone in the house and his behaviour should reflect that. The member for Hammond.

The Hon. I.P. LEWIS: I invite you, sir, to apply the same rules more stringently than has been the case to date with both the Deputy Premier and the Minister for Infrastructure in the way in which they conduct themselves in this chamber during the course of debate. I thank you for reminding me, and would be pleased to see that more clearly observed in the future than it has in the past—albeit perhaps not that it came to your attention, but I will be more rigorous in drawing it to your attention in future.

The SPEAKER: Order! On that point, member for Hammond, the reason the chair was expressing concern was in respect of the member for Hammond's flouting the rule after it had been pointed out to him. Other members do what he has done and the chair is aware of that, and they should not. They are supposed to address the chair, not the television cameras. But the point at issue is I told the member for Hammond not to do it and he turned around and deliberately did it again. That was the issue. The member for Hammond.

The Hon. I.P. LEWIS: I thank you, sir, for making the observation, because I have noted on previous occasions that there are other members who have deliberately flouted the direction that you have given to them, particularly the two ministers that I have just referred to and named (the Deputy Premier and the Minister for Infrastructure). They ignore you, especially during question time when all the television cameras are here. They do no service to this place in the way in which they behave in that fashion. The little Irish leprechaun may, of course, carry on in the fashion he does in order to ridicule the truth of the remarks that I am making to the chamber.

The Hon. P.F. CONLON: Sir, I have a point of order.

The Hon. I.P. LEWIS: I see some attempt at self-identification.

The SPEAKER: The Minister for Infrastructure.

The Hon. P.F. CONLON: Sir, the former speaker—former speaker—

The SPEAKER: What is the point of order?

The Hon. P.F. CONLON: —needs to refer to people by either their seat or ministerial title, not whoever he is talking about. It may have been Vini Ciccarello.

The SPEAKER: The minister has made his point. It is a good point to remind everyone of because yesterday in the house—

Mr Scalzi interjecting:

The SPEAKER: Order! The member for Hartley will be named if he does that again.

Mr SCALZI: Sir—

The SPEAKER: Sit down! Yesterday, a member of the government front bench referred to the leader as 'Kero'. That is totally out of order. People in glasshouses should not practise a double standard. The member for Hartley.

Mr SCALZI: I have a point of order, Mr Speaker. The Minister for Infrastructure is continually waving at me, and I do not know what he wanted.

The SPEAKER: Order! The chair is not interested in any special bond between members in the chamber. If members have a special affinity with another member, they can pursue it over a cup of coffee. The member for Hammond.

The Hon. M.J. ATKINSON: Sir, I have a point of order. Given what has just occurred in the gallery, I am wondering if the member for Hammond could disclose his association with the person just removed from the gallery.

The SPEAKER: Whoever is in the gallery, unless they are flouting the rules of the house, is not the concern of the chair. The member for Hammond has the call.

The Hon. I.P. LEWIS: Thank you, Mr Speaker. I have no idea what it is the Attorney-General was referring to or whom he was referring to, either in terms of the individual or the incident. I have no knowledge whatever. I have been facing you, sir, ever since you remonstrated with me for not doing so, and I am happy to continue doing that and happy to remind the house from time to time of the strength of your direction that that is the way in which we must conduct ourselves here when we are addressing the chamber. Those

remarks must be made through the chair and not at whim, and they must be made by a member in their place. They are our standing orders. They do not allow us to wander around. They do not allow us, when it takes our fancy if we are out of our place, to interject loudly. That is doubly against standing orders, not only because we are not in our place but also because we seek to interpose our view into the debate on whim from out of our place. On both counts, it is highly disorderly conduct which has continued to bring this place into disrepute and, Mr Speaker, it raises the level of angst and incivility that results in consequence of raising the level of angst.

In consequence of making those two observations (both scientifically valid in terms of the effects on the psychology of individuals and the sociology of the circumstances in which they assemble), it brings about a greater measure, for those who are observing it, of not just disbelief but also dismay and disgust, finally, because they see themselves as paying for us to be here to do our work, and that work is to represent their interest—the public interest. This is very relevant, because the worst offender in the particulars that I have referred to in the motion is the Deputy Premier, and he continues to do it. He did it during the last parliament, continued to do it during the term that I was speaker, and does likewise now that you, sir, have that exalted responsibility. I am sure it is to your eternal discomfort. It is for that reason, along with all those others mentioned in the motion, that I brought the motion before the house. He may be a man who claims to have commonsense, and in every particular in that sense others would agree with him because they would say his behaviour is definitely common, but sense he has none.

It does us no credit to have to debate this motion but, if we do not, then the behaviour of which many of us complain about in the corridors will continue, and it will be to our eternal detriment as a group of people who have this honour and responsibility to represent the others in South Australia—all other citizens—in making their laws and seeing that due process is followed by the bureaus and agencies of government in the discharge of their duties. We are not just a legislature: we are a parliament. That involves not only making law but also ensuring that others obey that law through the way in which the bureaucracy in which they work as public servants discharge their responsibilities properly.

We hold to account those people who swear an oath on taking office as a minister in the executive government to do that work in the public interest, and it is our duty to see that they do. Whilst this kind of behaviour distracts the media to report that, the media are then not reporting what they ought to be telling the public about how we as a chamber, as part of the parliament, are doing our duty in that sense.

So let me address the particular instances to which I refer. Mr Terry Paget is probably a better qualified investigator and a public servant in this state, and has been for many years.

The Hon. K.O. Foley: Who is Terry Paget? Who is he?

The Hon. I.P. LEWIS: He is the man who was an orphan in St Bartholomas, to whom the Deputy Premier said, 'He must be nuts. He has nightmares.' That man is no fool and is certainly not insane. What he saw is what he knew, and the Deputy Premier has never apologised to him for accusing him of being insane and inferring that he was less than competent to have ever commented upon the unfortunate incident that he witnessed as a child and wanted to see properly investigated. No, the Deputy Premier chose to bucket him, a well qualified public servant held in high esteem in the work that he does as an investigator for many years—more than two decades. May I tell the Deputy Premier, if he does not already know, that this gentleman lives very close to his electorate if he has not lived in his electorate at some point in the past.

In addition to that, the Director of Public Prosecutions felt the stench of the foul breath of the Premier in his utterances, attacking him improperly and unnecessarily, not long after he was first appointed. I do not need to go back over the quotes from the press to illustrate that point—all honourable members know what I am talking about. He also abuses certain police officers from time to time when it suits him and yet says that he supports the police and that the opposition and the rest of the members of this place do not. The police officer that he called into question, both in terms of accuracy of remarks and integrity of conduct, was the police officer who had been talking to Terry Paget, if the Deputy Premier wants an illustration of the effect of his arrogance and ignorance and abuse of others.

He has also attacked, under parliamentary privilege, other prominent citizens without researching the background of the circumstances in which he makes his remarks. It is just convenient for him to do so to assert himself as a bully. To that extent he is no different to the Minister for Infrastructure. The Leader of the Opposition is another member of this place who has suffered the same kind of abuse that flows from somebody who was brought up—well, dragged up, rather than brought up—because of the manners he displays or the lack of them. He has attacked former speakers during his term here. I have been here and I have seen the way in which he attacked the member for Stuart when he was the speaker, both within this chamber and outside it.

He has attacked me. He has called into question the rulings which I have given, and I have heard him call into question your rulings, Mr Speaker, and is further allowed to get away with it to a greater degree simply because he is Deputy Premier. He may abuse his colleagues in the caucus, but he certainly should not engage in that conduct in this house.

Mrs Geraghty interjecting:

The Hon. I.P. LEWIS: It ill-behoves the member for Torrens to try to defend such an oaf. The house needs to censure the Deputy Premier and get him to apologise for the offences that he has caused, and the bad odour into which he has brought the house and every member of it in the course of his intemperate remarks, his arrogant indisposition, and the personal invective. It is not in the spirit of parliament that he conducts himself here. He sees himself as the boss, and he ought to see himself as part of a process that is intended to deliver, not for the gratification of his ego, but for the benefit of the people of South Australia. The process ought not to be about exalting his own self-belief—God knows, he must have an inferiority complex bigger than the *Eisenhower*. Notwithstanding that observation, he ought to remember that he has an effect on all of us, and it is not the effect he thinks he has.

The SPEAKER: The Minister for Infrastructure.

The Hon. K.O. Foley: Joe's going to savage me.

The Hon. P.F. CONLON (Minister for Infrastructure): Go easy.

Mr Scalzi: You wait.

The Hon. P.F. CONLON: Sir, that is very intimidating.

The SPEAKER: Order! Members have all had an early morning/late night, and they have to be mindful not to engage in personal provocation.

The Hon. P.F. CONLON: Mr Speaker, never had I more felt the need to refer to that biblical maxim, 'When considering the speck in a neighbour's eye, you should first consider the beam in your own.' In all seriousness, when it comes to offensiveness, when it comes to unparliamentary behaviour, when it comes to just plain weird, if the member for Hammond is not there he is certainly in the grand final. I think he is there by a long way. To attempt to censure the Deputy Premier, a fine individual I might say, by way of the impersonation of a whirling dervish, I think, is at least a new thing; if not a highlight it is at least very new. This is a fellow who, in many years in this place, has said some of the most outrageous, outlandish and offensive things I have ever heard. People should just cast their minds back to this fellow who is very quick to take offence but has said some of the most disgusting things I have ever heard in public life.

If members remember a prostitution debate some time ago, his primary interests were either sexual acts that most people had never heard of or bodily functions that people did not want to hear of. That was his contribution to public life. At one stage he said to the member for Torrens, who is one of the most decent human beings that I have ever met, that she would not care if her husband died. This bloke will go anywhere in a debate, will say anything, and I know that people on that side who have dealt with him far longer than we have know that. This fellow knows no bounds in his behaviour, and for him to be critical of the Deputy Premier—

Ms Chapman: You made him speaker.

The Hon. P.F. CONLON: We made him speaker shortly after you offered the job to him. Let's be real—he was everybody's speaker.

The SPEAKER: Order! The minister needs to address the substance of the motion.

The Hon. P.F. CONLON: The truth is, sir, if we want to measure standards of parliamentary behaviour, the person we would be censuring would not be the Deputy Premier. I know the Deputy Premier, Kevin Foley. I consider him a friend, I consider him a completely honourable human being. He is robust in debate, no more than we have seen in this place over many years, and no more than a decent speaker like the member for Stuart would have been able to handle—no more than robust debate. In fact, I can say that he is no more aggressive and insulting than I am. I will defend the Deputy Premier anywhere, any time, because I know about his integrity, his honour and his loyalty, and I am happy to place that on the record.

I cannot say the same thing about the member for Hammond. He has come in here and talked about arrogance and intimidation. He should have a look at what happens in some other parliaments (and I watched some very interesting footage the other night). I was in here the other night when the member for Hammond was declaring everyone absolutely stupid because they did not agree with him, and thumping the desk. I was very nervous: he is a very big bloke and I am only a little tacker. He is very intimidating. We all hear stories of MPs behaving much worse than what the Deputy Premier is accused of—people shoving people around. That is the sort of thing that goes beyond the bounds, not good, robust debate. What we saw in the New South Wales parliament—shoving people around, the laying on of hands and physical intimidation—is simply not acceptable behaviour.

I am more than happy to defend my friend the Deputy Premier. He has never intimidated me. We have had robust discussions, but I know that he has a certain restraint. He has a certain charm, but he also has a certain restraint. We always know that Kevin will not take it too far, unlike some others. He is enormously well respected by his colleagues—except at budget time! At budget time—

The Hon. K.O. Foley: I think you'd better wind it up, mate. I think you're losing the backbench.

The Hon. P.F. CONLON: Apparently, the trouble is that the backbench now want to speak on this. I do not think I can say anything more persuasive against this resolution than to point out the sheer weird behaviour of the member for Hammond. Anyone who would reward this absolutely peculiar individual, that peculiar behaviour, that weird arm-waving perambulation around the middle of the corridor, by supporting a motion such as this is not taking it seriously. We have all had robust debates. We enjoy it in this place. I respect nearly all members in this house and most of them respect us, and I do not think we are served by this latest bout of weird behaviour.

Motion negatived.

PINK RIBBON DAY

Mrs HALL (Morialta): I move:

That this house acknowledges the importance of Pink Ribbon Day on 24 October 2005, and pays tribute to—

(a) the outstanding work carried out by the Cancer Council of South Australia to raise awareness of breast cancer and other forms of cancer;

(b) the importance of early detection through breast screening programs; and

(c) the significant progress made in the provision of support services for victims of breast cancer and their families.

Lyn Swinburne, the Chief Executive of the Breast Cancer Network Australia, recently said:

In some circles there is a real push to tick breast cancer off, to say it has had enough attention and funding, to shift the focus and broaden the cancer agenda.

This motion is to ensure that breast cancer does not fall off the agenda and out of focus in our state—and the statistics tell the story. Every day in Australia 30 women are diagnosed with breast cancer, and every day in South Australia three women are diagnosed with breast cancer. The latest available statistics show that 983 South Australian women were diagnosed with the disease, while 222 women died from breast cancer. It is, as we know, the most common form of cancer among South Australian women: 28 per cent of cancer cases diagnosed in South Australian women are breast cancer. However, it is encouraging to know that, in terms of breast cancer, we are making progress, thank goodness.

Since the late 1980s, the death rate has decreased by about 20 per cent for South Australian women between the ages of 50 and 69 and by about 16 per cent for women aged over 70. However, there is much more work to be done, and we all know about it, and the major goal of stressing the importance of early detection remains. I am sure that many people read an article in *The Advertiser* some weeks ago which had the headline: 'Women's alarming cancer ignorance'. That article talked about Alex Cannon and Mary Gallnor, both of whom are well known to most members of this chamber. It is particularly concerning to know that the results of a recent survey undertaken by the National Breast Cancer Centre found that only half of the 3 000 respondents between the ages of 30 to 69 know that the risk of developing breast cancer increases with age. One in three women, according to that survey, waited for a month before going to a doctor after noticing a change in the breast, and nearly a quarter (23 per cent) did not see a doctor about their symptoms.

We know that there is no single cause of breast cancer and no guarantee that certain conditions will bring on the cancer. There are, however, a number of known risks and a number of ways in which to guard against this horrible disease. There are also many ways to detect cancer early and deal with its impact. Potential risks include: gender and age (that is, being a woman); getting older (predominantly a disease in women more than 50 years of age); breast changes; family history; a personal history of breast cancer or another cancer in the ovary, uterus, bone or soft tissue; behavioural or lifestyle factors (which include never having had children or having had them over the age of 30); a diet high in fat and low in fibre and low in fruit and vegetables; late menopause; high intake of alcohol and smoking; inactive lifestyle; and taking hormone drugs. Recommendations for women and men to guard against cancer include maintaining a very healthy diet (which we are all conscious of); exercising regularly; maintaining a healthy body weight; and stopping smoking.

While we all wait for a cure or guaranteed preventative measures for breast cancer, we know that we all have a responsibility to maximise awareness of methods of detection and treatment among Australian women. It is essential that all women between the ages of 50 and 69 undergo breast screening every two years, with estimates that breast screening reduces the chance of dying from breast cancer by around 40 per cent. Breast screening is also important to women of any age if there is a strong family history of this particular cancer. Currently, the rate of breast screening in South Australia within the crucial age of 50 to 69 stands at 63.1 per cent, which is still significantly below the target in that age group of 70 per cent.

In the last calendar year, BreastScreen South Australia provided almost 70 000 mammograms. We are constantly reminded that all women should regularly check their breasts for lumps, rashes, changes in colour of the skin, dimpling or roughness of the skin, retraction, pulling or leaking of the nipple, pain or discomfort or any change to the appearance of either breast, swelling or discomfort in the armpit. When cancer is detected, and particularly if detected at an early stage, treatment can be administered in the form of chemotherapy, radio therapy, surgery, or a combination of any of those three. We acknowledge and are pleased that early detection is still one of the key elements of successful treatment.

According to statistics for those who identify cancer in the breast before it spreads to other parts of the body, the survival rate after five years sits at the figure of 96 per cent, while the survival rate after 10 years rests at 89 per cent. On the other hand, if the cancer is not found before it spreads from the breast, the survival rate after five and 10 years is just 27 and 17 per cent respectively. Another goal we all have is to raise awareness across the community of the importance of support for breast cancer research. We see in the paper today that there are some more good results coming out of the current research. I pay tribute to the most valuable work of the Cancer Council of Australia, and particularly the body here, as vital partners in this terribly important battle.

The flagship breast cancer initiative that we all know about and are acknowledging today is Pink Ribbon Day, which this year falls on next Monday, 24 October. The two key messages of Pink Ribbon Day this year are to remind women to see their doctor immediately if they notice a change in their breast and to remind women over 50 to have a mammogram every two years. By simply purchasing a pink ribbon—which I know many members have done and continue to do—or any other items of the merchandise put out by these fantastic groups, South Australians themselves can help the funds necessary for research, education and the many required and necessary support services as well as showing their personal support for victims and their families.

It is always important when Australia stands united against something that the majority of us have confronted in one way or another at some time. The Cancer Council also holds a lead-up event to Pink Ribbon Day known as the Girls Night In. I rather suspect that a number of members of this chamber have participated in one of the activities under that banner. It is a fantastic week-long event between 17 and 23 October, where the idea is for friends to get together and make a donation toward women's cancers in the form of what they would normally have spent on a night out on the town. A number of the Liberal staffers are doing their bit and have planned a fantastic picnic for this Sunday. I congratulate and thank them for organising their Girls Night In on Sunday afternoon and wish them all the best for a very successful day.

If anyone would like to find out a little more about the success of these initiatives and the good that they are doing for breast cancer victims and their families, I recommend logging on to the Girls Night In web site, where you can read the stories of breast cancer survivors. They really are some reading. They are truly an inspiration and clearly show the value of support and hope to women (and their families) with cancer. The Cancer Council support services are numerous and rely on the continued support of government, the private sector and the community. The cancer help line provides free counselling to people with cancer, as well as their friends and families. The breast cancer support service provides women and men with the opportunity to talk to other women and men who have lived and survived the experience.

It is volunteer based and is all about providing emotional as well as practical support through the initial diagnosis, during and/or following subsequent treatment. Volunteers give advice, assist the fitting of temporary prostheses and the selection of clothes, swimwear, underwear and wigs, plus providing written information about the effects of diagnosis and treatment. Then there is Cancer Connect, another volunteer-based initiative that allows people with cancer to talk over the phone to someone who has experienced it themselves. I urge the house to note the outstanding work carried out by the Cancer Council, at both national and state levels.

In the lead-up to Pink Ribbon Day, I want to publicly recognise the work of other groups in the fight against breast cancer. There is the national Breast Cancer Centre, the federal government body that aims to raise awareness and provide information not only for women but for men and for all health professionals. It was set up in 1995 and in 1999 its funding was extended to include work in the area of ovarian cancer. I think that is particularly significant.

Some of the South Australian specific projects of the NBCC include providing a resource for breast cancer contact workers, a guide for service providers dealing with women of culturally and linguistically diverse backgrounds and indigenous Australians, resources for women in rural and remote areas with cancer and a resource kit for women and men with breast cancer.

Mr Speaker, we then go on to Breast Cancer Network Australia, which represents more than 13 000 survivors nationally and works to empower, inform, represent and link together Australians personally affected by breast cancer. The

BCNA was responsible for the visual display which we all remember before the Adelaide versus Melbourne game at the MCG in May this year, in which more than 11 500 women and 100 men dressed up in pink ponchos and took to the field to represent Australian breast cancer statistics. For those who witnessed this (and I know all of the Crows supporters in this chamber did) it was a stunning spectacle and a memorable display of support across the sporting community, especially the AFL, and the Breast Cancer Network Australia, for women with breast cancer, survivors of breast cancer and their families. I think they should be congratulated for such a fantastic initiative.

It was a great and wonderful celebration of the hard work performed by the National Breast Cancer Centre and other organisers who join it on a daily basis in spreading awareness about breast cancer and all the many support networks and services that exist, and on some of the great results that are coming out of the research that has been carried out particularly across this country. I sincerely hope that the house today supports this motion and wish all the people involved with the Pink Ribbon Day next Monday the greatest success in informing Australians of how far we have progressed.

Ms BREUER (Giles): Mr Speaker, I certainly rise to support the motion moved by the member for Morialta. Pink Ribbon Day is organised by the Cancer Council and is held every fourth Monday in October to increase awareness of breast cancer and to raise funds for research. Last year was the 10th anniversary of Pink Ribbon Day. Pink Ribbon Day makes a significant contribution to raising community awareness about the importance of prevention and early intervention of breast cancer. While recent figures show little change in overall rates of cancer they do show that the rates of increase for breast cancer have slowed.

BreastScreen SA provides an important screening service for South Australian women. BreastScreen South Australia is recognised as a national leader in breast cancer screening and has been providing a quality service to South Australian women for over 15 years. Screening programs such as those conducted by BreastScreen SA are leading to early intervention and treatment, resulting in better survival chances for South Australian women. In November last year BreastScreen SA provided its 750 000th screening mammogram. BreastScreen SA not only provides free mammograms for women over 40, but plays a critical role in providing counselling, education and follow-up services for women diagnosed with breast cancer.

There are six BreastScreen SA clinics across the metropolitan area and three mobile x-ray units which regularly conduct visits across the state. I know these are very well supported in country areas and every two years the caravan comes to Whyalla and is fully booked up for the time that it is there. I know that it also goes to those more remote areas such as Roxby Downs, Coober Pedy and Ceduna, etc. The clinics provide women with an easily accessible service, rather than having to come to Adelaide. It is also a way for women to have regular checks because they are reminded every two years to go for their mammogram.

The BreastScreen SA website provides a wealth of information for women, for the general public and for general practitioners. Providing up-to-date comprehensive information is an important role provided by BreastScreen SA. This includes providing up-to-date information to general practitioners to ensure that all women get the best possible primary health care in relation to the prevention, treatment and management of breast cancer. One brochure produced by BreastScreen SA states, 'Do you know about free screening for breast cancer?' It is available in 14 languages in addition to English.

Ensuring service access and information to all women is vital. Pink Ribbon Day helps us to highlight the importance of breast cancer and contributes to the growing level of awareness across the community. The pink ribbons many of us are wearing today create questions, and people want to know what they are for. I acknowledge the remarks of the member for Morialta and thank her for moving the motion and bringing to the attention of the house the importance of this issue in our community. As our population ages and more women enter the peak age group for breast cancer (50 to 69 years of age), it is essential that the message of prevention and early detection gets through. Increasing age is a major risk factor, but it cannot be forgotten that all women are at risk of developing breast cancer. Prevention and early detection are the first step in effectively managing the impact of this disease. While I mention age as a major risk, I think that the situation of Kylie Minogue—a very young woman who developed breast cancer—has really raised the awareness that it can happen to younger women.

Prevention and early detection are very important in managing the impact. It is equally important that our acute care hospital services are able to provide a comprehensive quality service to women with breast cancer. In October last year, the Minister for Health officially opened the Flinders Breast Cancer and Lymphoedema Clinic. The Flinders lymphoedema assessment clinic is an internationally recognised clinic. For those of you who are not aware, lymphoedema can be a devastating side-effect of breast cancer surgery if not diagnosed quickly and managed properly. It causes limbs to swell dramatically. The Flinders Breast Cancer Clinic was established in 1993 and was one of the first multidisciplinary breast cancer assessment clinics in Australia providing a one-stop shop service for patients. Together with a team of radiographers, breast care nurses and support staff, they provide vital care to women with breast cancer as well as support for their partners and families.

The sisters of a remarkable woman, Lyn Wrigley, were also at the launch of the lymphoedema clinic. Some 15 years ago, Lyn initiated the Pink Ribbon Ball of Flinders to raise money for breast cancer research. Through her inspiration, hundreds of thousands of dollars have been raised to support breast cancer research at Flinders, and her family continues Lyn's legacy. It is a wonderful tribute to her that, 15 years later, we continue to honour her memory, and she continues to inspire commitments and contributions to the cause of breast cancer. The government has pledged $2.5 million towards the establishment of a centre for innovation in cancer prevention and control. On one site, the centre will combine innovative cancer research, patient care and prevention. The centre will be unique in Australia. It will work in collaboration with other key institutions in South Australia to ensure integration of statewide cancer services and cancer research.

However, Pink Ribbon Day is really about what happens on the ground at the community level and with community involvement. Effective community action is essential to enable us to promote the importance of early detection and early intervention. Pink Ribbon Day is all about getting that message out. We need to continue breaking down the social barriers that prevent open and honest communication about cancer—the big C word. By sharing stories, experiences and information, we help others to find support, enable ongoing

improvement of the service system and help individuals find strength and courage. I have always been impressed by the willingness of people to share their personal stories of cancer. In particular, I welcome the recognition given to the importance of prevention, promotion and early intervention. As I said, getting the message out is at the core of Pink Ribbon Day. It reminds us that it is critical for women to see their doctor immediately if they notice a change in their breast, and women over 50 years should have a mammogram every two years. Women do need to be reminded of this message. Friends and family also need to remind women of the importance of these health messages and encourage them to act on them.

Earlier this week, I mentioned a breast cancer dinner I hold annually in Whyalla. Every one of the 161 women who attended had been touched in some way by breast cancer and had either been a victim, or had had a family member or close friend who had been diagnosed with breast cancer at some stage. One of my guest speakers was Dr Sally Cole from the Royal Flying Doctor Service who regularly travels through the north of the state visiting rural communities and talking to rural women. One of the issues she discussed was the importance of friends in the recovery from breast cancer. She talked about the importance of the support network of friends. It is so true that women do support each other, and at the dinner this was very evident for those women who had been touched in some way by breast cancer.

I listened with interest to the member for Morialta when she talked about the 11 500 women at the Melbourne football ground earlier this year. I certainly took an interest in that, as it was a very special day for me, because two women from Whyalla attended wearing pink—one was my sister-in-law, who recovered from breast cancer five years ago. Finally, I acknowledge all the women, their families and friends who have been involved in making Pink Ribbon Day a success over the years and ensuring that we are all of aware of the impact of breast cancer on our communities and the need to continue promoting screening for women.

Mrs PENFOLD (Flinders): As many of you would be aware, I am a survivor of breast cancer for just over 11 years. In 1980, I was not at all aware of cancer and had barely heard of breast cancer, or any kind of cancer. It was just not one of those issues you talked about very much. At that time, I was teaching a course at TAFE about starting a small business for women. We were having a coffee break and were sitting around a big table in the canteen talking about issues of concern to the women. I could not believe the number of them who had been touched by breast cancer. The talk went around the table, and the conversation turned to people who had left it too long, who had gone to the closest breast cancer scanning unit at Whyalla, and who had had false alarms. The scanning has to be done carefully, and the resulting X-ray must be read by someone who knows what they are looking at.

It was quite frightening to hear these stories and the fear that had been aroused. A lot of them had to go back for second and third scans before they really knew whether or not they had cancer, and they had numerous false alarms. The cost and anxiety to those women was considerable. Of course, it is not just the women themselves: it also affects their partners, parents and children. I left that meeting and continued with the rest of the day but it was still on my mind so, when I got back home, I rang the Women's Information Switchboard. I had not heard much about the WIS—it must have been very new, but it had been promoted quite recently—so I thought that I would try out the service to find out what we in the country could do about a breast cancer unit that is better than the one we have about 400 kilometres away at Whyalla and whether it was possible to get one in Port Lincoln.

I rang the Women's Information Switchboard and was directed to Margaret Dorsch of the Queen Elizabeth Hospital. I rang the hospital and got straight through to Margaret, who told me that it was not a matter of getting a breast cancer scanning unit for Port Lincoln because Port Lincoln is too small and it is a very expensive piece of equipment, which meant that we would have to raise a lot of money. I asked her how expensive the equipment would be. She said that the one she was looking at was $300 000; however, she said that it was not one that you put in a room but a mobile breast cancer unit that could service all the regions. Of course, this was exciting to hear and I thought how wonderful it would be if we could have a mobile unit that could service all country women, because women in the country then—at least those in my region—were having to go to Whyalla or Adelaide. Those women who were found to have something unusual definitely had to go to Adelaide, which was extremely expensive.

I told Margaret that we would have to raise the $300 000, so I tried the bank that we were banking with because I knew that it had a female head in Adelaide while Margaret tried to enlist the support of the Lions Club through a friend of hers. She rang me back later, very excited, because she said that they had been able to start a trust fund—I had offered to start a trust fund as I worked in an accounting practice at the time—and that she had her first cheque in it. The bank that I went to about a week later said that it was very keen and would love to do something with this, and that came from the female head of the bank in Adelaide; however, it had to go to Sydney for approval, and you can imagine my disappointment when the announcement came back that the bank, which I shall leave unnamed, did not believe that having a breast cancer unit would be a positive thing for it. I had suggested that the bank's name be emblazoned across the unit as positive advertising, as I considered it to be. It was a man in Sydney who decided that it was not positive advertising and that the bank would not support it. Fortunately, Margaret Dorsch had a lot more success with the Lions Club and, in the end, the Lions Club came in behind the mobile breast cancer unit.

It was not until 1993 that I got into parliament. It was interesting, because I had been looking at what I was going to do with my future. I had started a business plan for making horseshoe nails, as they were being made in England under licence to Sweden at the time. I thought that BHP would have that kind of alloy needed. I had started my business plan and had worked out all the things that you need. I wanted to start small and grow in export potential with all the requirements you need to start a small business and make it grow into a big business to employ lots of people in a regional area. However, I was then offered the opportunity to go into politics. I looked at the future. I had two children at university, my family was healthy with no problems on the horizon and so finally, I signed on the dotted line.

It was like all hell broke loose from then on, because my brother died of cancer, my mother got cancer and I had no sooner got in when I got cancer myself, and then my mother died. The cancer that I got was breast cancer and the reason it was detected so early was that I had a lump checked that

was not cancerous but alongside it a smaller cancer was detected. It was detected by the mobile breast cancer unit that came to Port Lincoln that I had put such effort into.

My telephone bill that year was over $500 just for that quarter; my husband was slightly horrified. It was because of that mobile unit that I was found to have breast cancer. Unfortunately, the people in Adelaide—even then you had to go to Adelaide to get it confirmed—had gone to a conference and it was about a month before I actually found out that I had cancer and had the operation. Since then—and that was only in 1994—we have come such a long way.

The breast cancer lymphedema unit at Flinders was mentioned. It was opened in 2003 and I visited it in 2004. I had not heard of lymphedema. I did not know that it was possible. Being a country member and flying backwards and forwards, I wondered why my arm was getting so itchy—and, of course, it was swelling because I was going up in the air so often. Now I do exercises; for example, when I wash my hair, I dry it with my left arm so that I get the necessary arm movements. You do learn about what you have to do from the knowledge that is out there now that was not even mentioned in 1993. All the knowledge that is coming through now is because of the awareness campaigns that have been put forward, such as the Pink Ribbon Day, the Pink Ladies and the Dragonboat Ladies. These ladies who have raised enough money to have dragonboat races in Port Lincoln. They have been doing special events overseas and extreme sports just to show that this is not a life sentence or a death sentence—that you can keep on achieving in your life.

I know that at the time (that is, 1994) I did wonder and I very nearly stood down from this job because I thought what will hit me next? A few other things arose as well. It is something about life that things come in heaps. My two children, who were at university, both suffered from pretty severe depression. I thought that I would have to give up this job. However, as with most people, it is the support out there that helps you through these times, and that support is so much greater now because there is so much more understanding and so much less stigma about speaking about cancer. Back then (and previously when my husband had cancer), you did not talk about cancer. It was one of those things—a bit like mental health is now—that you did not bring up in conversation.

I am very pleased with the work that is being done in the community—the Pink Ribbon Day, the Pink Ladies. They have such a wonderful spirit. For many of them, it has made their life far more exciting than perhaps it would have been. Many of them have told me that it has been a positive in their life. I support wholeheartedly the motion for supporting Pink Ribbon Day. I am thrilled that the awareness is so much greater now, as is the realisation that early detection is so important. I support the motion.

The Hon. P.L. WHITE (Taylor): I join with members of this house in acknowledging the importance of Pink Ribbon Day on Monday and to pay tribute also to all those organisations and people on the ground who are doing so much good work in raising awareness and funds for research and improvements in the management of breast cancer. I am sure that many members have been touched by this in one way or another, either directly or through people dear to them. For those women who are not aware, BreastScreen Australia offers an excellent service, and now that I am in the age bracket, I certainly avail myself of the free mammograms that are available to women over 40 to try to help stem this very debilitating disease, but something from which women can recover if it is caught early enough.

In her motion, the member for Morialta talked about the importance of early detection and the services provided for people with breast cancer and their families. She also complimented the work of the Cancer Council of South Australia, and I also do that. However, one organisation which has not been mentioned so far and which deserves mentioning is the National Breast Cancer Foundation for the work it does in funding research into breast cancer. It is a national organisation. It is a not-for-profit organisation which funds research into prevention, diagnosis, treatment and support for those who have breast cancer. My understanding is that all the funding raised is peer reviewed to ensure that it goes into research that is novel and a new contribution is made towards the research into breast cancer.

They also run a number of events and facilities for people with breast cancer, or their families. In South Australia, the foundation has contributed over $1 million in research grants, specifically the Kathleen Cunningham research grants. One of the reasons that I am so keen on breast cancer research is that the benefits of screening and early detection are being felt, with better diagnosis, better treatments and better hope for prevention of breast cancer into the future. The research in the past 10 to 15 years has meant that having breast cancer does not always mean the disfiguring surgery that it used to mean. Now it can mean the removal of a lump and maintenance of the breast.

The other thing that has resulted from research is the knowledge that screening can be an effective detection, if detection occurs early enough. There is much greater chance of survival (as has been mentioned) for those whose cancer is detected early. However, there is still a long way to go in the research because early detection screening is not as effective in young women. It is effective in older women. That is to do with the make-up of breast tissue in young women as opposed to older women. We need more research to improve early detection, particularly in young women. I think many people became aware recently when Kylie Minogue detected breast cancer. Closer to home, some very young friends of mine were diagnosed with breast cancer—and they are women in their 30s. The combination of early detection and better treatment has led to a steady reduction in the death rate emanating from breast cancer over the past years.

Doctors can now better detect how particular types of breast cancer will react to treatment, and they can better match most effective treatments to their patients. But, despite all the research, there is a lot that still is not understood, and the consequence of not understanding is not saving. I know that there is a high level of support for breast cancer research and financial contribution to breast cancer research among members in this chamber, but I urge all members, and our community, to get behind Pink Ribbon Day on Monday and to play a part in not only raising awareness but also raising the vital funds which will lead to the sort of research that will save even more Australian and South Australian lives.

Dr McFETRIDGE (Morphett): I rise to support this motion. It is a very important motion and, as members in this place will be aware, I have raised the issue of testing for breast cancer on a number of occasions but, more particularly, the use of genetic tests for the detection of breast cancer. It is now well-known that men and women who carry the BRCA1 and BRCA2 genes are more than 90 per cent likely

to develop particularly breast cancer but also many other forms of cancer. It is vital that governments, both federal and state, ensure that finance is made available for genetic testing for many types of cancer, but in this particular case testing for the BRCA1 and BRCA2 genes, which pre-dispose men and women to breast cancer. It is a disgusting trend in the world that many medical tests are being commercialised. The test for the BRCA1 and BRCA2 gene is being patented by some companies and the tests will cost up to $5 000 at a time. This is not a thing that we as members of parliament should tolerate. It should never be health care for the rich. This is far too important an issue to allow base commercialism to take over. We should ensure the funding and the availability of tests, whether for breast cancer or for any disease that can be detected at an early stage. We can save billions of dollars by testing for predisposition to disease, and we must dedicate funds to it.

We should remember that breast cancer is a disease of men as well as women. The normal palpation or mammograms used now are nowhere near as good as genetic screening. A good friend of mine has a genetic history of a BRCA1 and BRCA2 gene in her family. There is more than a 90 per cent chance that she will be afflicted by breast cancer by the time she is 40 years old, and I think there is a greater than 60 per cent chance that she will die of breast cancer, or one of the other cancers associated with these genes, by the age of 40 years. So testing for breast cancer via genetic tests is something that I would strongly encourage the government to support.

I have introduced private members' bills in this place to ensure the availability of genetic testing for many diseases, but under this particular motion we are talking about breast cancer. I support the motion and hope the government will seriously consider ensuring that women—and men, if there is a familial history—are able to have the tests so that we can stop the devastation that is caused by cancers in many families in South Australia.

Ms BEDFORD (Florey): I have no hesitation in supporting this motion, and I thank and congratulate the Cancer Council of South Australia on its important and continuing work. In particular, I would like to mention today the work of Lyn Hill, who recently received a COTA award for her work in establishing and promoting Dragons Abreast, that wonderful group of cancer survivors who compete in dragon boat racing. In her acceptance speech, Lyn acknowledged the work and participation of many who have seen the dragon boat racing team become an important part of rehabilitation. In fact, as the member for Morphett just said, men are also cancer suffers, and Lyn mentioned that the first male survivor had joined Dragons Abreast, and he will probably get a lot of attention, I would think.

Both my parents died of cancer and, while it was not breast cancer, those events certainly changed and shaped my life and made me vow to do my very best to look after my body and allow it to be as healthy as possible, because I feel that the body can fight disease. We all know we have predispositions to some diseases, but it depends on just how well we keep ourselves to allow our immune systems to fight those diseases. I thought the way to do it would be through exercise and diet. I got myself a dog: I have had a number of dogs and I have worn out several of them. I eat fresh seasonal fruit and vegetables, particularly broccoli, as often as I can. And, so far, so good, is all I can say to everyone here. I have done my best to cut out many of the no-nos, although I am still working hard on my big failure—chocolate.

I pay special tribute to the Pink Ribbon campaign, as anything that makes people think about cancer and take action is very worthwhile.

Mrs Hall interjecting:

Ms BEDFORD: It is the best vegetable. You watch it. I also recognise the work of my constituent and great friend Mary Gallnor and her daughter Alex Cannon, both of whom are survivors: they are passionate and wonderful people who now do all they can not only to share their experiences and knowledge but also to make people aware and then make them take action—and woe betide anyone who does not listen to Mary Gallnor on all her passionate interests in life!

All of us, of course, have had close encounters with breast cancer through friends who have had it. One of my friends, a lady called Deborah Cleland, eventually succumbed to it after many years and a really great fight in the early days. Her courage was essential in making me aware that anything we can do in this place is very important, so I think this motion is very important in ensuring that we get the message out to our communities and making sure everyone takes notice of it. I know how much Deborah valued the support she had not only from her family and friends but also from the cancer services that she accessed after diagnosis.

Priorities change when you have a threat against your health and it becomes your prime focus. I am sure that all of us here have nursed family members through things much less traumatic than cancer, but your emphasis certainly shifts. Fortunately, medical science continues to make great advances and discoveries in both treatment regimes and surgical procedures, not to mention the new drugs that are coming on line all the time. While being costly, research and development is a very important part of the fight—one of the key planks in the fight against cancer—as is a better understanding of prevention. It is widely acknowledged that breast feeding plays an important part in preventing breast cancer, not to mention the terrific start that it gives a baby in life. I hope that the women in here particularly will do all possible to ensure that more is done to promote this important step in the well-being of both mothers and babies.

In closing, while we are each ultimately responsible for our own health, we can play an important role in the health of those we love and all in the community. What better way to keep alive those near and dear. I commend the motion.

Mr BRINDAL (Unley): I too wish to speak in support of the motion and, in doing so, want to share something with the house going back 31 years to 1974. In 1974, my mother was taken to hospital and she had a small growth on her inside left thigh that had to be removed. I did not think anything of it, as you do when you are young and fairly immortal. I went to hospital and asked, 'How did you go?' and she said, 'I nearly lost my leg,' which gave me a shock. You do not go in for a pimple and lose a leg. I asked, 'Why?' and it was because she had a cancerous growth inside her leg—a small sunspot. Dr Don Baird removed a piece as big as your fist from the inside of her leg.

I was due to go on an exchange to Great Britain the next year. I went to see our family doctor and he basically said, 'Your mum is not going to be here when you come back.' I also went to see our priest, because mum was religious, and he said the same thing. I asked, 'What do I do?' and he said, 'If you don't go, that will kill her more certainly than if you do go.' So, I went overseas. Mum lived not only for another

year but for 13 years because of the skill of surgery. The cancer progressively went through her entire lymph system, and every couple of years she would go in and they would chop out another bit until, finally, in the January of the year before I was elected, she was in hospital. They operated on her—and by this stage I was a bit immune to the operations even—and she was not getting better. In February she asked the doctor why she was not getting better and he said, 'It is because your intestines are so indistinguishable from the growth that there is nothing more we can do, and you are dying.'

At that stage she was still teaching, she was still driving a car, and she was still attending Liberal council meetings and making sure she knew that the world was Liberal—and it should be—and that God was in heaven. These were two things that my mum knew. She was indomitable; she was an amazing woman. Incidentally, she was also putting my granddaughter through Walford, and teaching and driving with a great growth inside her. Although we should not talk about sexist things, she is a great testament to women; I do not know any part of the human species as strong as a woman with determination. There is something incredible about women when they are determined. She had a stomach filled with cancerous growth and she was driving a car, she was working and she was attending functions, because she wanted to put my grand-daughter through Walford.

She approached the education department—which, I have to say, whatever its failings as a bureaucracy, has traditionally been stunning towards people who find themselves in long-term trouble. The department has bent over backwards, not just for mum but for lots of people over the years. If somebody gets into trouble after 40 years—for example, if they have a heart attack—traditionally, the education department has done everything it can to ease them from work to retirement with as little financial burden as possible. As soon as mum found that that was happening to her, she took to her bed and basically died some months later in Mary Potter Hospice, a few months before I was elected.

That is a personal story in support of this measure. Allied with that, because I am a bit older than some of you, I mention a great friend of mine—and I do not think it is remiss to mention her name, Jane Verco—who married Tim McLeod, an ex-Woodville footballer from some years ago.

The Hon. M.J. Atkinson: I went to school with him.

Mr BRINDAL: That is the only bad thing I know about Tim McLeod.

The Hon. M.J. Atkinson: He was a ruckman in our team and he was the only kid to play for Woodville.

Mr BRINDAL: Yes.

The Hon. G.M. Gunn interjecting:

Mr BRINDAL: As the member for Stuart says, I first met Jane when I had a student teacher coming the next day. The only way you came to Cook was on the train. It was a Sunday night and I was home when the back door flew open and two rather unkempt young men came in, followed by Jane who said, 'I am your student teacher.' It was about eight o'clock at night and I thought that I was about to be attacked or something. Jane stayed and became a great teacher for the school of the air. The point in line with this motion is that she married Tim McLeod and they had two children, and she developed breast cancer. It was the most tragic of stories. She was a young woman in her early to mid thirties. Her oldest son, I think, at the time was 11 or 12. She had a younger daughter. She went through the various treatments and, every time she thought she was going into remission—she was always within a day or two of being declared in remission—it would flare again, more virulent than the last time. She fought and she fought hard, but in the end it killed her.

I suppose the death of a parent is significant in your life but, of equal significance, is when you lose somebody who you really admire, who is a lot younger than you and who has everything to live for. As far as I was concerned, she was a wonderful human being. I do not know of anything she did wrong. However, she was carried off by this disease, over which she had no control. People here have mentioned Mary Gallnor, who I would class as a personal friend. She is an indomitable spirit. One great thing about retiring will be not to have to take Mary Gallnor's missives on euthanasia and her endless attempts to convert me, in the greatest of spirits. She is an indomitable person. She has fought cancer.

The Hon. M.J. Atkinson: Do you remember the circumstances in which you did vote for the second reading of the euthanasia bill?

Mr BRINDAL: Yes. We do not need to go into that now. I do, and I still regret that. Mary Gallnor is a person known to me. From those two personal experiences, and from the experiences of other people whom I know and who are known by this house, I commend this motion. I particularly commend the member for Morialta for adding all forms of cancer, because I do not think the debate would be complete without mention of the fact that men also are often subjected to peculiar and gender-related forms of cancer. For men, the problem is prostate cancer, for which every male over the age of 50 should be checked regularly by having both an examination and a blood test.

One of the good things about the motion we are debating is that women, and the community generally, have put breast cancer squarely on the agenda, they have addressed it, and we would now hope that no woman will develop breast cancer having been ignorant of what they should do. I am not saying that it does not happen, but we hope that, because of the amazing work that women and the medical profession have done, breast cancer is much more to the fore.

I know there is a problem, because prostate cancer takes a great many more men than people realise. I think the figure for men dying of prostate cancer is in about the same range as it is for women dying of breast cancer. The problem is that, men being men, they sometimes do not like to admit that they are as mortal as everyone else and are less inclined than women to go and learn about this illness and do something about it. I commend the member for Morialta for moving this motion and for drawing the attention of the public to cancer in all its forms. I congratulate the Cancer Council and hope, along with the rest of the community, that it is a medical condition for which, like so many others, one day there will be, if not a cure, an alleviation that allows people to have a longer and happier life and to go to their death with more dignity than many of the people who, unfortunately, die from a cancer-related illness. I commend the motion to the house.

Ms THOMPSON (Reynell): I also wish to commend the member for Morialta for once again raising this matter in the house in a timely manner. I hope this time we will vote on it rather than postpone it. I recognise that everyone has been brief, and I also will be brief. I noted an article in *The Advertiser* with the headline 'Breast cancer drug a success', which referred to the drug Herceptin. It stated:

> An international trial has shown a breast cancer drug reduces the risk of the disease coming back in some women by 46 per cent. Cancer experts say some women pay around $60 000 a year to get

the drug, Herceptin, and peak cancer groups have called for it to be urgently listed on the Pharmaceutical Benefits Scheme. The trial has been described as the biggest breakthrough in breast cancer research in 30 years, bringing new hope to between 20 and 30 per cent of breast cancer sufferers.

The article further states:

Royal Adelaide Hospital cancer centre director Professor Ian Olver said Herceptin is funded by the Government for advanced breast cancer but not early stage cancers, forcing some early stage women to pay $60 000 a year to get the drug. 'I think there is a very good case for putting it on the PBS,' Professor Olver said.

I noted that, in this year's federal budget speech, there was a commitment to continue special funding for the life-extending drug Herceptin to treat breast cancer at a cost of between $50 000 and $100 000 per patient year.

I have some personal testimony in relation to Herceptin. I think everyone in this house has family or a friend who has been affected by breast cancer. In my case, it is a friend who has had metastasised breast cancer for over four years now. She considers that she is alive solely thanks to Herceptin. She was in a position of having to pay $60 000 a year. She was able to access her invalidity pension in order to fund her payments of Herceptin, and her family supported her living costs. She has been in and out of various experimental programs that allowed the prescription of Herceptin. However, what is happening at the moment is that a number of oncologists are being very creative in the way in which they prescribe Herceptin to women at different stages of dealing with breast cancer.

Herceptin, in my friend's opinion, has enabled her to live longer because it has minimised the progress of the disease and allowed chemotherapy to be much more effective. In her case, she had 43 spots on the liver at one stage. Her liver now looks like it has been resectioned, but all that has happened is that the cancers have been eliminated. She also had multiple tumours on the lungs. We all expected her to die about four years ago: we all went to say our goodbyes. She found an oncologist by chance who tried Herceptin and, as I said, four years later she is still alive.

I know that we have to be very cautious with taxpayers' money and not just throw drugs at people in the hope that maybe something will be done. However, I also urge the federal government to consider the outcomes of Herceptin treatment, particularly from the perspective of survivors, and to consider how it can be made available more widely to those women and the few men who will benefit from it.

I personally am very grateful to those oncologists who have enabled my friend to receive Herceptin, as well as for the fact that she was wise enough to have a superannuation fund that gave her invalidity support. Strange as it is for me to wish a drug company well, I hope that the submissions made by Roche yesterday were successful and that if any of us ever needs Herceptin it is available to us without our having to take our invalidity pension.

Mr GOLDSWORTHY (Kavel): I commend the member for Morialta for bringing this matter to the attention of the house. I recall that the member for Morialta moved a similar motion this time 12 months ago, and I had the pleasure and privilege of speaking briefly to it at that time. This is an extremely important issue. Talking from a personal perspective, thankfully, no women in my immediate family have suffered the plight of breast cancer but, like everyone in this chamber, we have had friends and people reasonably close to us who have. I have witnessed the wife of a reasonably close friend, the President of one of the Liberal Party branches in my electorate, go through a pretty arduous ordeal in dealing with her breast cancer issues. This lady has gone through the initial stages of treatment and had some pretty intrusive surgery and, thank goodness, she is recovering from that and is undergoing the next stage of treatment to, hopefully, completely kill the cancer in her system.

Following from the member for Reynell's contribution, I presume that she was speaking about some new research just completed that has put another drug on the market. I heard a little bit of information on the radio news this morning about it and how unfortunately costly that treatment is. I understand from what the person on the radio was saying this morning that the cost of this treatment is up to $50 000 or $60 000 per annum. I certainly support the member for Reynell's comments, if that is what she was alluding to, that those costs be defrayed through federal government support. I am a pretty strong believer that you cannot put a cost on health and the treatment of severe diseases to see people healed of them.

One of the most important issues that the government faces is looking to increase its level of funding in a whole range of health-related issues. I know that the budget stretches only so far: I have a reasonably good understanding of that; but providing satisfactory levels of health service is one of the most important issues that we face as a parliament and a government, both state and federal. In a small way, I am very happy to have contributed to the cost of these pink ribbons that we are all wearing today. I note that the little slip that the ribbon came with states:

Thank you. By purchasing this item you have helped the Cancer Council of Australia to fund quality breast cancer research; provide practical support services for people affected by breast cancer; supply breast cancer patients and their families with up-to-date information; and run awareness and prevention programs to reduce the incidence of breast cancer.

We would all agree that purchasing this ribbon is a very small contribution toward achieving those goals that the Cancer Council sets out to achieve. The member for Florey spoke about the initiative Dragons Abreast, whereby women undertake dragon boat racing. That reminded me that about 12 months ago I was approached by one of my constituents who had a pretty active involvement with this dragon boat racing initiative. This lady came to my office to see me and explain what it was about. They were going overseas to engage in dragon boat racing, specifically to do with raising funds for breast cancer research, treatment and associated activities. I was very pleased in a small way to contribute to that fundraising initiative so that the women could pay for their travel costs, accommodation costs and the like to attend this sporting event overseas.

I have been very pleased in a small way to assist those people and the initiatives in general to see that increased funding, awareness and support activities are promoted to assist women who suffer from this extremely debilitating health problem.

Ms CICCARELLO (Norwood): I would just very briefly like to add my support to this motion. At this stage I have to out myself as one of those women who has never had a mammogram. A very dear friend of mine died from breast cancer about 15 years ago and I currently have a friend who is undergoing chemotherapy for cancer. I have been involved in many programs to raise money for and awareness about breast cancer. In fact, two years ago, when I was asked to, I spent 20 hours decorating a bra which was then displayed in

one of the arcades in the city, and that was to raise awareness. But I still have not done anything about taking heed of this very important issue. I always ensured that my mother had regular mammogram tests, but I guess this is just an example of how much more work there is still to do because there are probably tens of thousands, if not hundreds of thousands of women in this state who have not availed themselves of this service. I would like to commend the motion of the member for Morialta. I guess now that I have outed myself I will have to certainly ensure that I do the sensible thing and have a test.

Mr SCALZI (Hartley): Mr Deputy Speaker, I will be brief because a lot has already been said. I, too, support this motion and commend the member for Morialta, that today we do acknowledge the importance of Pink Ribbon Day on 24 October. It is fitting to pay tribute to the outstanding work carried out by the Cancer Council of South Australia, which raises awareness of breast cancer, and other forms of cancer, as well as the importance of early detection through breast screening programs, and we note the significant progress made in the provision of support services for the victims of breast cancer and their families. Apart from the medical services and those who are involved in that regard, I thank the many volunteers and organisations that really are close to the people who are faced with the knowledge that they have breast cancer, or indeed any other form of cancer.

Many of us have relatives or close friends who have suffered from breast cancer. My dear aunt, the sister of my father, passed away from breast cancer, so I saw first-hand the effect of that. I will not keep the house any longer; but it is important that we are all aware of breast cancer. It is not only that we are made aware of it when celebrities have breast cancer but in reality we see it in the community, as I said, with relatives and friends. I commend the member for Morialta. It is important to reflect on those who suffer from this illness, not only physically but from the emotional stress they go through, and their families. I commend those who comfort them in that difficult time.

Motion carried.

EYREIAL AG SERVICES

Mrs PENFOLD (Flinders): I move:

That this house requests that the government—

(a) make an ex gratia payment to Kevin Warren of Eyreial Ag Services for expenses incurred in providing his aircraft to fight the January 2005 bushfires on the Lower Eyre Peninsula;

(b) implement recommendations (i) to (iv) of the Bob Smith report requiring the CFS to—

(i) engage regionally-based aerial services during the bushfire seasons;

(ii) review the utility of contracting locally based water bombing aircraft to cover initial responses;

(iii) implement a trial for aerial surveillance services for the 2005-06 bushfire season on Eyre Peninsula; and

(iv) examine the utility of entering into contracts for the provision of aerial bushfire surveillance, water bombing and intelligence as a private firefighting unit.

In moving this motion, calling on the South Australian government to make an ex gratia payment to Kevin Warren for the expenses he incurred while fighting the bushfire on Lower Eyre Peninsula, I commend his efforts, as well as those of his son, Tony, and pilot, Derek Hayman, who saved lives and property while putting themselves at risk. To date, Kevin has not received any reimbursement for costs incurred. However, on Monday he rang me and said that he had decided not to put in an account and that he will not request reimbursement of his costs. Very unselfishly, he is prepared to wear those costs as his civic responsibility but, in my view, he should not have to do so. It was interesting that the government made no offer to compensate Mr Warren until the matter was raised by the Hon. Ian Gilfillan in a motion moved in the Legislative Council on 6 July 2005, following which Mr Warren was contacted by the CFS and asked to submit his account. He has not done so, given that he places no emphasis on his efforts and, quite rightly, has to focus on his business of agricultural aerial spraying.

Mr Warren offered his services to the CFS on both the Monday afternoon and Tuesday morning of the bushfire. His offers were not taken up, as stated in the Bob Smith report. Tony Warren provided aerial surveillance and intelligence to ground crews on the Monday evening and dropped water on hot spots. Kevin, his son Tony, and employee Derek Hayman, also took to the air on Tuesday, using their spraying aircraft as water bombers in dangerous conditions to protect homes and property and to provide vital aerial intelligence.

It was not until midday on Black Tuesday that the CFS eventually asked Mr Warren to assist in the firefighting effort. By this time, the fire was raging out of control. I was stunned that Mr Warren was not officially called upon until after midday on Tuesday, and this was done on the basis that he first meet a set of non-negotiable criteria. The CFS message read:

Approval is given to you to utilise a.c.f.t. [aircraft] by 'Warren' of Region 6 subject to the following criteria:

1. Must have $10 million of public liability insurance.
2. Must have comms [communications] with AAS [Australian Aerial Services] (acft VH-LMA).
3. Pilot(s) and acft must be rated to undertake fire operations tasks.

All not negotiable.

Region 6 DO to confirm in writing.

The signature on the form is indecipherable. This agreement was one we thought would be put in place after the Tulka fire. We have only just received the report on that fire. The Tulka Fire Incident Management Analysis states:

These private bombers were utilised throughout the incident despite directions to the contrary.

Exactly the same thing happened again at the next fire in Wangary—that is, the feeling that 'No, we don't want these aircraft to be involved, despite not having aircraft on Eyre Peninsula.'

An area similar in size to that reaching from south of Adelaide to Two Wells and from the sea to Murray Bridge was in flames. Houses, sheds, implements, livestock and fencing were on fire and, tragically, people were fleeing the flames and choking from the smoke. Communications over this area were blacked out. Roads were impassable. Smoke and ash were blinding. Water supplies did not exist, pipes had buckled and burst.

At a time like this, a message comes through that local aircraft could be utilised for aerial firebombing, provided that some non-negotiable terms were met. How, in a scenario like that, could Mr Warren double his public liability insurance to $10 million? This criterion made it impossible for him to comply with and be able to fly in official capacity. As my mayor would say, 'Blind Freddy would know that you cannot secure millions of dollars worth of insurance at the last minute'. It is a requirement that should have been dealt with years before.

The CFS wanted Mr Warren to waste precious time filling in forms while the world around him was burning. Mr Warren had no hope of complying with the demands at such short notice, but he flew his planes at his own risk and expense, anyway. It says a great deal for his humanity and compassion that people were of more concern to him than the demands of bureaucracy. He and his pilots saved lives and property. The smoke over the centre of the fire and to windward was so dense that the planes could only work around the perimeter of the fire. The small settlement of White Flat towards the centre of the stricken area was one of the worst hit. One home remained standing and even that home was partially burnt. Aerial water bombers were requested late Monday afternoon by those on the ground fighting the fire. Under CFS procedures, the approval for provision of aerial bombing aircraft is handled centrally. One of the reasons given for not calling in local aerial water bombers was that the contract for this work was let to another company. Yet, the belated request to Mr Warren on Tuesday confirms that the CFS can call in other aircraft than the official contractor.

The knee-jerk reaction of the government and its ministers is to condemn criticism of volunteer firefighters as though, by this specious action, they will deflect criticism away from where it rightfully belongs. I know that the volunteer firefighters on Lower Eyre Peninsula and the communities that support them would agree wholeheartedly with Mr Warren being reimbursed, but, as I have stated, he has decided not to put in an account as it was his civic duty and he believes that next time, hopefully, there will be bombers on Eyre Peninsula and that he will not be needed. It is still my concern and the concern of the community that he have some kind of a contract that will enable him to self-respond if it is believed to be necessary and if he believes it to be necessary and to be reimbursed.

The events of Black Tuesday emphasise once again that the response to the fires must be immediate and adequate. To help achieve this, the government must implement recommendations (i), (ii), (iii) and (iv) on page 79 of the Bob Smith report, which requires the CFS to engage the services of regionally based aerial contractors during the bushfire season as follows:

(i) the CFS develop contractual frameworks which could be used to engage regionally based aerial services with the requirement for extensive local knowledge, to provide bushfire surveillance/intelligence services during the bushfire service.

(ii) the CFS review the utility and efficacy of contracting the use of locally based aircraft capable of undertaking water bombing, benchmarked against current centrally located water bombing services, particularly to cover initial response.

(iii) the CFS, subject to positive assessment of work in recommendation (ii), trial the implementation of these contracts for the provision of aerial surveillance services during the 2005-06 bushfire season for the Eyre Peninsula.

(iv) the CFS examine and communicate to the community the utility/practicality (e.g. in terms of benefits, liability, operational aspects) of entering into contracts for the provision of aerial bushfire surveillance and intelligence, with the aircraft concurrently performing water bombing activities as a private firefighting unit.

These must be put into practice as a matter of urgency before the bushfire season starts in November, preferably before. These recommendations are nothing new. They were included in reports following the major fire at Tulka, south of Port Lincoln, in 2001. During that fire, Kevin Warren and his pilots also fought the fires on their own initiative. Those recommendations from Tulka were in the process of implementation when the current government came to office in 2002, but it has taken a much more devastating fire and the tragic loss of nine lives to get the issue back on the government's radar screen. Those recommendations are included at the back of the Bob Smith report. Number 4.4 recommends 'procedures for use of plant need to be formalised, including protection requirements', which would allow for the CFS to use other plant on a 'call when needed' basis. Under the heading 'Action taken by the CFS since the Tulka fire', it describes this recommendation as 'partially complete' after three years.

After this year's fire the CFS started having lots of meetings with Kevin Warren about coming to some sort of arrangement, but nothing has been finalised and the new bushfire season starts next month. There would not appear to be any other such 'call when needed' agreement in place on Eyre Peninsula for the use of other equipment owned by private individuals, local councils or even the MFS, who have told me that they were not informed of what was happening during the fire at Wangary. The Bob Smith report also shows that recommendation 4.4 also calls for 'spare mobile radio kits [to] be made available for private vehicles, plant, etc.' and this recommendation is described as 'complete'. It has not been implemented either, even though it is noted as complete.

I only have to talk to the mayor about the offers that were made by his council that were not taken up on the Tuesday of the fire. Where were those spare radios on 10 and 11 January of this year? I can assure you that they were not in Kevin Warren's planes. The Minister for Emergency Services, the Hon. Carmel Zollo, said in another place, 'You—meaning the previous Liberal state government—did absolutely nothing after Tulka, and we have acted.' It was her own government that she was castigating for inaction because it has had three full years to put the Tulka recommendations into practice, not just to say that they are complete, but actually put them in action. It is a disgrace that the recommendations from the Tulka report were not acted upon, and I put the government on notice to immediately implement Bob Smith's recommendations in relation to contracting regional aircraft and implementing the fire protection.

The volunteer response at ground level on Monday 10 January when the fire started was immediate. CFS brigades were supported by non-members, all of whom appreciated the necessity to not only contain the fire but extinguish it as well. The practice of controlling and containing bushfires must be considered a first step only. It is at this point that responses must be adequate for the circumstances—both the circumstances of the day and the days following.

The volunteers fighting the fire near Wangary on the afternoon and evening of Monday 10 January and Tuesday morning 11 January called for a greater recognition of the dangers of the situation and therefore a more adequate response than was forthcoming at the time. The fires must be extinguished. When 1 800 hectares has been burnt on a Monday night, with a major fire ban day the next day, and fire bombers are not sent across but sent to a 12-hectare fire in the South-East the following morning, there is something very wrong—1 800 hectares, with a huge fire front, has to mean that some of it will still be alight. We must learn from

past mistakes and put in place procedures that eliminate these errors.

Surveillance is an important part of prevention, as well as fire control. Country people, especially in the fire season, are ever watchful for telltale signs of smoke indicating a fire has broken out. Ground crews can in the majority of cases identify the fire progress and perimeter. It is those instances when the fire is largely in hilly terrain or national parks that aerial surveillance enables a more targeted response and makes firefighting more efficient and safer for firefighters.

South Australia has had a number of major fires in national parks and conservation parks, and there are many of these on Eyre Peninsula. Access in these areas is difficult and extremely dangerous, since it would be easy for fire crews to be trapped. There is a major concern over there at the moment because the native vegetation for the firefighting plan for Port Lincoln still has not gone through.

Aerial surveillance has been used in the past and has proved extremely beneficial. The cost of aerial surveillance would be minimal in the state's overall firefighting budget since it would only be used during significant fires. The advantages of aerial surveillance intelligence, coupled with crews working on the ground, have been proved.

The Hon. P.F. CONLON (Minister for Transport): It is regrettable that I need to oppose this motion, because it should have been withdrawn. My advice and my understanding about the attitude of the people in question, and for whom this private member's motion purports to serve, is that they do not want this to proceed. They do not want an ex gratia payment from the government. My advice is that they also did not want this motion moved on their behalf. I can only ask the house to consider, if the motion is not to be moved on behalf of the Warrens, whom it is purported to serve. Just whose benefit is it to serve? I must ask why the honourable member, who acknowledges in her contribution that the Warrens do not want an ex gratia payment, would continue to move a motion in this place asking the government to pay them one. Will we force them to take it? The honourable member also, I think, quite—

Mrs Penfold interjecting:

The Hon. P.F. CONLON: I had to listen in silence to the honourable member's quite inaccurate contribution; she may wish to listen in silence to my accurate contribution. We will oppose some of the other things, too, because the member for Flinders should know that either they have been done or are in the process of being done. She also says that nothing has been put in place. One of the things that has been put in place for this fire season is a new fully-funded aerial firefighting service for the Eyre Peninsula. I point out to the house for the benefit of the member for Flinders that that was done in close consultation with the Warrens. The Warrens support what the government is seeking to do in that regard. In fact, I think some of the Warrens' fixed infrastructure will be used in this contract.

In addition, the CFS has sent the Warrens a copy of a new 'call when needed contract'. Regrettably, the Warrens have a lot of work and they have been busy and have not been able to reply to that, but they have it. The CFS will be meeting them again in a couple of weeks. In the meantime, the arrangement which was in place before, under which the Warrens have operated and under which they operated in Tulka and were made an ex gratia payment in that case will be in place. There is an offer for the Warrens to consider. My understanding is that they do not wish to have a contractual relationship.

That may or may not be right, and that is a decision they are still finally to make. However, there is no doubt that it is misguided for the member for Flinders to come in here and purport that she is doing something for some people in her electorate when it is something that they do not want. My understanding of the contact has been that they also do not want the motion to proceed.

Mr Goldsworthy interjecting:

The Hon. P.F. CONLON: Yes, they would sack her, and they wanted to get it on the record.

Mr Goldsworthy interjecting:

Mr Koutsantonis: He is muscling up.

The Hon. P.F. CONLON: He was another one whom they passed over when they looked for someone to fill a vacant spot on the front bench. They had a look around and decided it was safer to leave the spot vacant than to promote—

Mr Scalzi: Beware the ides of March.

The Hon. P.F. CONLON: The member for Hartley says 'Beware the ides of March'. It is the 18th, not the 15th. It is my birthday on 19 March, and I am looking forward to a very happy one next year. Angus Redford came to see me off at the airport yesterday and I told him, 'You do not have to say goodbye until March, Angus.'

Mr Scalzi interjecting:

The Hon. P.F. CONLON: I have a brother called Joseph—we are a good Irish Catholic family. I do not mind being called frugal as a good Irish Catholic. Apparently, being called good is a big insult in Joe's part of the world.

To come back to the point, what a shallow contribution to rely on the report of Rob Smith and to quote him as a source saying that some recommendations had been only partially concluded, and the member for Flinders relies on that. But when he says that a recommendation has been completed, it is not to be trusted. It is an independent report, not a Cadbury selection box. You do not just take out the ones you like.

No-one on this side of the house feels anything but sadness at the consequences of the bushfires in January. I spent a great deal of time there with the locals myself, and we regret that any of it ever happened, but bushfires do happen in Australia. The Liberal opposition has tried in this place over the last few weeks to try to convince people that the bushfires are the fault of the Labor government. There are many ways to climb back into political relevance, but on the back of a tragedy affecting so many people is one of the lowest and shabbiest. This is a totally irrelevant opposition grasping at any straw, but can I say this: it is not all of the opposition, because there are members of the opposition who do understand the reality and the challenge of bushfires and have been rather slower to make foolish criticisms.

If anyone wants to go over the events of the night, I recall what occurred, and I am told that the advice received at headquarters was that the fire was under control and was 'contained' (I think that is the word that was used), and that there was no need for aerial firefighting. The member for Flinders may wish to insert her understanding on the management of a fire hazard over that of Euan Ferguson and his team but, as minister, I was never prepared to do that, and I would not be prepared to do that now.

Mrs Penfold: It certainly was not extinguished.

The Hon. P.F. CONLON: The member says it certainly was not extinguished, and she is absolutely correct with the benefit of 20-20 hindsight. She is absolutely correct that it

was not contained, but that was the advice. When the member criticises the people who control the aerial firefighting, perhaps she might like to consider what they should do when they are told it is not necessary. Should they ignore that advice?

Let us talk about the responsibility of this government, that is, to resource those people who do the job, in this case the CFS. On this very issue, let me say that we have more than doubled aerial firefighting capacity in this state since coming to government. More than doubled it.

Mrs Penfold interjecting:

The Hon. P.F. CONLON: Throughout all of her time in this place, was she ever on her feet challenging the previous government about aerial firefighting capacity?

The Hon. M.J. Atkinson: Not once.

The Hon. P.F. CONLON: Not once, but when we more than doubled the capacity in this state, we were at fault. In all of the time that I have dealt with these terrible events, and no matter what we have done—despite the fact that we have had positive feedback on some things, and even the Mayor of Port Lincoln has given us feedback—not once has the member for Flinders ever brought herself to say a single charitable thing. According to her we have not done a thing right—ever—over there. If she has, I would like to see her produce it. We have had feedback from farmers—and I am only saying that we did what we should have done and what we had to do as a government. There are other people there who do not vote for us, but they are still able to recognise facts and deal honestly and charitably.

There is going to be a coronial inquiry into the fires. I think it is rather premature to try and predict what that will say, but I think it is very regrettable to use a report from an independent expert that says at the outset, 'This report is not about apportioning blame,' and to use that very selectively, to believe the bits that suit you, to disbelieve the bits that do not suit you in order to frame an attack on the government for these events. It is the shabbiest politics to try and climb out of irrelevance by the misfortunes of others, and that is what we are seeing today.

The Hon. G.M. GUNN (Stuart): What we need to do out of this tragedy is make sure that we put in place processes that would ensure that every effort is made in the future to avert these sorts of tragedies. That is what we have to do. We have to learn from our experiences of these fires, especially the courses of action that affect volunteers, who always play an outstanding role in these sorts of tragedies, and without them we would have even greater disasters. There has been a terrible tragedy on Lower Eyre Peninsula, and anyone who went and had a look at it could not help but be affected by what has happened there. Already, questions have been raised at the Economic and Finance Committee about the need to ensure that fire vehicles have UHF radios in them so that they can talk to local farmers, because communications are terribly important.

There needs to be a very close look at the foolishness of the native vegetation regulations. The department of environment and its friends and supporters have to understand that you take pre-emptive steps—you have hazard reduction, you have decent firebreaks, and you have decent access tracks—because when you are asking volunteers to go in on these terrible days, into difficult situations, it is one thing for them to go in but it is absolutely essential that they are able to get out of the situation. To talk about five metre and 7½ metre firebreaks, and not let people put decent ones in without going through bureaucratic nonsense, is an appalling state of affairs. All I say to the minister is, for goodness sake, intervene and take some positive steps. I got a detailed letter back from the Minister for Environment and Conservation this week. It still has not addressed the core issues. All I say to him is, heaven help us. Let us hope that we never have another one of these tragedies.

As members drive around South Australia, I suggest that they look at the growth that is in these areas—these huge areas of native vegetation both privately and publicly owned. Because you are not allowed to drop matches in this country like we used to do for hazard reduction, from now onwards there is a tinderbox out there.

Mr Koutsantonis: We are losing the ability to do it now. We are losing the art of it.

The Hon. G.M. GUNN: The member is absolutely right. I am not trying to blow my own bag, but I think that I am the only person now left in the parliament who has actually ever lit a decent scrub fire. I actually know how to do it. You must keep your nerve and make sure that you get it alight as quickly as possible, because you go right around the patch—whether it is 100 hectares or 200 hectares. Every year we burn stubble and grass paddocks. We need to protect the public of South Australia and we need to look forward and take these steps. That is what I want to see happen. I hope the ongoing criticisms I have made and my suggestions will one day see the light of day.

The house divided on the motion:

AYES (19)

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

NOES (23)

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.
Lomax-Smith, J. D.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

PAIR(S)

Matthew, W. A.	Stevens, L.
Kotz, D. C.	Maywald, K. A.

Majority of 4 for the noes.

Motion thus negatived.

[Sitting suspended from 1.02 to 2 p.m.]

VISITORS TO PARLIAMENT

The SPEAKER: Before calling on the routine business, I intend when parliament resumes next to indicate when a

school is visiting the chamber and also to indicate the name of the member who represents that area. This has been a practice in the other place for some time. Other parliaments do it, and I believe it is important that we acknowledge when schools visit. To that end, the Education Officer (Penny Cavanagh) will give the chair a list on the day so that at the start of business I can indicate which school is visiting, welcome it and indicate which member represents the area from which that school has come. I trust the members see merit in that proposal. I have spoken to some members, who believe it is a good idea.

PARLIAMENT, REGIONAL SITTING

The SPEAKER: I table the report on the first regional sitting of the House of Assembly, held in Mount Gambier from 3 to 5 May 2005. I will make some brief introductory comments, because the report is very comprehensive. I believe it will show that the sitting conducted at Mount Gambier was very modest in terms of cost. The figure was of the order of $260 000, which includes items that we can reuse, including the artificial benches and the carpet. As I noted some weeks ago, the Western Australian parliament would like to borrow the wooden forms. One of the significant expenses was the provision of a sound system, unlike the Queensland regional parliament, which I attended a fortnight ago. It did not provide a microphone to every member of parliament: it provided only central microphones.

It did not provide any desk or bench on which to write. It had members sitting on very basic chairs. Members would be interested to know that, even allowing for the fact that it has more members than us, its parliament cost approximately double what ours did. That is not taking into account the fact that the Queensland parliament took sniffer dogs, bomb squad and the whole lot up there. I point out that we need to thank the Deputy Clerk, Malcolm Lehman, who organised the regional sitting.

Honourable members: Hear, Hear!

The SPEAKER: I can see he has already taken over the Clerk's chair: that is probably going a little bit far, Malcolm! He was ably assisted by other staff, the Premier's Office and the parliamentary computer network. Members would know that we gave as a gift to the people of Mount Gambier an upgrade in terms of IT and telephone capacity at their theatre, and that is also built into the cost. The report does not seek to amortise the costs over any period of time but, as I said earlier, many of the things can be reused.

I commend the report to the house and, once again, thank all those who contributed. I think it was an outstanding success, and the number of people who attended was many times more than those who attended the Queensland regional parliament and the one in Western Australia, which I attended a year or so ago.

SHOOT TO KILL POLICY

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

Leave granted.

The Hon. M.D. RANN: Shoot to kill. At the Council of Australian Governments on 27 September 2005, I agreed to a number of proposals which will assist in the prevention of terrorist acts and which will improve Australia's preparedness in the event of a terrorist attack. I have already introduced legislation to give effect in part to the commitment I gave in September.

The Terrorism (Police Powers) Bill introduced yesterday provides for random bag searches in transport hubs and other areas of mass gatherings, designated as 'special areas' with judicial confirmation. Legislation will be introduced within weeks to give effect to the commitment to provide state statutory support to the Commonwealth's proposal for preventive detention. The so-called 'shoot to kill' policy, which has been the subject of media interest today, was not discussed at COAG. At COAG I certainly did not commit this state to a shoot to kill policy. I would have announced it if I had.

I want to be quite clear that I do not intend to adopt or support additional or extra shoot to kill powers. The self-defence laws in the state apply to the use of force, including lethal force, by police or private citizens faced with a threat of death or serious injury. These laws are appropriate and provide legal protection to those who act in self-defence or in the defence of another person. In other words, in South Australia, lethal force can already be used by police to save their own lives, or to save the lives of others, and that is quite appropriate.

My office has confirmed today with the Commissioner of Police that he does not support a shoot to kill policy. The Commissioner of Police considers that the self-defence provisions in this state are appropriate and are reflected in police policy which provides that lethal force can be used only as a last resort to protect human life or serious injury to a person.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

House of Assembly, First Regional Sitting, Mount Gambier 3-5 May 2005—Report

By the Premier (Hon. M.D. Rann)—

Department of the Premier and Cabinet 2004-05

By the Attorney-General (Hon. M.J. Atkinson)—

Equal Opportunity Tribunal 2004-05
Legal Practitioners Disciplinary Tribunal—Report 2004-05

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Zero Waste SA—Report 2004-05

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Adelaide Festival Centre—Report 2004-05

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

Non-Government Schools Registration Board—Report 2004-05

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Adelaide Convention Centre—Report 2004-05
Adelaide Entertainment Centre—Report 2004-05
South Australian Tourism Commission—Report 2004-05
2007 World Police and Fire Games—Report.

MOUNT LOFTY RANGES WATER RESOURCES

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Mr Speaker, today I am pleased to announce that the government has taken action to safeguard the water resources of the Western Mount Lofty Ranges by prescribing the area's surface waters, watercourses and wells. Sir, most people who take water for irrigation, commercial or industrial use will now be required to obtain a water licence. These arrangements also introduce stronger controls for dams, requiring licensing for all water users from dams five megalitres or more, including water for stock and domestic purposes.

Prescription was recommended as a key action to protect the Hills catchments by Thinker in Residence Professor Peter Cullen. Following his recommendation, there has been extensive consultation with the community, as well as economic and environmental investigations leading to today's decision.

Members interjecting:

The Hon. J.D. HILL: I would have thought that this parliament had a duty to protect the water resources of our state and of our city. We on this side are serious about it. It is interesting that those on the other side do not care. This $26 million initiative forms part of the $50 million package for sustainable management of water resources in the Mount

Members interjecting:

The Hon. J.D. HILL: Sir, they criticise me by debating—

The SPEAKER: Order! The house will come to order. It is hard to hear the minister.

The Hon. J.D. HILL: I apologise for responding to the inane interjections from the other side, Mr Speaker.

The Hon. Dean Brown interjecting:

The Hon. J.D. HILL: Very serious indeed, Dean. Your position on that is as twisted as it can possibly be. This $26 million initially forms part of the $50 million package for sustainable management of water resources in the Mount Lofty Ranges, recently announced by Premier Mike Rann and the Prime Minister, under the National Water Initiative. The funding will support extensive scientific investigations, including land and water use surveys and ongoing monitoring of the resource; preparation of a water allocation plan, including extensive community consultation; and the assessment and issuing of licences.

The Adelaide and Mount Lofty Ranges Natural Resources Management Board will now begin preparing a water allocation plan to guide the allocation, transfer and management of water. This will be done in close consultation with water users and the community and will be based on best available scientific knowledge. This action will reduce risks to primary producers by providing licensees with a valuable, secure and tradeable access right to water and giving them more certainty for their business and investment decisions, in addition to greater flexibility for development through water trading. It will also protect our precious drinking water supplies and ensure that water is available to sustain important rivers and wetlands.

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. J.D. HILL: I am astonished by the quality of the interjections, particularly those from the member for Bragg, who aspires to leadership.

The SPEAKER: Order! The minister needs to return to his statement.

The Hon. J.D. HILL: The area covered by this initiative stretches from Gawler to Cape Jervis and covers parts of the Adelaide Hills and the Fleurieu Peninsula. It also includes the River Torrens, the Gawler River and the Onkaparinga River as they cross the Adelaide Plains. This decision brings the number of prescribed areas across the state to 25. This is part of a history of prescription dating back many years and undertaken by governments of all persuasions. It means that the vast majority of the state's available water resources are now protected.

Mr Williams interjecting:

The SPEAKER: Order, the member for Mackillop!

The Hon. J.D. HILL: An extensive communications program will be conducted by the Department of Water, Land and Biodiversity Conservation to ensure that all water users are informed about these new arrangements and the water licensing requirements.

MEMBER'S REMARKS

Mr SCALZI (Hartley): I seek leave to make a personal explanation.

Leave granted.

Mr SCALZI: On 18 October 2005, the Minister for Transport stated (*Hansard*, page 3632), as follows:

> On 15 May 2002, he stated:
>
> 'I fought hard to get to 20 per cent, but I am not in the business of making promises that I cannot keep.'
>
> That is what Joe wanted—20 per cent. He goes on 15 July 2002:
>
> 'I faced the music in front of 350 people and I said I was happy I got them 20 per cent.'

The Minister for Transport went on to say:

> . . . there is a very stark decision for the people of Hartley at the next election: the person who was happy to get them 20 per cent or the person whose party fought to get them 100 per cent.

In fact, the minister selectively and inaccurately quoted sentences from my statement. I advise that my full sentence, on 15 May, was as follows:

> The normal development is 12.5 per cent and I fought hard to get 20 per cent. But I am not in the business of making promises that I cannot keep.

Further, on 15 July 2002, my correct and full sentence was as follows:

> I faced the music in front of 340 people and I said that I was happy I got them 20 per cent whereas the Labor opposition at the time sent an email on the last day to all the environmental groups that it was going to give 100 per cent.

The Minister for Transport's attempt to assert that I only sought to achieve the retention of 20 per cent for open space at Lochiel Park is false.

PUBLIC WORKS COMMITTEE: GOLDSMITH DRIVE LAND DEVELOPMENT PROPOSAL, NOARLUNGA DOWNS

Mr CAICA (Colton): I bring up the 228th report of the Public Works Committee, on the Goldsmith Drive land development proposal, Noarlunga Downs.

Report received and ordered to be published.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer is not abiding by the standing orders.

SITTINGS AND BUSINESS

The SPEAKER: Members will be familiar with their late night sitting. I point out that, regarding standing orders, a package of proposals will be sent out for the consideration of members in the very near future which would obviate the

need for members to spend much of their night in this place, but it is up to members to decide whether or not they want standing orders to make that possible or whether they want to have late night-early morning sittings.

QUESTION TIME

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Why did the Attorney-General ask the member for Torrens to cease the employment of Mr Gary Lockwood?

The Hon. M.J. ATKINSON (Attorney-General): I answered that yesterday, and so did the member for Torrens.

The Hon. R.G. KERIN: I have a supplementary question. Did the Attorney-General urge or make any suggestion to the member for Torrens that she sack Gary Lockwood?

The Hon. M.J. ATKINSON: I suggest the Leader of the Opposition read *Hansard* from yesterday. The Leader of the Opposition left out a couple of things yesterday when he was talking about Mr Lockwood's evidence and that was this—

The Hon. DEAN BROWN: On a point of order, sir.

The SPEAKER: The Attorney will take his seat.

The Hon. M.J. ATKINSON: I was arrested by people from the Catholic Church and held atop buildings next to the cathedral.

The SPEAKER: Order! The Attorney will take his seat. He will not speak over the chair.

The Hon. DEAN BROWN: The question is a simple one and standing orders require the minister to stick to that question or the answer to it.

The SPEAKER: The Attorney said that he had answered it yesterday.

AIR WARFARE DESTROYERS

Mr CAICA (Colton): Can the Premier advise the house on the latest developments following South Australia's winning of the $6 billion air warfare destroyer project?

The Hon. M.D. RANN (Premier): I thank the member very much for the question and I know that all members in a bipartisan way will look forward to this. I am sure that all members remember that great day for South Australia in May when it was announced that the ASC would build the air warfare destroyers and that the consolidation and construction site would be here in Adelaide. This project will be transformational for South Australia, cementing Adelaide's status as the nation's defence capital. That is precisely why we have invested so heavily in delivering the skills and infrastructure needed by this project. Over $140 million will be invested towards common user infrastructure, including a ship lift, wharf and transfer system, plentiful industrial land, a maritime skill centre and the centre for excellence in defence industry systems capability.

I have always said that winning the contract was just the beginning. Now the hard work begins of maximising the involvement of South Australian companies in supplying goods and services to the alliance partners who have the task of delivering the three air warfare destroyers on budget and on time. That work, so full of promise for a more prosperous future for our children, would not simply fall into the laps of our local companies. They have to be competitive. They have to be aggressive. They have to fight for the opportunity. Today, South Australian companies responded to this call to arms to local industry by attending, in their hundreds, a major industry brief on opportunities associated with the construction of the air warfare destroyers.

This morning and this afternoon, around 400 people from local industry, business and government attended the briefings to assess the opportunities for them. The briefings were provided by members of the AWD alliance, comprising: the state and commonwealth; the ship builder, ASC; the combat systems engineer, Raytheon; platform systems designer, Gibbs & Cox, which I visited in Washington; and Lockheed Martin, which, in association with the US navy, is the provider of Aegis combat system. They were briefed on all the critical aspects of the project from:

- module construction and construction of the complete warship;
- joining the supply chain to help deliver the complex combat system; and
- the development of the air warfare destroyer ship design, including major subsystems such as propulsion, electrical distribution, damage control and machinery monitoring and control.

I was pleased to hear that Mr Warren King, head of the AWD program office, thanked the state government for its support for the destroyer program and looked forward, as we do, to a long and productive partnership with the commonwealth.

Under South Australia's Strategic Plan, we have embraced a target to double the size of our $1 billion defence sector and to boost employment from 16 000 to 28 000 jobs. How well local companies harvest our successes to date will be critical to our achievement of this goal, as will also our work on other defence projects such as:

- working to secure the relocation to Adelaide of a 1 600-strong army battalion. I should say that the area that has been designated in our plan is in the northern suburbs, in the vicinity of the Edinburgh air base. The amount of clout and spending that 1 600 troops, with their families, living in our community will have will be massive—hundreds of millions of dollars would be spent in our community helping small business;
- pursuing a large chunk of the $3 billion—

Ms Chapman interjecting:

The Hon. M.D. RANN: Apparently some people oppose the project on the other side, but that is okay. I continue:

- pursuing a large chunk of the $3 billion Project Overland—the contract to acquire, modify and maintain army vehicles and trailers; and
- pursuing a slice of the $3.5 billion worth of defence contracts in aerospace.

Once again, I look forward to working in partnership with the commonwealth and other alliance partners such as the ASC and Raytheon to deliver Australia the best air warfare destroyers in the world. Surely this is a project which both sides of this house can agree to and support.

Members interjecting:

The SPEAKER: The house will come to order. The member for Mawson will be hoping he will get a question later—we will see.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Does the Attorney-General deny asking the member for Florey to cease employing Mr Gary Lockwood?

The Hon. M.J. ATKINSON (Attorney-General): All this was dealt with yesterday. It is a very, very, very, tiresome line of questioning. The other thing the opposition ought to take into account is that Mr Lockwood has never met Randall Ashbourne in his life so could hardly give evidence at the trial.

The Hon. R.G. KERIN: I have a point of order, sir, regarding relevance. I do not know whether Gary Lockwood's not having met Randall Ashbourne has anything to do—

The SPEAKER: The leader indicates standing order 98. He does not give a speech.

The Hon. R.G. KERIN: I have a supplementary question, then, sir, to the Attorney-General. Did the Attorney-General ask the member for Florey to cease employing Mr Gary Lockwood?

The Hon. M.J. ATKINSON: That is the same question, sir.

ANZAC DAY, WORKCHOICES LEGISLATION

Ms CICCARELLO (Norwood): My question is to the Minister for Industrial Relations.

Members interjecting:

The SPEAKER: The house will come to order first.

Ms CICCARELLO: How will South Australian workers be affected by the federal government's WorkChoices package on the Anzac Day holiday, and how does it compare with Anzac Day arrangements under South Australian legislation?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for Norwood for her question. I know the member is deeply concerned about what this means for South Australian families. In his recent submission to the Senate inquiry into workplace agreements, industrial law expert Professor Andrew Stewart of Flinders University said:

> It is a basic fact of life, which only the most blinkered ideologue would deny, that there is an inequality of bargaining power between most individual workers and their employers.

Under South Australian law, important rights such as time off on Anzac Day to attend marches cannot be traded away without fair compensation. The Prime Minister's plans will see rights to attend Anzac Day marches abolished without any compensation. In talking about how public holidays will be affected, the federal government's own brochure on its plans states:

> . . . an AWA under WorkChoices need simply set out how the new agreement will either change or remove these matters in that agreement.

Another key aspect of the federal Liberal plan is scrapping the right not to be unfairly dismissed to make sure that workers can be exploited by rogue employers because they are too scared to say no.

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

Mr Brokenshire interjecting:

The Hon. K.O. Foley: Look at him. He is like a snapper.

The SPEAKER: The member for Mawson needs to steady down or he will not last through question time.

The Hon. K.O. Foley interjecting:

The Hon. M.J. Atkinson interjecting:

The SPEAKER: And the Treasurer and the Attorney should be setting an example as senior ministers, rather than fooling around on the front bench. The member for Unley.

Mr BRINDAL: Thank you, sir. I thought the member was referring to me as a snapper. Frank Blevins was the last person in here who caught snapper. Sir, my point of order is that this is a very serious matter—

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

Mr BRINDAL: I want to know whether it is adequate that the minister answer this in an unprepared answer or whether he should make a ministerial statement.

The SPEAKER: That is not a point of order. The minister, thus far, has not taken as much time as many other ministers. The minister.

The Hon. M.J. WRIGHT: Thank you, sir. The Prime Minister has a plan for hopelessly unequal bargains, with the balance of power tilted heavily in favour of employers. There is no level playing field, no independent umpire, AWAs that can remove the right to—

Mr WILLIAMS: Sir, I rise on a point of order.

The Hon. M.J. WRIGHT: —a day off on public holidays with no compensation or penalty rates—

The SPEAKER: The minister will sit down. I remind members when someone takes a point of order that they immediately cease talking. They do not continue.

Mr WILLIAMS: Under standing order 98, the minister is not to debate the question in answer.

The SPEAKER: Well, he is not. That is the point of order. The minister will focus on the question.

The Hon. M.J. WRIGHT: Thank you sir. Anzac Day is more than just another public holiday. It is a sacred day, and this is a simple recipe for the destruction—

The Hon. DEAN BROWN: I have a point of order, Mr Speaker.

The Hon. M.J. WRIGHT: —of an Australian icon—an Anzac Day—

The SPEAKER: Order! There is a point of order. The deputy leader.

The Hon. DEAN BROWN: This is clearly debate, and this is clearly the sort of answer that standing order 98 is designed to stop.

The SPEAKER: Yes, I think the minister is starting to debate now. I think he needs to conclude with the focus on the question, otherwise he should sit down.

The Hon. M.J. WRIGHT: Thank you, sir. The Prime Minister wants to force workers to choose to lose. This is a typical Liberal con job—mean and tricky.

Mr WILLIAMS: Sir, I rise on a point of order.

The Hon. M.J. WRIGHT: I just hope that Kevin Andrews tells the truth to the RSL—

The SPEAKER: Order! The minister will sit down.

The Hon. M.J. WRIGHT: —and to our diggers about his plans to trash Anzac Day.

Members interjecting:

The SPEAKER: Order! If the minister does that again, he will be named. We are not having selective deafness in here. I do not want to be in the business of shouting, because I do not want to damage the *Hansard* reporters' hearing. However, ministers will not continue to talk when they are asked to sit down. The minister was clearly debating then.

MATTER OF PRIVILEGE

The Hon. R.G. KERIN (Leader of the Opposition): I rise on a matter of privilege. I ask you, Mr Speaker, to rule on a possible breach of the privilege of members of this house potentially committed by the Attorney-General. Sir, as

members of this parliament, we each have a staff entitlement. This is our entitlement as individual members, not that of political parties or executive government. Sir, I ask that you interview the members for Florey and Torrens to ascertain whether their right as members of parliament to employ whomever they choose has been jeopardised by intimidation or pressure from the Attorney-General. I ask you to investigate this matter of privilege and report back to the house.

Members interjecting:

The SPEAKER: Order! The Treasurer—

The Hon. K.O. FOLEY: I am responsible for employees.

The SPEAKER: Order! The Treasurer will sit down. The matter will be considered by the chair and I will report back as quickly as possible.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): When did the Attorney-General first become aware of the identity of the person who sent the fax to the Liberal Party on Monday 7 July 2003, and how did he become aware of the detail?

The Hon. M.J. ATKINSON (Attorney-General): Yesterday, the Leader of the Opposition came in here trying to give credence to Mr Lockwood's paranoid theory that the police anti-corruption branch had leaked to me the contents of his interviews with them. I think that was a serious reflection on the anti-corruption branch, and I was able to scotch the allegation immediately. Late yesterday, I got some reports about how it got out that Mr Lockwood was the author of the anonymous misleading fax to Liberal Party headquarters in the middle of 2003, and that was that Mr Lockwood told the upper house select committee yesterday that, in fact, he had not kept it a secret. He had told a number of people but none of them would leak. Well, obviously Mr Speaker, they did leak.

On this question of whether Mr Lockwood is a fit and proper person to be employed by anyone (and I have a view on that, and I am entitled to express it), would you employ someone who told a select committee, 'I was arrested by people from the Catholic Church and held at Todd Buildings next to the cathedral for 2½ hours.'? My wife works at the Catholic Church office. I have been there lots of times and I have not seen the cells.

The Hon. R.G. KERIN: I rise on a point of order, sir, under standing order 98, relating to relevance. This is all very interesting but the question was quite clear.

The SPEAKER: Order! Members taking a point of order do not give a speech. It is not a second reading speech.

The Hon. M.J. ATKINSON: I have a little more to add. Mr Lockwood continues, 'And as I walked through Bowden, somebody drove a car at me in an attempt to try and kill me—and thank goodness—

The Hon. R.G. KERIN: On a point of order, sir, relating to relevance: it has nothing to do with the question that was asked.

The SPEAKER: I think the Attorney is getting a little bit away from the question.

The Hon. M.J. ATKINSON: I will just wind up. He continued, 'And thank goodness for the street—

The Hon. R.G. KERIN: On a point of order, sir—

Members interjecting:

The SPEAKER: Order! There is a point of order. The Attorney will take his seat. I do not know how we can have a point of order before the Attorney had even spoken, but the Attorney will not continue to talk. I have said before: I know that members get engrossed in what they are doing, but they also should get engrossed in the standing orders.

The Hon. M.J. ATKINSON: Anyway, 'I was able to get into the recesses of a—

The Hon. R.G. KERIN: Point of order, sir: he is defying the chair.

The SPEAKER: Order! I think the Attorney is debating the point now. I call the member for Wright .

MENTAL HEALTH SERVICES

Ms RANKINE (Wright): Can the Acting Minister for Health advise the house of any statements made by Dr Shane Gill concerning his resignation from the public mental health system?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question because it is very important that we have a very correct public record in this place. The Deputy Leader of the Opposition, fresh from his embarrassing insult directed at me yesterday, has, I think, brought into this house some very inaccurate information that needs to be corrected. In the question that was asked yesterday in the house it was suggested by the Deputy Leader of the Opposition that Dr Shane Gill, the former clinical director of Mental Health Services, based at the Royal Adelaide Hospital, had resigned and that somehow this was an example of a crisis in the mental health system. I think it is important that I draw to the attention of the house that Dr Gill himself has decided, in an unsolicited—

The Hon. DEAN BROWN: Sir, I rise on a point of order. Yesterday's *Hansard* shows that the so-called acting minister is completely misquoting what was in *Hansard*.

The SPEAKER: Order!

The Hon. DEAN BROWN: There is no such suggestion whatsoever—

The SPEAKER: Order! The deputy leader is out of order.

The Hon. DEAN BROWN: —and I would have to come back and suggest that I think he perhaps is on drugs.

The SPEAKER: Order! The deputy leader is out of order.

Members interjecting:

The SPEAKER: Order! The deputy leader must withdraw that remark. It is a reflection on the member.

The Hon. DEAN BROWN: I withdraw, Mr Speaker.

The Hon. K.O. Foley interjecting:

The SPEAKER: The Treasurer is again setting a bad example.

The Hon. J.W. WEATHERILL: Just to underscore the point that that was the intention of the deputy leader, on 29 July he is reported on radio to have said this about the very same issue, Dr Shane Gill's resignation:

> The senior and key psychiatrist at the Royal Adelaide Hospital announced his resignation, I understand out of absolute frustration.

That is what he put on the public record.

The Hon. P.F. Conlon: Maybe he remembers it now.

The Hon. J.W. WEATHERILL: That is right—a recollection. He sought to create the impression in this house that the resignation was due to a crisis in the mental health care system. This is what the man himself said:

> I am not leaving my role because of a lack of faith in the public mental health system. The truth is that I continue to have confidence in and support for the South Australian mental health services and the people who work within it.

I am not leaving because of frustration with, or lack of support for, the recent changes in mental health care structure following the Generational Health Review. I believe that the creation of CNAHS and Southern Health is the right direction for South Australia, and will lead to improvement in the delivery of mental health services for consumers.

He further said:

I do not believe the mental health system is in chaos or dysfunctional. It is staffed by excellent and dedicated people. Our service has many achievements about which we should be proud. I frequently speak to my colleagues in similar positions interstate and many of the issues we face are faced by all, and we are managing these challenges as well as anybody.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Sir, I have a supplementary question.

Members interjecting:

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

The Hon. DEAN BROWN: Does the acting minister have an answer to the question I asked yesterday—and I will explain what I asked yesterday? My question is again to the minister. Will the minister specify how many mental health staff—

The Hon. K.O. FOLEY: Point of order, Mr Speaker.

The Hon. DEAN BROWN: —have resigned in the past 12 months?

The Hon. K.O. FOLEY: Point of order.

The Hon. DEAN BROWN: Sir—

The SPEAKER: The deputy leader will sit down.

The Hon. K.O. FOLEY: My point of order is very simple: how can repeating a question from yesterday be a supplementary question today?

The SPEAKER: It cannot. It is out of order.

The Hon. DEAN BROWN: Mr Speaker—

The SPEAKER: Order! The question is out of order. The member cannot repeat the same question.

The Hon. DEAN BROWN: My question was: does the minister have an answer to my question of yesterday? That is what my question was. It was not the same. I was, therefore, explaining what my question was yesterday.

The SPEAKER: The deputy leader will sit down. It is very borderline. If the minister wants to add to it, he can. He does not have to.

The Hon. J.W. WEATHERILL: The only resignation that should be tendered is that of the Deputy Leader of the Opposition.

The Hon. Dean Brown interjecting:

The SPEAKER: The deputy leader is warned.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the minister representing the Minister for Emergency Services.

The Hon. P.F. Conlon: Here we go again.

The Hon. R.G. KERIN: Here we go again. Given that the minister was made aware that the fire danger for Tuesday 11 January was predicted to be the worst in South Australia for a number of years, how does the minister justify not calling a meeting of the Emergency Management Council on the night of 10 January? The minister told the house on Tuesday that an Emergency Management Council meeting was called on 13 February 2004 because it was 'the most extreme day we had seen in this state for many years'. He went on to justify his decision not to call a meeting on 10 January this year, claiming that to do so would mean having to call 20 or 30 such meetings a year. The minister's assessment is totally contradicted by the Smith report, which states:

The weather expected for Tuesday was forecast to generate higher fire danger conditions than experienced for a number of years in South Australia.

This means that the weather was clearly worse than on 13 February 2004, when a meeting was called. It is also relevant that several fires were burning on 10 January across South Australia, which was not the case on 13 February 2004. These include the fire on Eyre Peninsula. The Smith report states:

The weather conditions forecast for Tuesday 11 January meant that any bushfire would be unstoppable within the Lower Eyre Peninsula landscape.

Mr Brokenshire: That's right: he misled the house.

The Hon. P.F. CONLON (Minister for Transport): I am more than happy to answer. I do not believe that it was more extreme on that day but—

The Hon. K.O. FOLEY: On a point of order, the member for Mawson quite loudly just accused the Minister for Infrastructure of misleading the house. I ask that he withdraw or put a substantive motion to the house.

The SPEAKER: Order! Members know the rules. The chair did not hear that remark, but any allegation of misleading, which is a euphemism for lying, has to be by way of substantive motion. If the member for Mawson said that, he should withdraw.

Mr BRINDAL: On a point of order, sir, you have previously ruled that the member who claims to have been misrepresented or claims to have had it done has to complain, not the deputy leader.

The SPEAKER: A matter of misleading goes beyond simply a personal reflection. It is not acceptable in the parliament to suggest that anyone has lied to the parliament. The member for Mawson should withdraw that, if he did say it. I did not hear it.

Mr BROKENSHIRE: I will withdraw, and I will consider a motion in due course.

The Hon. P.F. CONLON: I look forward to the Liberals' Jack Russell coming after me!

The SPEAKER: The minister will get on with the answer.

The Hon. P.F. CONLON: He has all the aggression of a Jack Russell but none of the fear factor.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: He always has a comeback: if it was just a little bit quicker.

Mr VENNING: On a point of order, standing order 104, members to address the Speaker. Last night and this morning, sir, you made a particular point of this issue and straightaway he is doing it again.

The SPEAKER: The honourable member is correct. All members should address the chair.

The Hon. P.F. CONLON: A modicum of research would indicate to the Leader of the Opposition who calls Emergency Management Council meetings. In short, it is done on advice, which is the best way to do it.

Members interjecting:

The Hon. P.F. CONLON: Let me deal with this, because we actually checked. The proposition is that whenever there is extreme fire danger you call an Emergency Management Council meeting. We actually went back to see how often members opposite had done it in the previous 8½ years for a fire emergency.

An honourable member: How often?

The Hon. P.F. CONLON: None! None whatever in the previous 8½ years. The only meeting we could find was about the Longford gas crisis. Eight and a half years of not calling them, but we have to call them every time there is a fire danger.

The Hon. R.G. KERIN: On a point of order as to relevance, sir, this body did not exist 8½ years ago.

The SPEAKER: Order! The minister is debating now.

The Hon. P.F. CONLON: What I am trying to explain to the Leader of the Opposition is that it is the practice that the Emergency Management Council is not called every time there is fire danger. If it was, members opposite would not have failed to call one in 8½ years.

Members interjecting:

The SPEAKER: I think the minister has made that point.

The Hon. P.F. CONLON: I have made the point, sir, and I hope it has gone in.

WATER REPORT

Ms BEDFORD (Florey): Will the Minister for Environment and Conservation inform the house of the government's response to Professor Cullen's recommendations to the government in his report 'Water Challenges for Adelaide in the 21st Century'?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Florey for asking this important question during National Water Week. The government was delighted with Professor Peter Cullen's term as Thinker in Residence in 2004. We were very fortunate indeed to be able to benefit from his 35 years of experience in national resource management in Australia. Professor Cullen's recommendations on the water challenges for South Australia have strengthened our government's water reform program. Many of his 18 recommendations have been implemented and others are being pursued. The government continues to work on a national—

Mr Brindal interjecting:

The Hon. J.D. HILL: I know the member for Unley is disappointed he is no longer the water resources minister, and I am glad he has still got water on his brain, but if he would just listen to what I am saying we will get through this much more quickly. The government continues to work on a national basis to secure the health of the River Murray, particularly on the key issues of environmental flows, salinity and interstate water trade. South Australia's Environmental Flows for the River Murray Strategy was launched yesterday by the Minister for the River Murray.

Professor Cullen's recommendation to reward landholders who contribute to good water quality is of particular interest, and I will be eagerly awaiting advice from the new Natural Resources Management Council and boards on how we can achieve this outcome. Through the Waterproofing Adelaide Strategy and the Urban Stormwater Management Policy, South Australia is pursuing efficient use of water in Adelaide, consistent with Professor Cullen's recommendations.

The government's permanent water conservation measures are already having a pronounced effect on reducing consumption and now, through the Waterproofing Adelaide Strategy, we will be pursuing a 22 per cent reduction in per capita household water use by 2025, which is a dramatic amount. South Australia already leads the nation in the use of treated stormwater and wastewater and we intend to double the amount of wastewater recycling by 2025, from the current 14 000 megalitres per annum to around 30 000 megs per annum.

As a signatory to the National Water Initiative, South Australia is applying for funding from the National Water Fund to help implement these reforms. Members will be aware that the Premier and Prime Minister recently announced funding for three projects that will contribute to Waterproofing Adelaide. One of the professor's key recommendations was to protect the Mount Lofty Ranges, and today I made announcements that we have put that set of measures in place. It is my great pleasure to table the government's responses to Professor Cullen's report, 'Water Challenges for South Australia in the 21st Century'.

EYRE PENINSULA BUSHFIRES

Mr BROKENSHIRE (Mawson): My question is also to the minister representing the Minister for Emergency Services: why did not the minister apply the same standards of responsibility in relation to the Wangarry fire on Eyre Peninsula as he did with earlier fires in metropolitan Adelaide?

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: Unparliamentary language, sir.

The Hon. DEAN BROWN: Point of order, Mr Speaker: I think that is unparliamentary and I would ask that the minister be forced to withdraw and apologise.

The SPEAKER: It is not desirable language. I doubt whether it is technically unparliamentary, but if the—

The Hon. P.F. CONLON: I apologise and withdraw. I would like to hear his question.

The SPEAKER: I said before that members have had a very long late night and they should try to discipline themselves and not make personal comments about other members. The member for Mawson.

Mr BROKENSHIRE: Thank you, sir. On 8 March 2004, a fire broke out in Adelaide's northern suburbs, just before midday. At 4.15 pm the then minister visited the State Emergency Operations Centre for an update. His media release at that time states that his concern was to 'get as many resources battling the blaze that threatened Greenwith and Upper Hermitage'. The minister had already that day authorised water bombers, a fire-bombing helicopter and three fixed-wing fire bombers to dump retardant on the blaze.

The Hon. P.F. CONLON (Minister for Transport): The explanation shows what utter rot it is. I have never authorised fire bombers. I do not authorise fire bombers. The Chief Fire Officer authorises the use of resources. What we have here—

Members interjecting:

The Hon. P.F. CONLON: Can I tell you what happened on that day? As I recall the Chief Fire Officer—

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson has asked his question.

The Hon. P.F. CONLON: —suggested it might be useful in the circumstances for me to visit the centre, and I did, and I rely on his advice, he is a good fellow. Why didn't I visit the centre on 10 January? Perhaps you could ask your friend sitting behind you. The day before, of course, I had accepted an invitation from the local council to visit its proposed marina. It is a long drive from Kingston to the state control centre, especially when you have a three week old baby who does not necessarily like travelling. But let us get to the real point of this. This is the opposition's scrabbling around and

trying to find a way of blaming the government for a tragic fire. That is what this is about. A completely irrelevant opposition—

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: He is saying it: we are to blame for the tragedy. I can say that this is an opposition facing its own disaster coming up. It is facing electoral disaster. They know it is coming, and what they are doing is attempting to have some relevance on the back of a disaster.

The Hon. I.P. LEWIS: I rise on a point of order, Mr Speaker. I do not know what the opposition's dismay or anything else has to do with the fire. To my mind, this smacks of debate.

The SPEAKER: The minister was debating.

SCHOOLS, CHILD PROTECTION

The Hon. P.L. WHITE (Taylor): My question is to the Minister for Education and Children's Services. What action has the state government taken to ensure that staff in our schools have the latest information and skills in the area of child protection?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Taylor for her question. I know that she has a keen interest in the child protection strategies this government has put in place as part of Keeping Them Safe. It is part of our strategy to really bring our state up to date in an area which the previous government had so sadly neglected.

The most recent change in our training programs involves the significant training of staff in our education portfolio to ensure that we have staff trained in counselling and throughout the education system to cope with those children involved in child protection reports. The program is costing $2.1 million. Since May, more than 750 school counsellors and student welfare staff from every state school have been taking part in training to become leaders in child protection initiatives in their school. This training is focused on upskilling key people in state schools so that those in regular contact with children can better recognise the signs of physical abuse and trauma and work to keep students engaged in their schooling and education. It builds on training delivered earlier this year which focused on children in state care and was conducted with the Department of Families and Communities and Pam Simmons, the Guardian for Children and Young People. The latest training is being delivered through workshops, online learning modules and online forum and message boards involving the training team and participants.

Whilst all teachers are required by law to report cases of suspected child abuse, there is also the issue of appropriate support for those children whilst they are at school and needing to regain and continue their connection with formal learning. The complete training program recognises the crucial role played by teachers, counsellors and welfare staff in child protection prevention, identification and intervention. Since coming to government, we have invested $12 million in extra counsellors for primary schools, and we have extended counselling services to an extra 135 primary schools. When compared with 2002, we have nearly doubled the number of schools with access to a counsellor.

The training programs demonstrate that this government is absolutely committed to supporting staff who work closely with students under difficult circumstances by offering the most up-to-date and comprehensive training. Our Keeping Them Safe child protection reforms are an ongoing area of focus for the Rann government, and we will continue to work to meet our commitment in this area—a commitment of which we can all be extremely proud.

Mr BRINDAL (Unley): I have a supplementary question.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order, the Treasurer!

Mr BRINDAL: Will you listen? Since the Rann government removed the prescription of people being prosecuted for child offences, what has the minister done to give to the police files on previous teachers who, having been suspected of child abuse, were simply shifted to another school? If the answer is nothing, why not?

The Hon. J.D. LOMAX-SMITH: The department works very closely with the police. We have a special investigation unit which, as you would know, deals directly with cases involving teachers currently teaching in our schools. We have actually been very open and transparent with all the inquiries with Justice Mulligan. We have given complete access to our data files and records, and we have been open about giving any information that has been required of us. We do that because the children involved in the Mulligan inquiry are under the care of the state, and it is a very simple matter to give permission and authority to check those files. You will also notice that there are records in the past where we have had file notes and, wherever there is any information, we make them accessible to the police.

PARLIAMENT HOUSE

The Hon. I.P. LEWIS (Hammond): My question is to the Premier. What reason can he give for the Minister for Transport, the Treasurer or the government and the STA not returning the land at the rear of Old Parliament House to the parliament, to which it was originally attached?

The Hon. K.O. FOLEY (Treasurer): I am not exactly sure what the honourable member is suggesting by way of his question. However, he may be referring to early discussions that he may have been party to with me about the casino redevelopment. Is that what the member is referring to?

The Hon. I.P. Lewis: Just answer the question.

The Hon. K.O. FOLEY: Like most questions from the member for Hammond, I will need to consider it in the fullness of time once I am able to look at it. If the issue relates to grand ambitions that the member had as speaker for a multi-storey office building to be built on this precinct and for the SkyCity casino to build foundations or something so that, at some point down the track, we can have some sort of multi-storey office building, I have certainly quashed those ideas.

EYRE PENINSULA BUSHFIRES

Mr BROKENSHIRE (Mawson): My question is to the minister representing the Minister for Emergency Services. Did the minister, in his telephone conversation from the South-East with the chief fire officer on the Monday night of the Wangary fire, check to see that maximum resources, including water bombers, were being applied to control the fires that were burning on the Eyre Peninsula and other areas of the state?

The Hon. P.F. CONLON (Minister for Transport): I will just tell them again. I do not know what he did when he was minister, but what I do—

Mr Brokenshire: Check to see what they needed.

The Hon. P.F. CONLON: That is right. Then I make a judgment about where we should send resources. That is probably what you would do because you consider yourself to be the world's greatest CFS volunteer. The only time I can recall the government ever interfering with the provision of services was when we did call an emergency management council meeting because, as I recall, we had been given advice that, on a very rare circumstance, the Elvis helicopter was available and we called a meeting about that. I certainly was never in the business of discussing—

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: I am just telling you. I am not in the business of discussing how the CFS allocates resources.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. P.F. CONLON: I am absolutely confident that if Euan Ferguson had had the aeroplane stolen or something, he would have told me.

NATIVE VEGETATION COUNCIL

The Hon. I.F. EVANS (Davenport): Does the Minister for Environment and Conservation believe communities are at greater risk of fire because it can take up to 12 months to get a burn-off approved through the bureaucratic processes such as the Native Vegetation Council? The chief fire officer of the CFS, Mr Euan Ferguson, has told the Economic and Finance Committee that it could take up to 12 months to gain approval for a burn through the bureaucracy such as the Native Vegetation Council. During the committee, I asked Mr Ferguson: 'Are you saying for a private land-holder it can take up to 12 months?' Mr Ferguson responded: 'For native vegetation councils to do approvals?' I responded: 'For a burn.' Mr Ferguson said 'Yes.'

The Hon. J.D. HILL (Minister for Environment and Conservation): I am aware of the evidence given by Mr Ferguson to the committee to which the member referred. I have sought advice as to the length of time it has taken for various applications to be considered, and they do vary. There was one over the past three or four years which I think took up to 12 months. Others were done within two weeks. It depends upon the information provided and the complexity of the issues, and they are considered in appropriate ways. My departmental officers have given me advice today that they are seeking a meeting with Mr Ferguson to talk in greater detail about the issues of concern to him, and we will do what we can to speed up the process because, of course, we do not want any bureaucratic hurdles in the way of getting appropriate responses in place in relation to any of these issues, including native vegetation.

However, I have to say, in relation to native vegetation, that 90 per cent of the agriculture of the lands of the state have been cleared. We are talking about a relatively small amount of the state which still has native vegetation. That includes very important corridors, particularly along roads and so on. There are issues in relation to that. Some would say that we should clear all those corridors to make a clear way, but there is an issue in relation to that. If you clear the native vegetation, there is likely to be a proliferation of weeds that grow back creating other fire risk. It is not a simple one answer suits all circumstances. It has to be considered properly. That is what we are doing, and we will seek to meet with Euan Ferguson as soon as he is available, so we can talk through this matter in greater detail.

TASTING AUSTRALIA

Mr O'BRIEN (Napier): My question is directed to the Minister for Tourism. What is the state government doing to support the event Tasting Australia; and how does this event showcase South Australia as a food and wine destination?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Napier through you, sir, for that question. I know he is interested in economic development—

Mr Venning interjecting:

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

The Hon. J.D. LOMAX-SMITH: —and Tasting Australia is one of those extraordinary events where there is an alignment of economic strength with a major event.

Mrs Geraghty interjecting:

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

The Hon. J.D. LOMAX-SMITH: The event has gone from strength to strength, and this year will be staged between 21 and 30 October. It is an event toward which the state government contributes $1.5 million and which is held every two years. It is particularly effective because it involves our key strengths in food, wine and beer production. This year the festival has the theme of the elements: earth, air, fire and water. There will be 67 public events held, and one of the key ones will be Feast for the Senses, which is the biggest event of the whole week. It is held on the Riverbank site and hosts up to 35 000 visitors, who expect to enjoy the best food, wine, premium beer, coffee and beverages that Australia has to offer, provided by 75 exhibitors—and they will not be disappointed.

An exciting addition to this year's program is the Adelaide Food Summit. This is a two-day festival, focusing on food trends, foods for health and wellbeing, and the issues of sustainability, with a particular focus on those food and wine-related industries in South Australia. The summit is again funded by the SATC and sponsored by Food SA. The festival is expected to be attended by 70 000 plus people and include 3 000 plus events for specific overseas and interstate visitors. It will generate $3.7 million to the economy and will generate media coverage in the vicinity of $10 million value, with 113 media representatives from 16 countries in our key international target markets. This year's Tasting Australia will showcase to the world South Australia's diverse, high quality food products.

The event is especially successful because it has the convergence of our key strengths. It is based on agriculture, wine production, beer production and science as well—oenology and plant functional genomics, biomedical research—and our strengths in the training of people for catering, hospitality and culinary skills. The event is so successful because it is a genuine event which meshes with our community, our culture and our economic opportunities.

NATIVE VEGETATION AND FIRE MANAGEMENT

The Hon. I.F. EVANS (Davenport): My question is again to the Minister for the Environment. Given the tragic Eyre Peninsula bushfires, what other changes to the Native Vegetation Act is the government proposing to ensure that

communities are safe? When the CFS chief officer, Mr Euan Ferguson, gave evidence to the Economic and Finance Committee recently, he stated:

> Under the Native Vegetation Act, the act of clearance includes burning off. I think we need to look at that. Burning off is not necessarily an act of clearance.

I asked Mr Ferguson:

> What is the process when the CFS or local council officer issues a notice, a clean-up order, that involves native vegetation? Can the native vegetation board say, 'Even though you have a clean-up order, we are not going to allow you to do a prescribed burn?'

Mr Ferguson replied:

> My advice is that the Native Vegetation Act overrides the Country Fires Act.

In other words: yes.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his second question on this issue. As I said in answer to the previous question, we are seeking to meet, with some alacrity, with Mr Ferguson so we can go through his concerns in detail, because we want to establish a set of arrangements which get the appropriate—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: I point out to the member that he was, of course, the minister responsible for this area for several years and the action he took on this issue was negligible.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. J.D. HILL: What I can tell the house, of course, is that the Native Vegetation Regulations 2003, which came into operation on 25 September that year, provide a number of options to allow for the establishment of fire protection works on a property. The provisions take into account advice from the CFS, the outcomes of the Premier's Bushfire Summit and discussions between the Minister for Environment and Conservation and the Hon. Graham Gunn (the member for Stuart) during debate on the Native Vegetation (Miscellaneous) Amendment Act 2002. In addition, departmental officers supporting the Native Vegetation Council are working with the CFS to ensure that assessment processes are streamlined and take into account fire safety needs. As part of this, the CFS will be invited to comment and propose fire prevention measures brought to the Native Vegetation Council.

The Native Vegetation Council also endorsed Firebreaks and Fire Access Tracks, Guidelines for State Government Agencies at its meeting on 7 March 2005. The key features of the exemption under the Native Vegetation Regulations 2003 dealing with fire safety measures are as follows. In relation to clearance around dwellings, the clearance of native vegetation, other than tall trees, within 20 metres of a dwelling will be exempt. In some circumstances the clearance of an area greater than 20 metres may be allowed. The NVC has prepared guidelines to facilitate clearance without approval for up to 50 metres around a dwelling.

In emergency situations a CFS officer may clear native vegetation in emergency situations in accordance with section 54 of the Country Fires Act 1989. In relation to hazard reduction measures, a person may reduce combustible material (by 'cold' burning or other means) in accordance with a management plan prepared by a land-holder, a group of land-holders, or the district bushfire prevention committee, and approved by the NVC. In relation to fuel breaks, there are a number of exceptions for the establishment of fuel breaks of various widths.

In relation to parks and reserves, clearance for fire prevention purposes in a reserve constituted under the National Parks and Wildlife Act 1972 or Wilderness Protection Act 1992 in accordance with standard operating procedures agreed by the NVC is exempt. The Native Vegetation Council and the CFS will work together to develop information sheets in consultation with the Farmers Federation to allow for better communication of these provisions. The length of time—

Ms Chapman interjecting:

The Hon. J.D. HILL: The member for Bragg is an expert on everything, isn't she? She is just a genius in relation to water issues, fire management issues, education—

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

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney is out of order!

The Hon. J.D. HILL: The Native Vegetation Council—

The Hon. P.F. Conlon interjecting:

The SPEAKER: And the Minister for Transport!

The Hon. J.D. HILL: The Native Vegetation Council and the CFS will be working with the Farmers Federation, as I have said. The length of time to approve bushfire prevention management plans has varied considerably over the past five years. Delays are sometimes caused when the applicants are asked to provide additional information or clarification. As I have said, given the importance of this matter, I have asked the Chief Executive of DWLBC to consider any improvements that can be made by the department's consideration of bushfire prevention management plans.

An honourable member interjecting:

The Hon. J.D. HILL: I was asked an important question about the management of bushfire and its relation to fire. I will take the amount of time required to go through it. In his report on the Wangary bushfires, Dr Smith received submissions identifying issues with fuel loads on roadsides, citing the Native Vegetation Act as the 'cause of the problem'. Conversely, submissions also recognised the high conservation values of the roadside vegetation in the region, and the need to retain and strategically enhance those values. A third group did not have major objections to the retention of roadside vegetation in its current status subject to the creation of suitable fuel breaks. In discussing the issue, Dr Smith recognises that:

> . . . roadside vegetation on the LEP burns for a longer period of time, compared to burn time in surrounding agricultural lands and restricts the use of the roads because of the effect of heat, smoke and reduced visibility.

In summary, Dr Smith's report states:

> . . . the impact of roadside vegetation. . . is in the main a consequence of judgements made by individuals. Consequently while roadside vegetation can restrict the safe use of roads during bushfires, the majority of the negative impacts would be minimised through a stronger acceptance and implementation by individuals of the 'Stay and Defend or Leave Early' evacuation system.

In his recommendation, Dr Smith states:

> The CFS, with the purpose of strengthening the community's uptake of the 'Stay and Defend or Leave Early' evacuation, utilize case studies on how to avoid having to use roads with burning vegetation for evacuation.

I make all these points to indicate that an enormous amount of work has been going on over the previous three years. Over the time that I have been minister, I have taken on board, particularly, the comments made by the honourable member for Stuart during the debate in this house when the

legislation came through and we put measures in place. If there is a need for more measures to be put in place, we will look at that very seriously and that is what we intend to do, as I have said before. There has been a series of changes introduced in the practices and the regulations since I have been minister to achieve appropriate balance between the two.

Mr Venning interjecting:

The Hon. J.D. HILL: The member for Schubert says that it takes too long. These matters are serious; there has to be a balance between biodiversity and fire safety, and we try to get it right. You do not want people making quick decisions with long-term negative consequences.

The SPEAKER: Order! I point out that the minister might choose to use a ministerial statement rather than question time.

HOMELESS, INNER CITY

Mr SNELLING (Playford): My question is to the Minister for Housing. What initiatives have been developed to assist those who are homeless or at risk of homelessness in the inner city?

The Hon. J.W. WEATHERILL (Minister for Housing): This is Poverty Week and I was very pleased to participate in the launch of a program aimed at preventing homelessness in the inner city area, and supporting people to live safely and successfully in the community. It is a program that involves a partnership between a whole range of venerable institutions, the Australian Red Cross, the Adelaide City Council and the Multi-Agency Community Housing Association (MACHA). That program, called the Inner City Support Program, will focus on improving the life of people who are homeless or at risk of homelessness. It will involve Red Cross volunteers. Fortunately, Red Cross has a magnificent—

Mr Brokenshire interjecting:

The Hon. J.W. WEATHERILL: The member for Mawson does not seem to think that this is a very important issue.

Mr Brokenshire: I said that you are talking out question time.

The Hon. J.W. WEATHERILL: It is an issue of critical importance to our homeless population, and I would appreciate it if the member for Mawson would cease interjecting and give me an opportunity—

The SPEAKER: Order! It is impossible to hear the minister. I point out that there are only four minutes left in question time and some members still want to ask a question. Minister, do you want to conclude your answer?

The Hon. J.W. WEATHERILL: The approach involved is to draw on the extensive Red Cross volunteer network who work with and mentor people who have experienced long periods of homelessness in the past, and who could be facing other issues that confound their ability to get into and make a success of their housing. The volunteers will spend time with those at risk of homelessness with a range of activities such as grocery shopping, paying bills, budgeting and preparing meals. It is not only about equipping people in a physical sense, it is also about getting them connected with the community and other social networks so that they make an independent go of it in their accommodation.

The volunteers will also be instrumental in linking to other services from cleaning, gardening and home maintenance to transport, advocacy, parent support and drug and alcohol services. The volunteers will also be available to provide vocational support to help clients develop resumes and enter the work force. The Inner City Support Program—

Mr BRINDAL: Sir, I rise on a point of order. I am finding it very difficult to concentrate because of all the distractions. I would ask you to make the house more orderly.

The Hon. M.J. Atkinson: Especially that book you're reading!

Mr BRINDAL: That is what I cannot concentrate on.

The SPEAKER: Order! It is hard for the chair to hear what is going on. There is obviously a lesson here: late nights do not seem to suit members of parliament. I think the minister needs to wrap up his answer fairly soon.

The Hon. J.W. WEATHERILL: The Inner City Support Program complements a range of existing initiatives, including our recently reconfigured Street to Home Program, to meet the targets of halving homelessness in our state.

EYRE PENINSULA BUSHFIRES

The Hon. I.F. EVANS (Davenport): My question is again to the Minister for Environment and Conservation. Given that Port Lincoln narrowly escaped the Eyre Peninsula bushfires, and the amount of fire fuel that still exists around the township, why is it that the Port Lincoln council is still waiting for the Native Vegetation Council to approve the council's bushfire plan, which includes larger firebreaks and cold burns? The bushfire season on the Eyre Peninsula will commence in just 11 days. The council has advised that the non-approval of its bushfire plan will more than likely mean that the bushfire prevention measures will not be undertaken prior to the bushfire season's commencing.

The Hon. J.D. HILL (Minister for Environment and Conservation): As I understand—

Mr Brokenshire interjecting:

The Hon. J.D. HILL: I will not respond to the member for Mawson. Port Lincoln is obviously a community that is fearful of bushfire. Unfortunately, it has a mayor who wants to burn down and get rid of every tree within kilometres of the place. So, we have to balance—

Members interjecting:

The Hon. J.D. HILL: I think he is happy to say it outside. We have to balance his ambitions to clear vegetation everywhere with the need to control native vegetation to maximise safety for that community. I may need to check the facts in relation to this, but I understand that an application was put in about two months ago—the member for Davenport may know, since he asked the question. The Native Vegetation Council (I think it is in relation to this issue: I will correct the record if I am incorrect) is meeting next week. I understand it will approve the application, with a couple of suggested changes. The department has been working on the issue with the council through that time, so the recommendation will go through relatively smoothly at the next meeting of the Native Vegetation Council. The council meets every two months. The application came in roughly at the time of the previous meeting, so there was not an ability—

Ms Chapman interjecting:

The Hon. J.D. HILL: The expert on everything again! There was not an opportunity to consider it at the last meeting, and I understand it will be considered properly at its next meeting. I will obtain some further detail for the member, because I am relying on my memory, and I just want to make sure I have got the story accurate.

MENTAL HEALTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Members interjecting:

The Hon. DEAN BROWN: Just listen. I would like to quote what the so-called acting Minister for Health said during question time today (he was quoting me):

> In the question that was asked yesterday in the house it was suggested by the Deputy Leader of the Opposition that Dr Shane Gill, the former clinical director of Mental Health Services based at the Royal Adelaide Hospital, had resigned and that somehow this was an example of a crisis in the mental health system.

An honourable member: Yes, you said it.

The Hon. DEAN BROWN: I am glad that one of his colleagues here said that is what I said. Let me quote to the house exactly what I did say. I said:

> My question is again to the minister. Will the minister specify how many mental health staff have resigned in the past 12 months?

There was no reflection at all. I went on to say:

> Dr Jonathan Phillips, Dr Shane Gill and many other psychiatrists and mental health workers have resigned in the past year.

I did not reflect on Dr Shane Gill at all. What I did say was:

> In the national mental health report [the federal report published yesterday], a South Australian clinical psychologist. . .

I realise that this new acting Minister for Health does not know much about health, but there is a difference between a psychiatrist and a psychologist—

The SPEAKER: Order! The honourable member is debating now.

The Hon. M.J. ATKINSON: On a point of order, this goes well beyond a personal explanation and is not in the appropriate form.

The SPEAKER: That is right. The deputy leader was clearly debating then. He has to stick to correcting any wrong reference to himself.

The Hon. DEAN BROWN: What I did say in parliament yesterday was:

> In the national mental health report released this morning, a South Australian clinical psychologist [which is different from a psychiatrist] states:
>
> > I left the mental health system because of burnout and the feeling that in my previous role I felt like I was perpetuating the abuse because I did not have the resources I needed to do my job properly.

I also quoted yesterday, in an entirely different question, the following:

> The national Mental Health Report [released yesterday], which is damning of South Australia, states:

And I quote exactly from that report, as follows:

> Perhaps the best indication of the ongoing crisis in mental health services in South Australia was the resignation of the Director of Services, Dr Jonathan Phillips, in May 2005.

It was Dr Jonathan Phillips who was quoted, not by me but by the national report.

The SPEAKER: Order! The Attorney has a point of order. I believe that the deputy leader has made his personal explanation.

The Hon. DEAN BROWN: I am making it very clear indeed—

The Hon. M.J. ATKINSON: On a point of order, personal explanations do not allow the honourable member giving the explanation to interrogate other members of the parliament.

The SPEAKER: Order! The deputy leader needs to focus specifically on how he was misquoted or misrepresented.

The Hon. DEAN BROWN: It is quite clear that in the two specific references I made yesterday in question time both came out of the national report and neither of those references related to Dr Shane Gill. The reference to Dr Shane Gill was simply to ask how many mental health staff had resigned. So, once again—

Members interjecting:

The SPEAKER: Order! The deputy leader has concluded his statement and is abusing the standing orders.

GUARDIANSHIP BOARD

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

Leave granted.

The Hon. M.J. ATKINSON: On Wednesday 21 September this year, when the Guardianship and Administration (Miscellaneous) Amendment Bill 2005 was debated in the house, the member for Hammond raised concerns about the Guardianship Board. These comments were offensive to the members of the board and are factually wrong. I am informed by the Public Advocate of these points:

- The board does not employ social workers. It has not done so since 1995.
- The board does not handle protected estates. The board is a quasi-judicial body that hears applications for orders under the Mental Health Act and the Guardianship and Administration Act. It appoints administrators to administer estates in appropriate cases. Those administrators handle the protected estates, not the boards.
- Persons placed under guardianship are not in the care and control of the board. The board appoints guardians in appropriate cases to act as surrogate decision makers for the protected person. The board does not provide day-to-day care for a protected person.
- The Guardianship Board reports annually to parliament. If the member for Hammond has concerns about the board, he has the opportunity under standing orders to raise them in the house. He has not done so; nor has he raised them directly with the Guardianship Board or the Public Advocate.

I have written to the honourable member for Hammond asking him to provide evidence supporting his comments to me, as the minister responsible, or to the appropriate authorities. Alternatively, I have suggested that he withdraw his comments at the first opportunity. He has neither provided evidence to support his claims nor withdrawn his comments.

The most reprehensible comment by the honourable member for Hammond is to suggest that protected persons are sexually and materially abused by the board. Such comments are offensive to the members of the Guardianship Board. Parliamentary privilege is there to protect the integrity of the processes of parliament. It is a privilege that is deeply rooted in the history of Westminster. It allows this house to inquire, to debate and to pass legislation. However, with the possession of such a powerful privilege comes responsibility. If the honourable member had uttered such comments outside these walls he could well face defamation proceedings.

The Guardianship Board and the Public Advocate work in an area that is often emotionally charged. People can become illogical, vindictive and embittered towards those who make decisions. Ill-informed comments by such people as the member for Hammond make the board's and the Public

Advocate's task even harder by entrenching disaffected disputants in their suspicion and mistrust. Interestingly, equivalent officers interstate have experienced similar attacks in the past, resulting in commissions of inquiry, none of which found any material wrongdoing. Mr Speaker, it would be negligent of me to let the honourable member for Hammond's comments go unchallenged.

The SPEAKER: Point of order, member for Unley.

Mr BRINDAL: Or a matter of privilege. Mr Speaker, this is not the first time that the matter of the member for Hammond's use of privilege has been raised in this house. I have raised the matter. The Attorney raises it formally. I ask you, sir, to consider how long this house will tolerate the member for Hammond's abuse of the privilege which we all share and which we jointly should enforce.

The SPEAKER: The matter to which the member for Unley refers is in the hands of the house. If a member or members wish to take a particular course of action, they can.

Mr BRINDAL: I simply drew the matter to your attention, sir. I will consult colleagues on both sides of the house and we will see if it is worth a motion.

GRIEVANCE DEBATE

LOITERING LAWS

Mr BROKENSHIRE (Mawson): Mr Speaker, we see the Attorney-General continually getting information wrong, either directly or by innuendo, the way he goes about things. The projection is that he gets matters wrong. Because the Attorney-General is very sensitive to this, twice this week he came in here putting facts, which are not actually correct facts, about existing parliamentary laws with respect to loitering.

Yesterday, in the parliament (and I will not go into the detail because it is sub judice) the Attorney-General referred to an incident recently reported in the media that the police are now working through. It was actually a nonsense to suggest that this incident means that our loitering laws cannot be improved. The Liberal Party's point that police powers over loiterers was reduced by Don Dunstan is a statement of fact. It was during his watch when in government in South Australia. In fact, it is an embarrassing furphy for the Attorney-General to claim that, because 600 people were convicted last year of failing to cease loitering, these laws cannot be improved. That is a nonsense.

Quite apart from the fact that 600 is a drop in the ocean of the 249 521 offences reported in South Australia last year, the point the Attorney-General misses is that, if the police had more power, they could have provided greater protection for the public. That is our point, and we make no apology for having a policy that goes further and deeper into loitering laws, particularly when it assists police to maintain good behaviour in our community.

In fact, the Attorney-General is so sensitive about this issue that he recently wrote a long letter to the popular radio announcer Mr Bob Francis from 5AA, claiming that it was an urban myth to suggest that Dunstan abolished the law against loitering. The letter displays the Attorney-General's propensity to twist the truth. The Liberal Party has never suggested that Don Dunstan abolished this law. What we said was that Dunstan altered the law and, consequently, reduced police powers.

Let us get to the facts and not the spin designed to disguise Labor's history. In 1972, after the report of the royal commission into the moratorium demonstration, Dunstan's Attorney-General (Hon. Len King) amended the loitering laws which, at that time, were contained in the Police Offences Act and the Lottery and Gaming Act. Clearly, it was a Labor government that weakened laws with respect to loitering. In moving for repeal of the act, the Hon. Len King said:

> As the provision stands, it enables a police officer. . . to move along any person who happens to be in a public place. . . These sweeping powers have in general been exercised with restraint—

here it is—

> but that fact cannot justify the retention of powers that go far beyond what is required adequately to protect the public interest.

We make no apology for not agreeing with that. I ask the Attorney-General to come back this afternoon and apologise to the house, because what he has been saying in this place in the past couple of days is simply not correct, and that has just been reinforced by the statement made by the Hon. Len King on 14 March 1972. The Attorney-General has a real problem stating the facts. On the same day, the Hon. Len King moved an amendment to the Police Offences Act. In doing so, he described the existing section as follows:

> This section that provides that a person who loiters in a public place and on request by a member of the Police Force does not give a satisfactory reason is to be guilty of an offence.

He then indicated a new section and said:

> This. . . new section limits the exercise of this kind of power to cases in which its exercise can be properly justified. . .

Clearly, the act is weakened. I finalise my points today by saying that over the years many police officers have complained to me, the shadow attorney-general and other members of the Liberal Party about the present powers. They say that they are inadequate to deal with hoons and gangs who hang about in malls and laneways in circumstances where their very presence creates reasonable fear of harassment in the mind of reasonable people. The Liberal Party believes that law-abiding citizens should be allowed to go about their business free of the fear of harassment. So, we will extend the law to give police the power to require persons to move on if they are acting in a manner likely to create distress or fear of harassment in a reasonable person.

Time expired.

HOSPITAL VOLUNTEERS

Mr CAICA (Colton): The people of my electorate are served by two main hospitals: the Queen Elizabeth Hospital and the Western Hospital. Only last week, the minister and the Premier announced the $120 million stage 2 redevelopment, which was the subject of a hearing before the Public Works Committee yesterday. I expect that a report will soon come before this parliament. The other hospital I mentioned in my electorate, the Western Hospital, is an outstanding private hospital, and I have detailed on many occasions the contribution it makes to the people of my electorate. In the past I have also detailed the story involving ACHA's ridiculous situation, namely, that because of cash flow problems the Western Hospital was no longer regarded as viable and was not wanted by ACHA. I have previously congratulated Dr Richard Noble and his consortium for making sure that that hospital continues to serve the broader community.

A week or so ago I was very proud to attend the 45th annual general meeting of the Friends of the Queen Elizabeth Hospital, representing the Premier, and it was my privilege to give out the various certificates and badges recognising the many years of service by those volunteers. I am very proud of the work that is undertaken by the Friends of the QEH, the volunteers, and it is exactly that on which I focus today.

Many hundreds of people give their time generously as volunteers in support of the patients, their families and their hospital. These volunteers spend countless hours behind the scenes and as the public face of both of these hospitals. As I said, on 27 September, I attended the annual general meeting of the Friends of the QEH, and it was not only to attend that meeting but also to celebrate the contribution of the many volunteers over many years who have put in enormous service on behalf of that hospital and the people who use it. It was a privilege to attend and to present the life membership badges, as well as the 20, 15, 10 and five-year badges and certificates. It is important to recognise the role that the Friends of the Queen Elizabeth Hospital play. They assist patients in many ways by supplying taxi vouchers, emergency bus fares and the provision of lunch to hospital patients. They also donate a lot of hospital equipment to various departments, as well as providing support to the research foundation, and much more.

The Friends of the Queen Elizabeth Hospital constitutes 172 active volunteers. They do an outstanding job, and I know that no-one in this house would deny that fact. However, like the QEH, the Western Hospital would be incapable of discharging its level of service without the support it receives from its volunteers. Several weeks ago, I attended a general meeting of the Western volunteers with the hardworking federal member for Hindmarsh, Steve Georganas. We had a tour of the hospital and had afternoon tea with the volunteers, who play a pivotal role in the services provided to that hospital by meeting patients, attending to their needs, compiling patient information, and meeting all Western customers. Indeed, like the Friends of the QEH, they do an outstanding job.

I highlight the fact that on 27 November the Western Hospital will have an open day, and I encourage all members of the house to attend and have a look at this hospital in action. It truly is a remarkable transformation from the days of ACHA when it looked like we would not have the services of that hospital in the western suburbs to the condition that it is in today. It is a credit not only to the consortium, headed by Richard Noble, but also to all the other people within the western suburbs who have provided support.

In conclusion, on behalf of our community, I thank these volunteers at both hospitals. They are the friendly face of the hospitals, and their contribution cannot be underestimated. Like all volunteers, they are the glue that bonds our community. The Friends of the QEH and the Western volunteers are an inspiring example to us all. Their marvellous and selfless contribution is something of which each and every one of us can be proud; indeed, they can be proud of themselves as I am of them. I thank and salute our hospital volunteers.

BAROSSA WINE TRAIN

Mr VENNING (Schubert): I want to raise two matters today. The first was referred to in question time today regarding the Eyre Peninsula bushfires. I want to make a very brief comment about these fires. I am very distressed at what happened and, as a farmer and firefighter myself, for years I have been campaigning about the bureaucracy that is invading the CFS volunteer organisation. It is just ridiculous. Return the fire fighting directive powers back to the firefighters who live there, who are actually on the fire ground and who are not distant bureaucrats with peaked caps and pips on their shoulders. Let this tragedy be a lesson to us all of about what happens when the wrong people make the wrong decisions. Give the power back to the CFS—the trained people—who are on the fire ground. If one thing does come out of this, we might get that situation reversed.

The other subject that I want to raise today is of total frustration to me and a matter which, time after time, I have raised in this house and with the minister. It relates to the future of one of our state's treasured icons, namely, the Bluebirds, known as the Barossa Wine Train in its last actions. Because of the Rann Labor government's inaction and failure to support private operators in their bid to re-establish the Barossa wine train, the beloved carriages have now been forced outside their safe storage to rot, so to speak. Now that they have been removed from their storage, the carriages are outside at Islington in the weather, where they are exposed to vandalism. They will quickly deteriorate with graffiti, not to mention what the weather will do to the upholstery. It is another example of this government's ignorance towards tourism, people outside the metropolitan CBD who live in our rural areas and South Australia.

Our state heritage is left to rot while the Rann government prevaricates and dithers on a matter on which it cannot make a decision. I have been asking the Rann Labor government to support the re-establishment of the Barossa wine train and to help save our Bluebird for over two years but, unfortunately, time has now run out and there is still no solution regarding the public liability insurance in relation to this venture. Now it is urgent. We are now on borrowed time. Every day the carriages are exposed to the elements will cause further deterioration, and they are at a greater risk of vandalism and eventual destruction. Check the other rolling stock in the yard at Islington. It is all vandalised and covered in graffiti. It is a disgrace—and to think that our beloved Bluebird could go the same way is tragic.

The latest developments disappoint me, but I still remain mildly optimistic that this latest move may encourage those interested parties to make their move, to strike up a deal, make an offer and also provide the opportunity for new parties and partners to come out of the woodwork. I will continue to work hard to encourage interested parties. This is still a viable and extremely beneficial business venture. However, in the meantime, I strongly urge the Rann Labor government to reassess its position again and offer some form of assistance or advice in relation to restoring this iconic train and the cloud of public liability insurance hanging over it. It is time the Labor government started appreciating their rural and regional areas more by injecting more time and money into assisting and promoting these regions.

I urge the government to rid itself of its city centric attitude and help get the Barossa train back on track. After all, it was a popular and unique way to experience the Barossa Valley, a prime wine tourism region in South Australia. It is a pity that we do not see the Minister for Tourism in our region very much—in fact, I can only recall her being there once. She never rode on the Barossa wine train. I did many times. The previous minister Hall did many times. The previous premiers did—both Brown and Olsen. In fact, only

a few years ago Her Majesty the Queen did, but the minister has not. This iconic train is now out in the weather waiting to be vandalised, and we sit and do nothing about it. We are merely asking the government to give a private operation the same umbrella that it gives its own train services. We are only asking for it to be covered so that, if anything does go wrong—and it should not—it will give a private operator a chance to operate without that huge burden over their heads. I hope that with this speech and others that we can do something because, if we have a bad night with vandals, this whole debate is finished and these things are destined to the dust.

FREE TRADE AGREEMENT

Mr O'BRIEN (Napier): On 18 April this year, our Prime Minister and China's Premier agreed that Australia and China would commence negotiations on a free trade agreement. Negotiations currently continue. Free trade refers to the international trade of goods and services in the absence of tariffs and other non-tariff protection mechanisms. The aim of free trade is to remove all trade barriers which act to distort the relative comparative advantage between two countries and, in doing so, provide one country an unfair advantage.

According to Richardo's widely accepted theory of comparative advantage, free trade allows countries to export more goods than they would do otherwise. It is hoped that the Australian negotiators appreciate that tariffs are only one form of trade barrier, particularly for the sake of South Australia's manufacturing industry. In the area of manufacturing, the removal of tariffs will not remove all trade barriers. Research done by my parliamentary intern, Lillian Yan of the University of Adelaide, has identified four other major obstacles to free trade between Australia and China. These are:

1. China's managed exchange rate regime.
2. The failure of the vast majority of Chinese manufacturers to abide by any environment regulations.
3. China's ineffective enforcement of intellectual property rights.
4. The poor labour standards that exist in China.

The under-valuation of the Chinese currency, the RMB, against the Australian dollar via the Chinese exchange rate poses a barrier to trade. At the end of each day the People's Bank of China will announce the value of the RMB for the next day, and the market will be free to move the RMB's price in a band of .3 per cent above or below the allowed peg. As a result of this regime, the RMB is still, and will continue to be, under-valued. Different analysts have different views on just how far the RMB is under-valued, but these estimates range from between 15 per cent to 75 per cent, with the World Bank putting it at 75 per cent. The fact that the RMB is pegged at a lower level than it would be on the free market makes Chinese manufacturing exports artificially cheaper compared to the domestic product, and Australia's exports far more expensive.

For a variety of reasons, China's enforcement of intellectual property rights is also wanting. The intellectual property rights problem in China poses a great threat to Australian manufacturing because, given the lower price of fake products, IPR violations can be devastating to legitimate firms.

Australian exporters will lose in one of two ways. First, they lose a large proportion of the Chinese market, which will turn to cheaper domestic counterfeits rather than pay for more expensive originals from Australia. Further, Australian manufacturers will also lose out on the world market as Chinese counterfeit items leak to the rest of the world. The final barrier preventing truly free trade between Australia and China is China's commitment to workers' labour rights. This barrier may be very much lessened if John Howard successfully pushes through his industrial relations reform agenda.

Evidence demonstrates that China's labour standards and working conditions fall far short of the international standards by which Australia currently abides. Specifically, there is only one officially sanctioned trade union in China, and it is under the control of the government. This, of course, contravenes freedom of association and means that wages are kept low by effectively removing all collective bargaining power. Furthermore, there remains considerable levels of forced labour in China and levels of discrimination in employment which drive down wages. Working conditions are poor, and there is no minimum wage.

Such differences contribute to China's low cost of manufactured products. The negative impact of this on Australian manufacturing is twofold. Firstly, the poor labour standards have the potential of endangering Australia's manufacturing workers' working conditions because it forces Australian workers and companies to compete by trading off basic working conditions. The ultimate result is that it becomes a race to the bottom in labour standards. Secondly, the fact that China's labour costs are artificially lowered, through the deprivation of workers' rights, means that wages are not a reflection of true market forces. In turn, this means that Chinese-manufactured goods are artificially cheaper compared to Australian goods.

Time expired.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Mr HAMILTON-SMITH (Waite): I want to bring to the attention of the House of Assembly a range of evidence, now publicly available as a consequence of inquiries elsewhere, concerning the Ashbourne, Clarke and Atkinson corruption affair. In particular, I want to draw to the attention of the house a line of inquiry it may wish to pursue in regard to whether or not when the Premier decided to commission the McCann inquiry into the activities of his senior adviser and trusted confidant, Randall Ashbourne, he was aware that legal issues would prevent evidence from the McCann inquiry being introduced during a future corruption trial and, if so, whether he made that decision to handle the matter in this way in that knowledge.

In evidence to the Legislative Council inquiry, Ms Geraldine Davison stated that Mr Ashbourne gave different evidence to the District Court than to McCann and, because the evidence given to McCann was excluded by the District Court judge, Ashbourne was given a 'free kick at reconsidering his evidence'. That is at page 256.

The house might like to ask the Premier whether he is aware that evidence given to McCann which was disallowed by the District Court included the following question:

> So after each discussion with Ralph you spoke with the Attorney-General.

The answer from Ashbourne was:

> Yes. His [the Attorney-General's] view was that he'd never give Ralph anything. . . Mick said if it were up to me I wouldn't give a thing. If you can make little things go away and ease factional issues and it's in the interests of party stability, it would help problems go away. Mick made it clear that he wouldn't have Ralph anywhere near

him but he would speak with others about areas where he could use Ralph's talents—not in legal—in areas of IR and jobs.

The house might like to inquire as to whether the Premier considered whether the failure to obtain timely and appropriately recorded statements from all witnesses as soon as possible after corruption allegations were made against his senior adviser and trusted confidant Randall Ashbourne might be detrimental to any future criminal corruption investigation. Again, Ms Wendy Abraham has given evidence in the other place, and it is publicly available, that:

> . . . an earlier police investigation provides the opportunity for competent and experienced investigators in criminal matters to interview all relevant witnesses, and to ascertain the facts whilst they are still fresh in the witness's memory.

That is at page 243. The house might ask whether the Premier had already spoken to Randall Ashbourne and the Attorney-General before asking the chief executive of the Department of the Premier and Cabinet, Warren McCann, to investigate and, if so—

Ms THOMPSON: I have a point of order, sir. I have been listening carefully to the member for Waite, and I believe that the last few words that he uttered strayed from the public evidence available before the committee. He invited the house to make some conclusions in relation to that evidence. It is my understanding that that is not appropriate and is out of order.

The DEPUTY SPEAKER: I did not hear those last few remarks that the member for Reynell is alluding to, but I advise the member for Waite that he is free to canvass that evidence which is publicly available, but needs to confine himself to that.

Mr HAMILTON-SMITH: If the Premier did have a conversation with Randall Ashbourne, the house might seek to know what was discussed during the conversation between the two. Publicly released documents note—in particular two file notes—outline that discussions took place on 20 November 2002, and that the Premier, Randall Ashbourne and the Attorney-General were present. The house might seek to explore when the Premier asked the CEO of the department—

Ms THOMPSON: Point of order, sir: is the member for Waite suggesting action that the house might like to explore? It is my understanding that we may not anticipate the outcome of the report of the select committee. We may read the evidence etc., but we may not discuss or anticipate the report.

The DEPUTY SPEAKER: I do not think that the member for Waite has infringed any standing orders yet, but the member for Reynell raises a valid point in that he should not in any way anticipate or pre-empt what conclusions the committee might come to in its report.

Mr HAMILTON-SMITH: Thank you, Mr Deputy Speaker. I am simply saying that publicly available information should point this house to a line of inquiry, in particular regarding the Premier's knowledge of events and the actions he took; again, in regard to whether he was aware that Mr George Karzis was present and privy to discussions between the Attorney-General and Ashbourne; and issues in regard to his responsibilities in respect of the Whistleblowers Act and whether or not his responsibilities were fulfilled. I would recommend to the house that it and, particularly, the opposition, might like to pick up these lines of inquiry. They point very clearly to the Premier's knowledge of events, and to whether or not any actions taken by the Premier may have interfered with the subsequent legal proceedings, intentionally or unintentionally. Also, whether there may have been some risks at the time of these decisions about whether any of the actions taken in the seven months between discovery of the matter and its revelation to the Anti-Corruption Branch, may have had the unintentional or intentional effect of interfering with the course of justice in some way. It seems to me that this strikes at the very character of the government, and ought to be a line of inquiry that this house should be pursuing with earnest.

Time expired.

INDUSTRIAL RELATIONS CAMPAIGN

Mr KOUTSANTONIS (West Torrens): I wish to talk about the federal government's spending spree on the IR campaign.

Ms Chapman: What about the two-page spread on the hospital right next to it from your government?

Mr KOUTSANTONIS: That is the point I am trying to make. I would like to run through the breakdown as reported in *The Australian* today on page 15. To date, the federal government has spent $4.7 million on metropolitan television; on press, $900 000; on radio, $710 000; on regional TV, $750 000; on pay TV, $300 000; and online advertising, $100 000. In the first two weeks of its industrial relations reform campaign, according to a survey released by ACNielsen, the federal government has spent nearly $15 million of taxpayers' money. A few weeks ago, the opposition raised in this house a complaint about the Premier and the state government using $200 000 of taxpayers' money to advertise and celebrate the achievements of all South Australians in obtaining the air warfare destroyer contract. The hypocrisy of the opposition in this attack is glaring, when one reads what Mr Simon Canning of *The Australian* said. He stated:

> The mammoth ad budget has already put the IR campaign on track to become the biggest advertising spending spree in Australian history. With no end in sight to the Government's bid to swing the public behind the IR changes, observers predict it will easily outstrip the GST campaign in 2000, which cost $100 million.

The interesting point about this is that senior advertising executives think that this might be overkill. They are saying that it might have the opposite effect. One says, 'It's obvious overkill.' John Sintras, the Chief Executive of Starcom and head of the Media Federation of Australia, said:

> . . . the campaign and the 'staggering' number of ads had been a significant talking point in the industry. 'There is a fine line between effective reach and overkill and they have crossed it'. . .

What I want to know is, because of its arrogance in having control of both houses of parliament, will the federal government be held accountable for this massive overspend of taxpayers' dollars? It is interesting that one person said that not even Telstra or Coles can spend at this rate in advertising, and they are retailers.

The government is not selling a package, in its view: its aim is to educate the Australian public on the proposed changes—which, I might add, were never canvassed during the election campaign. Mr Roger Camplisson, Managing Director of media buying agency Initiative, said that it is spending more than $1 million a day. He stated:

> They are hitting consumers with a far higher level of ads than any other brand, at any other time, in any other category. Most other brands are getting sales to make their revenue. They make sure a return on investment is the bottom line.

The Liberal Party is the party of small business and return on investment. Mr Camplisson went on to say:

> You have to wonder whether the disciplines on ROI [return on investment] are being applied by the Howard government.

He further stated that the media spend was unprecedented and said:

> Not just our agency, but no other agency has ever done it. . . We have done our numbers and what we are doing is recommended.

The article stated that other experts in media planning concurred. They are also saying that retailers in the market cannot get their advertising on television because the federal government is soaking up every piece of free air time. Whether it is in the Messenger Press, *The Advertiser*, *The Australian*, the *Financial Review*, free-to-air, pay TV or radio, it is soaking up much needed retail advertising space that would help our economy move ahead because, unfortunately, South Australian retailers are being disadvantaged by a federal government desperate to sell its unpopular IR changes.

MATTER OF PRIVILEGE

The SPEAKER: Earlier today the Leader of the Opposition raised a matter of privilege, in which he alleged that the Attorney-General had sought to intimidate the members for Florey and Torrens in relation to their right to employ staff of their own choosing. The allegation of an attempt by a member to intimidate another is a serious matter, but it is a matter that only the members alleged to have been intimidated can determine and is, therefore, a matter for those members to raise.

Taking into consideration that the member for Torrens has denied, by way of an out of order interjection and a point of order, that she has been intimidated or bullied by the Attorney-General, as the leader alleges, and in the absence of any complaint from the member for Florey, I do not find that the matter can, and I quote from the longstanding tradition, 'genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties'. Accordingly, I do not propose to give precedence which would enable the leader or any other member to pursue this matter immediately as a matter of privilege.

BUSHFIRE PREVENTION PLAN, PORT LINCOLN

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today during question time (the last question, I think) the member for Davenport asked me a question about a request by the Port Lincoln council in relation to the Native Vegetation Council and a bushfire prevention plan. I had the general story right, but I now have some more detail, which I would like to put on the record.

I am advised that the draft Port Lincoln Plan, dated 8 August, was received by the Native Vegetation Secretariat on 22 August with an accompanying letter dated 17 August. As the Native Vegetation Council's next meeting was planned for about a week later, that was insufficient time for the council to consider the matter and have the work done by the department. The council's next meeting is scheduled for 24 October. The review of the plan has been given a high priority by my department, with an agenda item currently being prepared. The office of the Port Lincoln council will be providing a presentation to the Native Vegetation Council, and the Executive Officer of the NVC has indicated that the draft report will be recommended to the NVC for approval, subject to the clarification of several issues.

In August 2003, the Native Vegetation Council received a bushfire prevention plan from the City of Port Lincoln Council. That plan outlined the number of fire breaks that would require significant clearance of native vegetation to achieve a width of 15 metres. The Port Lincoln Council was seeking approval from the Native Vegetation Council to carry out the clearing of native vegetation. An inspection by scientific officers from the Native Vegetation Council Secretariat was carried out in the same month as receiving the plan of the proposed location where significant clearance of native vegetation was proposed. The Native Vegetation Council Secretariat made a number of recommendations to achieve the required fire breaks that the Port Lincoln Council was seeking, while retaining as much of the native vegetation as possible.

The Native Vegetation Council Secretariat also made a number of general comments on aspects of the bushfire prevention plan. It noted that many of the areas inspected supported extensive perennial weed species. It was recommended that the fire risk at these areas would be significantly reduced by establishing a controlled program of these weed species. The other main comment made by the Native Vegetation Council Secretariat was that the bushfire prevention plan did not make reference to how the strategies for reducing fuel loads would occur for the selective burning program. Some of these suggested changes to the bushfire management plan were incorporated in the final plan, with the revised plan being adopted by the City of Port Lincoln Council on 8 December 2003, based on City of Port Lincoln minutes.

The City of Port Lincoln Council—and this is the important part—did not seek formal approval from the Native Vegetation Council. This was believed to be an oversight by the City of Port Lincoln Council. So, for two years it had the plan ready to be approved by the Native Vegetation Council but did not present it to it. In August 2005, as I have already said, the City of Port Lincoln Council sent a draft bushfire prevention plan to the Native Vegetation Council for formal approval. This draft plan was prepared following a review of the 2003 plan by the Port Lincoln Bushfire Prevention Committee, which had never been formally approved by the Native Vegetation Council.

Ms Chapman interjecting:

The Hon. J.D. HILL: So much for who is responsible, Vickie: it was the Port Lincoln council that was derelict in its duty.

MILE END UNDERPASS BILL

The Hon. P.F. CONLON (Minister for Infrastructure) obtained leave and introduced a bill for an act to provide for the construction of an underpass to replace the Bakewell Bridge at Mile End; to repeal the Mile End Overway Bridge Act 1925; and for other purposes. 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.

Leave granted.

This Bill is necessary to enable the replacement of the Bakewell Bridge to proceed.

This Government announced the replacement project in March 2004. During public consultation on the proposed replacement option, a member of the Adelaide Parklands Preservation Society brought to the attention of the Department of Transport, Energy and Infrastructure a previously unidentified Act of specific application passed in 1925 that prevents the road over the Bakewell Bridge being closed and the Bridge itself being demolished.

The *Mile End Overway Bridge Act 1925* created a road—Glover Avenue— from West Terrace through the Parklands to Henley Beach Road over the railway lines via an overpass bridge. It vested the maintenance of the overpass bridge, known as the Bakewell Bridge, first in the Metropolitan Tramways Trust, then via an amendment in 1960, in the Commissioner of Highways (the Commissioner). This approach for opening a road is unusual.

As the road was specifically created by this Act, it cannot be closed without another Act of Parliament and the bridge cannot be legally removed without the closure of the road.

This Bill does not take any of the Parklands for use as road. Glover Avenue as it currently exists in the Parklands (defined in a schedule to the Bill) will remain in this location. The Bill will allow the road to be defined by a plan to be lodged in the Lands Titles Registration Office. While the 1925 Act defines the road by way of a plan, it has no survey reference points and is not adequate for today's standards.

The Bill establishes an underpass construction area, shown in the schedule to the Bill, in which the Commissioner may carry out the Bakewell Bridge replacement project.

The Bill also provides the opportunity to address what would otherwise have been unnecessarily complicated arrangements with the Adelaide City Council associated with the delivery of the project. The *Highways Act* does not apply to the Adelaide City Council area. This means that ordinarily the Commissioner cannot assume care control and management or exercise any of the other powers under the *Highways Act* within the Adelaide City Council boundaries. Whilst the Commissioner can require the Adelaide City Council to undertake works within its area, this would create practical and administrative complexities which, given the significance of this project, are undesirable.

The Bill will allow the Commissioner to assume care control and management and exercise his powers under the *Highways Act* within the project area but only for the duration of the project and for the purposes of the project. Specifically, the Commissioner will be able to undertake temporary works and roadworks in the Adelaide City Council area and in the Parklands for the purpose of demolishing the bridge and constructing the underpass, and building footpaths and cycleways alongside the road. The Adelaide City Council does not object to the arrangements provided in the Bill. The Department of Transport, Energy and Infrastructure will work closely with the Council on the details of the project as it affects the Parklands, and the Commissioner will enter into a Memorandum of Understanding with the Council to confirm these details.

The underpass construction area also covers railway land belonging to TransAdelaide and the Australian Rail Track Corporation (ARTC). ARTC is a corporation whose shares are owned by the Commonwealth. It owns and operates the Interstate Main Line track in South Australia, providing and coordinating access for train operators. The Bill allows access to the railway land for the duration of the project for the purposes of constructing the underpass. The Commissioner will have care, control and management of the underpass construction area during construction.

The underpass will be built within the construction area and when completed, the road will be defined by a plan lodged in the Lands Titles Registration Office. The road will occupy a stratum of land under the surface of the ARTC and TransAdelaide land. ARTC and TransAdelaide will each own the stratum of land up from the surface. The road will vest in the council in whose area the road is located – the City of West Torrens and the Adelaide City Council. In a way that reflects the current situation, the Commissioner will have care, control and management of the completed road in the City of West Torrens area, and the Adelaide City Council will have this responsibility in its area (the *Highways Act* does not allow the Commissioner to take on this role in the Adelaide City Council area).

The railways tracks will pass over the underpass by means of a rail bridge. This structure will become a maintenance responsibility of the Commissioner, as will the corresponding road overpass for James Congdon Drive (which runs parallel to the rail lines). The Commissioner will also be responsible for maintaining the underpass structure (retaining walls).

The Bill provides that the Commissioner must consult with ARTC and TransAdelaide with a view to ensuring that their businesses are not subjected to unreasonable disruption or inconvenience. It also provides for an agreement with ARTC for the management of the interaction between the project works and the business operation of the railways and compensation for losses incurred by ARTC as a result of the works on its land. A general release from liability for the Crown and the Commissioner is included in the Bill to give protection against other claims.

In the event of a failure to negotiate suitable arrangements to undertake the works or particular parts of the works, the Bill also provides the Commissioner with the power to temporarily close or limit the use of a railway line in the construction area. This power is provided to ensure that the works necessary for the project will be able to proceed. I stress that the power is a last resort and that it is fully expected that the Commissioner will make all reasonable efforts to accommodate the railway owners' business needs.

ARTC will derive benefits from the construction of the underpass. The Bakewell Bridge currently restricts the height of freight trains passing under it. Practically, demolition of the bridge and construction of an underpass will remove the restriction and provide ARTC with opportunities for improved efficiencies. Legally, this Bill replaces a road created in a stratum of space above the surface of the land with one created below the surface. This outcome means ATRC's title to the land will be subject to a lesser imposition than it currently is. ARTC is supportive of the underpass concept and has been consulted on the arrangements in this Bill.

This Bill removes the obstacle to the replacement of the Bakewell Bridge created by the *Mile End Overway Bridge Act 1925*, formally establishes the existing road through the Parklands in its current position and creates a road running under the railway land rather than over it, and provides the Commissioner of Highways with powers to carry out the works associated with the construction of the underpass. This Bill will enable an important piece of infrastructure that provides many benefits to the people of Adelaide and South Australia to proceed and be completed according to schedule.

I commend the Bill to the House.

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, the ***underpass construction area*** is defined as the area marked in the plan in Schedule 1 and the ***underpass project*** is defined as the construction of an underpass to replace the Bakewell Bridge at Mile End (and includes all works undertaken in the underpass construction area in connection with the construction of the underpass).

4—Commissioner may construct underpass and carry out other works

This clause empowers the Commissioner of Highways to carry out works for the purposes of the underpass project in the underpass construction area and to carry out roadworks in relation to Glover Avenue. The provision specifies powers of the Commissioner for the purpose of carrying out the works so authorised and provides that the Commissioner must not carry out works within the area of the Adelaide Park Lands other than temporary works for the purpose of the underpass project, roadworks in relation to Glover Avenue (which must not be made any wider than it is immediately before the commencement of the provision) and the construction of footpaths and bikeways within the underpass construction area.

The provision would also allow the Commissioner, with the approval of the Minister, to publish a notice in the Gazette under which the Commissioner would assume the care, control and management of land in the underpass construction area for a specified period or until further notice published in the Gazette. Such a notice may be varied or revoked.

5—Minister may enter into agreement with owner of railway line

This clause provides that the Minister may enter into an agreement with an owner of land in the underpass construc-

tion area on which a railway line is situated relating to the exercise of powers by the Commissioner in relation to that land, the payment of compensation and other matters.

6—Designation of roads

This clause provides for the designation of public roads in the underpass construction area.

7—Registrar-General to issue new titles in respect of certain affected land

This clause allows the Minister to require, after consultation with a person who holds the fee simple in any land in the underpass construction area, the cancellation of the fee simple and the grant of a new title in respect of the land or in respect of any stratum of, or over, the land specified by the Minister and any other interests or easements specified by the Minister. The *Land Acquisition Act 1969* does not apply in respect of any action taken under the provision and no stamp duty is payable.

8—Liability

This clause ensures that the Crown, the Minister and the Commissioner do not incur liability in respect of delays or disruptions to rail services arising out of the exercise or purported exercise of powers under the measure or out of action taken under clause 7 (other than any liability provided for in an agreement under clause 5 of the measure).

9—Care, control and management of structures etc

This clause provides that the Minister may place any public road or structure constructed in the underpass construction area as part of the underpass project under the care, control and management of a specified person or body (subject to any specified conditions) and allows the Minister to subsequently vary or revoke such arrangements.

10—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—Underpass construction area

This Schedule inserts a plan of the underpass construction area.

Schedule 2—Repeal and transitional provision

1—Repeal of *Mile End Overway Bridge Act 1925*

This clause repeals the *Mile End Overway Bridge Act 1925*.

2—Glover Avenue continues as public road

This clause makes it clear that Glover Avenue continues as a public road despite the repeal of the *Mile End Overway Bridge Act 1925* and defines the boundaries of Glover Avenue as it passes through the Adelaide Park Lands.

Ms CHAPMAN secured the adjournment of the debate.

CORPORATIONS (COMMONWEALTH POWERS) (EXTENSION OF PERIOD OF REFERENCES) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

The Corporations (Commonwealth Powers) Act refers, from the parliament of South Australia to the parliament of the commonwealth, the power to enact the text of the Corporations and ASIC Acts as commonwealth legislation extending to each state and to make to the legislation amendments about forming corporations, corporate regulation or the regulation of financial products or services. All state parliaments have enacted legislation referring these matters to the commonwealth parliament.

Relying upon these references, the commonwealth parliament has, under section 5I(xxxvii) of the Constitution, enacted the Corporations legislation: the Corporations Act 2001 and the Australian Securities and Investments Commission (ASIC) Act 2001. This legislation is the basis for the Corporations Scheme, the legislative and regulatory scheme under which companies, securities and financial services and markets are regulated in Australia.

South Australia's participation in the Corporations Scheme is fundamental to our economic wellbeing. It provides a regulatory framework under which South Australian corporations can operate and trade nationally and internationally. The state's participation in the scheme in turn depends upon South Australia's status as a referring state; a status that will be lost if the references of power terminate.

Section 51(1) of the Corporations (Commonwealth Powers) Act provides that, unless terminated earlier, the references of power terminate on the fifth anniversary of the day of commencement of the Corporations legislation. As the Corporations legislation commenced on 15 July 2001, that date is 15 July 2006. The bill amends section 5(1) to extend the references of power from the fifth to the 10th anniversary of the commencement of the Corporations legislation. All other states have agreed to extend their references to the same date. This will extend the operation of the Corporations Scheme and South Australia's part in it until 15 July 2011. I seek leave to have the remainder of my second reading speech inserted into *Hansard* without my reading it.

Leave granted.

The Corporations Scheme commenced on 15 July, 2001 after more than 18 months of negotiations between the Commonwealth and the States over the establishment of a constitutionally-sound system of corporate regulation.

The Scheme replaced the national scheme laws (based on the Commonwealth's administration of the States' and Northern Territory's *Corporations Law*), the Constitutional certainty of which was undermined by the *Wakim* and *Hughes* decisions of the High Court.

Although the Commonwealth sought open-ended references of power from the States, this was not agreed. The States were prepared to refer power only for a fixed period, in the end, five years. There were reasons for this: The States were of the view that the references of power are not a permanent solution to the problems posed by the *Wakim* and *Hughes* decisions. A more permanent solution, one that will address the constitutional uncertainties as they apply to all co-operative schemes, not just corporations, is our preferred solution. To secure the initial references of power, the Commonwealth gave a commitment to examine long-term solutions, including constitutional change. In return, the State's limited the period of the initial references to ensure the Commonwealth would comply with this commitment.

The States were also concerned about the Commonwealth misusing the referred amendment power to legislate in areas unconnected with corporate regulation and the regulation of financial products and markets. Although the *Corporations (Commonwealth Powers) Acts* and the relevant inter-governmental agreement, the Corporations Agreement 2002, contain safeguards against this, in reality, these measures are limited. The States believed that the best protection against misuse was to limit the references of power to a fixed period of time.

These concerns have not been addressed. Much to frustration of the States, no agreement has yet been reached on appropriate constitutional amendments. The Commonwealth refuses to commit to a referendum. There are also differences over the form of the proposed amendments. It is hoped that these differences will be overcome and a proposal for a referendum agreed upon in the near future. Furthermore, although the Commonwealth has not, since the Corporations Scheme commenced, misused the referred power to expand its legislative base, the risk that it may do so remains.

In terms of the negotiations over an extension of the references of power, the Commonwealth initially sought agreement from the States to replace the five-year references with open-ended references. The Commonwealth argued the Corporations Scheme has, since its commencement in 2001, operated well and the business and investment communities supported the stability that would be provided by open-ended references of power. The States do not dispute that the current regulatory scheme has generally worked well. The States are also aware of the need to provide regulatory stability for the business and investment communities. That said, the States are not satisfied with the progress on the proposed constitutional

amendment and the risk of misuse of the referred legislative power remains. Therefore, to ensure that the needs of the business and investment communities for certainty are met in a way that also addresses the concerns of the States about a permanent constitutional solution and misuse of the referred power, the States and the Commonwealth have agreed to a further five-year extension of the references of power.

Unlike all other States, the South Australian legislation requires Parliament to approve an extension by amendment to the *Corporations (Commonwealth Powers) Act*.

Section 5(1) of the Act provides that both references of power terminate on the day that is the fifth anniversary of the day of commencement of the Commonwealth's corporations legislation. This date is 15 July, 2006.

To extend the references for a further five years, clause 3 of the Bill amends section 5(1) of the Act move the termination of the references back to the 10th anniversary of the commencement of the national scheme. The new termination date will be 15 July, 2011.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Corporations (Commonwealth Powers) Act 2001*

4—Amendment of section 5—Termination of references

Subject to any earlier termination under the statutory scheme, the period for the termination of the reference under the Act is to be extended to the tenth anniversary of the commencement of the Corporations legislation.

Ms CHAPMAN secured the adjournment of the debate.

DEFAMATION BILL

The Legislative Council agreed to the bill without any amendment.

PITJANTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the amendments made by the House of Assembly without any amendment.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

OCCUPATIONAL THERAPY PRACTICE BILL

The Legislative Council agreed to the bill without any amendment.

CONTROLLED SUBSTANCES (SERIOUS DRUG OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 3510.)

Ms CHAPMAN (Bragg): This bill amends the Controlled Substances Act 1984 and makes related amendments to the Correctional Services Act 1982, the Criminal Assets Confiscation Act 2005, the Criminal Law (Sentencing) Act 1988 and the Listening and Surveillance Devices Act 1972. Substantially, the amendments are to the Controlled Substances Act 1984. Without revisiting the debates of 1984, I remind the house that it was a quite revolutionary time in criminal law history in South Australia in that the issues in relation to drugs, and offences surrounding them, were effectively removed from the criminal law acts and established in the Controlled Substances Act. It was consistent with the prevailing philosophical aspect, which supported the determination and dealing of issues in relation to drugs more as a health issue than a criminal matter. So, it was quite significant in its time.

When the bill was introduced by the Attorney-General on 21 September 2005, it was almost three years to the day that the Rann government had entered into a compact with Ivy Skoronski, whose name and role in relation to the precipitation of criminal law reform has oft been referred to in this house. In this compact (one of a few, it seems, entered into with other parties at that time by the Rann government), the Premier promised 'tougher new penalties, up to 25 years gaol, for makers of precursors that go towards the manufacture of amphetamine-style drugs'. He continued:

> Those who use children to sell drugs could face penalties of up to life imprisonment.

There is no question that those are strong words used to confirm a commitment to the serious increase in sentencing maximums for penalty in relation to this area of the law. Frankly, this statement in the compact may have been well-intentioned by the Premier, but it is typical of his blustering into the area of criminal law, promising the world, but failing to read the statutes before stumbling in and making such embarrassing statements of commitment.

The existing maximum penalty for selling drugs to children, or being in possession of drugs for sale within a school zone, is already a fine of $1 million and/or life imprisonment. Of course, as usual, in the birth of an announcement of criminal law reform and, in particular, in sentencing, the Premier has shown himself to be quite a donkey in this area. It is really an embarrassing situation, because anyone—

The Hon. J.D. HILL: I rise on a point of order, Madam Acting Speaker. The member for Bragg called the Premier a donkey. It is unparliamentary to refer to members as animal species.

The ACTING SPEAKER (Ms Thompson): I uphold the point of order and direct the member for Bragg to withdraw.

Ms CHAPMAN: Given the comment made by the minister, I am happy to withdraw and apologise to the Premier, and donkeys. The position is that, as usual in criminal law reform, the Premier stumbled into this area, made an announcement but did not read the statutes and obviously had no understanding of what they already provided. Here is the ridiculous aspect of this measure: ultimately, he has presented legislation, in response to his statement (and, fortunately, that is not the real reason we are here), which in fact, in some areas in relation to children, provides a lesser penalty. I will address that matter in due course.

This is just how ridiculous it is. The Premier keeps making statements on issues about which he clearly has no knowledge and on which he fails to inform himself and, if he does inform himself, he makes this embarrassing statement publicly. Surely, he should leave such matters to those who at least know what they are doing.

Fortunately, this legislation had its genesis in a report on serious drug offences produced in October 1998 by the Model Criminal Code Officers Committee and an agreement reached on 5 April 2002 at a meeting of the Council of Australian

Governments dealing with terrorism and multijurisdictional crime. At that very important meeting, it was agreed to 'modernise the criminal law' in this and several other areas. Fortunately, we are dealing with a bill which is the product and result of recommendations of the Model Criminal Code Officers Committee and not the fantastic aspirational statements made by the Premier, which are clearly inappropriate in relation to criminal law reform. At least we have a committee of substance to rely on in relation to these recommendations.

The commonwealth also introduced a similar bill—that is, the Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005. Victoria has enacted its legislation which incorporates the recommendations and agreement reached in its legislation entitled Drugs, Poisons and Controlled Substances Act 1981. The commonwealth and other jurisdictions have got on with the matter and have dealt with the substance of it. We are pleased that the South Australian government is doing something about it albeit three years after making the compact with Mrs Skowronski and 3½ years since the agreement had been reached with the heads of government. I mention the time frame in that regard to highlight the fact that other jurisdictions have been able to get on with this matter but it seems to be a low priority for this government.

As many will recall, representatives of this house and other interested parties in aspects of drug abuse in South Australia attended the Drugs Summit some years ago. I think that it was most informative and enlightening as I am sure many participants agree. I was fortunate to be invited to participate. A number of recommendations came from that summit which were worthy of being addressed and implemented. Sadly, though, this bill does not address many of those recommendations and they remain collecting dust in very significant reports. Perhaps this is not a priority for the government, but, nevertheless, the opposition welcomes at least the introduction of this legislation. On behalf of the opposition, I indicate that we do not oppose the underlying principle of the bill, but we will not vote against it because we will seek further public consultation, especially with the medical and pharmaceutical sectors in South Australia, for reasons which I will explain shortly.

The South Australian law relating to drugs, as I have indicated, is in the Controlled Substances Act 1984, and when that act was broken away from this established area of law it created the regulation then of the prohibition on the manufacture, production, sale, supply, possession, handling or use of certain drugs, both therapeutic and illicit. The new regulatory regime in relation to all of those chemicals and products which are defined under the Controlled Substances Act also contains a wide range of penalties in relation to any breach of the regulatory controls or prohibitions as they have existed. One example is that possession or use of a drug of dependence, or a prohibited substance, carries a maximum penalty of $2 000 fine or two years' imprisonment, except in the case of cannabis where the maximum penalty is $500. The current section 31 makes provision for that.

Of course, a drug of dependence and prohibited substances are all defined in the present act and that is the position that underpins and is the basis of the current legislation. The maximum penalties are also outlined in relation to manufacture, sale or supply of a drug of dependence or prohibited substance, in relation to both identified and therapeutic drugs across the spectrum to the illicit drugs, and then a regime of regulation that applies to them. For example, in relation to penalties for the manufacture, sale and supply, or the sale or supply to a child or being in possession of a drug within a school zone for the purposes of sale or supply, if the drug is cannabis and is in a quantity that exceeds the prescribed amount under the act then there is a $1 million or 30-year imprisonment maximum provision. For lesser penalties, that is a $100 000 fine or 15 years' imprisonment.

Then we have a second category, which is the non-cannabis, or the drugs other than cannabis, and, in that category, providing for the sale or supply to a child or being in the possession of a drug within a school zone, provides for a penalty, where it exceeds the prescribed amount of $1 million and/or life imprisonment, and for lesser quantities $400 000 and/or 30 years' imprisonment. So one can see under the current legislation that the manner in which the regulatory regime is established is dependent on a number of factors which are then broken down as to the circumstances of which there is a supply or sale, to whom, i.e. a child, in what circumstances, i.e. in a school zone, and then there is a further breakdown of category and the penalties apply according to whether the substance, for the purposes of sale, that is a drug of dependence or prohibited substance in this case, is cannabis or a substance other than cannabis.

In relation to sale or supply to an adult, as best I understand this did not attract the attention of the Premier when he came to sign up his compact with Mrs Skowronski. Nevertheless, the current position in relation to cannabis, that is the drug in question is cannabis and it is over the prescribed amount, is a $500 000 fine and a 25-year imprisonment penalty. Where the quantity involved is more than one-fifth of the prescribed quantity, it is a $50 000 fine or 10 years' imprisonment; and if the quantity is less than one-fifth of the prescribed amount, it is $2 000 or two years' imprisonment. I referred to that earlier in relation to section 31.

Again there is a graduating scale of penalty under the current regime, which relates to whom it is sold and the quantity; and then again there is a separate identification and level of penalty, according to whether the prohibited substance is either cannabis or non-cannabis. For non-cannabis, if there is sale or supply, or possession in relation to the sale or supply to an adult of a non-cannabis drug and it is over the prescribed quantity, it involves a fine of $500 000 or life imprisonment; and if less than the prescribed quantity, $200 000 or 25 years' imprisonment. I do not think any member in this chamber would not agree that the penalties in relation to the manufacture, sale and supply of drugs of dependence, or a prohibited substance, are already pretty severe. In fact, they cannot get much more severe. Quite appropriately, too, it is in recognition of the fact that, if drugs are offered or sold to a child—that is, someone under the age of 18 years—that clearly is even more reprehensible, as it exposes the child to even greater risk.

For all those reasons, we have a number of laws protecting children, on the clear understanding that their level of maturity is likely to be such that they are unable to resist or make an appropriate decision in relation to the rejection of such an offer. Clearly, they are vulnerable citizens in our community and deserve protection and, indeed, they receive it in a number of areas under the law. Notwithstanding all this and the fact that the penalties are already very severe, what excuse does the Attorney-General give in his second reading explanation? He says that the provisions are a chaotic and ad hoc set of sentencing provisions. They may be in a number of categories and, in his view, they may be chaotic and ad hoc, but I would have thought they were fairly clear.

The Premier was so keen to jump in regarding sentencing, but the real issue, if the government was serious and fair dinkum about protecting children from being the recipients of drugs, it would allocate more resources. In the past few years, we have read in newspapers about the serious ill-health and tragic death of young people in relation to amphetamine consumption and the tragic circumstances that prevail as a result of young people being exposed to and consuming this type of drug, yet the real issue of detecting, arresting, charging, undertaking the trial of and ultimately sentencing offenders in this area has been scant. We can spend every week in this parliament increasing sentences, changing the way in which we define drug consumption by sale and the laws relating to young and vulnerable people, but it will not change the fact that children will continue to die unless whatever government is in power is prepared to allocate the resources to identify, apprehend, arrest, charge, try and convict, and then sentence those who are perpetrating these offences.

That is the real question which needs to be addressed by the government and which I suggest is far more pressing. In his explanation on 21 September, the Attorney-General set out the new scale of penalties and the new way in which we might characterise the group of factors which attract different penalties. I will not repeat them, but essentially the current hierarchy of penalties has been replaced by a new hierarchy, and now we have a determination of penalty which is allocated to the commercial quantity (as defined), a large commercial quantity and a trafficable quantity. I indicate that that is a term which is used to distinguish between possession of drugs for one's own use and possession for the purpose of sale to others. We have redefined and regrouped the factors that are relevant to what has been packaged for the purpose of then identifying penalties.

I do not know that that makes it any less ad hoc or chaotic, as has been described by the Attorney-General. There still has to be identification in the circumstances of each case, which then enables a successful prosecution and ultimately sentencing which meets the requirements under the act. It is just a new set of processes of which any judicial officer hearing these matters will need to be mindful, whether they are dealing with it in their own right or advising or giving a direction to a jury in such trials.

There is another thing that the bill does which not only was part of the compact but which the opposition also welcomes the opportunity to consider. We are not satisfied yet, on the basis of our consultation period (which, of course, has been brief, to say the least), that this is the best way to do it, but the bill, with good intention, also introduces prohibition against precursors, that is, the substances used to make drugs. I think almost everyone in the house, even those perhaps most naive to the operations of people who make and supply drugs, would have read of the current practice of persons involved in the illegal manufacture and production of amphetamines, in particular. This can be done in a back room, of course, or a shed of a domestic dwelling, using certain equipment and a combination of a number of chemicals and substances, which are quite innocent on their own. They are cooked up, so to speak, to create a substance which, as we know, can be lethal to those who consume it.

I think it is fair to say that, in relation to plants, again even the most naive member of this house or the public would have heard of the fact that now, with the assistance of hydroponics and other agricultural techniques, a very substantial crop can be produced from just one plant of cannabis. No longer is it common to see cannabis grown in a natural environment of light and water: with the addition of hydroponics, we have plants which look more like trees that provide a very substantial crop. So, techniques have advanced and new products have been produced, and we commend the government on this bill and at least for indicating that we need to act in a manner to ensure that, where precursors are identified and found in certain circumstances, action can be taken and charges laid to ensure that we catch early in the piece those who are in the manufacture of this type of drug.

There is a new section that provides that a child cannot be guilty of selling drugs to a child. This is a matter which the opposition has certainly discussed at length, and we are very concerned about how this will be applied. It is accepted, as the Attorney-General has outlined, that this is an exemption because the reform in this area is to protect children and, therefore, there is some justification in saying that, in relation to the sale of drugs to another child, we will exempt those young sellers and protect them against prosecution. They have some immunity that we will provide legislatively for them.

The down side of this type of exemption is the question that is raised, and indeed the spectre, of whether those who have an interest in this type of industry will then use persons under the age of 18 years to be their couriers. Because they will be exempt, they then become a very attractive provider of a courier service for drug dealers. Again, one only has to watch the television to see how that is already in place at an international level. This does not apply to all of them but, for example, there are nine young Australians currently facing charges overseas in the 17 to 20 year age group. These are clearly very young people who have been used in the enterprise of drug dealing, and they are facing not only very difficult circumstances in their current imprisonment and trial in a foreign country but also, according to its law, execution.

So, we have to be very careful that in Australia, in our haste to protect children, we do not place them in a position where, in fact, they are even more vulnerable to those who carry out drug dealing and their evil practices. Clearly, if there is an opportunity for escape and immunity, one can imagine that 15, 16 and 17 year olds will soon be taken in as apprentices to carry out this work. So, the opposition has raised those matters. We have discussed them and are concerned about them and will need to consult on them further.

I will briefly mention the opposition's position in relation to other provisions. There is a power to enter unlicensed premises. These are premises that are currently not licensed for the production or storage of therapeutic drugs: our local chemist shops and pharmacies, medical surgeries, pet suppliers and hardware retailers. I do not think for one moment that it is the intention of the government that we create legislation that is going to provide massive and unnecessary processes that unintentionally capture a whole lot of people. I think, and I am sure that the government takes this view too, that the people who are operating in these areas—in the pharmacies, medical practices, provision of pet supplies and hardware retailers—are doing so very much for the purposes of conducting legitimate, productive and useful services to the community. That is the very point why the opposition will need to have a look at this and consult as to whether even an unintended outcome of introduction of this new regime will create even further disturbance, interference with, or cost to legitimate, law-abiding operations.

The section will limit the circumstances in which an inspector can exercise the powers of entry or seizure to those which are authorised by a warrant, where the powers are being exercised in ordinary business hours. Just so we have it on the record, this is the category that can have an authorised inspector enter premises during normal business hours: medical practitioners; pharmacists; dentists; veterinary surgeons; and premises that are used in the ordinary course of an activity in respect of which a licensed authority or permit has been granted under the act (that is, the act which is the subject of amendment, the Controlled Substances Act 1984). Also covered are premises that are used for non-residential purposes and in which the authorised officer reasonably suspects poisonous therapeutic substances, therapeutic devices or volatile solvents are being stored, used or sold.

One cannot imagine that there would be a lot of cause for inspectors to go rushing out to get warrants to enter the premises of veterinary surgeons. I certainly hope that that is not the case. One could also imagine, given the nature of the law that is going to include precursors, that we have hundreds and hundreds of premises across the state which are the wholesale, retail or storage facilities for hardware shops and premises—huge chains across the metropolitan and country areas involved in the storage, use or sale—and we would want to be quite sure that this is not an unreasonable intrusion into the operation and daily functioning of such lawful businesses.

Regarding entry under warrant, a minor alteration is made to the power of the authorised officer to enter the premises with assistance, and that is to bring the matter in line with the Summary Offences Act, so that if the power to enter is quite legitimate and is carried out in an appropriate manner, the opposition would have no objection to this further variation to be consistent with the Summary Offences Act. Regarding electronic evidence, this is simply a matter where the power to seize and inspect documents is brought into the 21st century. It is amended to extend the concept of documents to records stored on computers, microfilm and other processes to recognise that we now have other forms of record.

There is an extension of research permits and the act that currently applies authorises the minister to issue a permit authorising the manufacture of drugs 'For the purpose of research, instruction or training.' The government is proposing that the parliament approve an extension of that list to include 'For the purposes of analysis.' I think it is fair to say again that this amendment introduces a new matter, and we do need to have a look at it. Members of the house will be familiar with the fact that there is the analysing of drugs, for example, at rave parties, which now seem to be a popular form of entertainment for younger people—probably those much younger than myself. They are an attraction for our young people. The process of the analysis of these drugs is, largely, with the good intention of trying to ensure that anyone who is offered this type of drug, particularly amphetamines, has them tested. There are all sorts of philosophical arguments about whether it should occur or not, but quite clearly—

Mr Hanna: The government would rather let them die to deter them.

Ms CHAPMAN: I am simply saying that quite clearly, with that type of practice now occurring, we need to think about whether this type of legislation is going to cause any inconsistency with the Minister for Health and the obligations as a result of the national recommendations. We are keen to see that we do not introduce a regime which allows for a practice which is at odds with the national recommendations.

The Hon. M.J. Atkinson: So, you are against testing?

Ms CHAPMAN: No, we simply need to have the advice from the shadow minister for health as to how we best deal with that aspect, and ensure that we do not have a breach. So, we are clearly saying that we need to have some answers to that, to make sure that we are not supporting legislation which the government may have inadvertently failed to look into.

Another matter is the publication of information, and this is new. The current act empowers the minister to publish information relating to a person who is obtaining prescription drugs by false pretences. However, the purpose must be to prevent or restrict supply to that person, and this is already a form that needs some attention and it is present in the act. The bill alters this regime so the minister will have the power to publish information that any substance or device may be dangerous to persons consuming it.

The act is also amended to extend it to non-prescription medications. Section 58 is amended to allow publication of information regarding the acquisition of non-prescription medications and all other substances where there are grounds to suspect that they were acquired for unlawful purposes. So, we will have a whole new set of rules in this regard. That seems, on the face of it, to be in order.

With respect to licences and permits, as often occurs with regulation and prohibition in licensed circumstances, whether it is for liquor outlets or gambling operations or areas such as the preparation of therapeutic drugs, there are all sorts of rules that go with it. Those licences are not only valuable to those who have them, and are sometimes difficult to acquire, but consistent with a number of other areas it is proposed in this bill whereby the minister will have the power not only to revoke that licence but also to suspend. I recall that in the area of liquor licensing, for example, there was an entertainment venue in the north-west corner of Adelaide in respect of which it had been alleged there were a number of breaches of the licence, in that the proprietor of the licence had permitted or provided or allowed alcohol to be sold to persons under the legal age. I can recall asking the Liquor Licensing Commissioner at some stage (during estimates committees, from memory) whether there had been any action to suspend licences in these circumstances, and the answer to that was no. Commonly it would be put that that can be a fairly severe response to some of the circumstances of breach.

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

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

Ms CHAPMAN: There are other matters in relation to the issuing of mass media warnings where substances or devices pose a risk to public health. There is to be a banning on the dispensing of poisons and therapeutic goods on automatic vending machines. Certificates of analysis from interstate are to be recognised. There are enhanced powers to the minister to require information from manufacturers and importers of controlled substances, and the membership of the Controlled Substances Advisory Council is to be extended to include a person with legal expertise. The opposition has no issue with all those reforms.

Can I briefly identify what the bill does not do. It does not alter the penalties and the regime that apply to smaller quantities. There is a fine of up to $500 for cultivating up to 10 cannabis plants for own use. It does not interfere with the expiation scheme, and it does not make it an offence to sell bongs, for example. I have indicated already that the bill does not take up—unfortunately, I think—a number of the recommendations of the Drugs Summit. One would hope that the government will give consideration in further legislation to taking up some of those issues.

It is fair to say that I have expressed the concern of the opposition about the public announcements made by the Premier with respect to making this a law and order issue with regard to sentencing. While unhelpful and mostly wrong, it is largely a health measure. This legislation will continue to be administered by the Minister for Health. However, it is important to recognise that there is a whole lot of other areas—the medical profession, the therapeutic drug makers and the pharmacists—from which we need to obtain some response regarding consultation. Although the Premier has gone out with the pointy edge with respect to this area, we need to look at all the other legitimate operators of lawful businesses before we start confirming that this is a regime that is also best for them. So, we do need that consultation.

As I think I have adequately covered in this contribution, without going into much more detail, we would see it as important that we introduce an amendment, which can be dealt with in another place, for a prohibition on the sale of bongs. We would certainly wish to explore, but probably will ultimately oppose, the exemption of minors in relation to being able to be charged and convicted and the imposition of the heavy penalties that are proposed for trafficking of drugs. At the very least, to make some sense of the Premier's comments on this matter, we propose to bring the penalties for serious trafficking in relation to children back up to $1 million because, in fact, the reform in this area under the proposed schedule will halve the fine to $500 000. I indicate that we are foreshadowing an amendment in another place to that effect. I am mindful of the time, Mr Speaker. I think the other matters have been covered as comprehensively as we can in the short notice we had to deal with this legislation in relation to the consultation procedures.

The Hon. M.J. Atkinson: Short notice?

Ms CHAPMAN: Haven't you been listening? We will need to follow them through. Obviously, there will be a little further time between now and when this matter is dealt with in another place. That is not always the most desirable way to deal with these matters. That is the position that is presented to us, and we will certainly do the best we can to have those issues resolved and amendments presented in the other place.

Mr HANNA (Mitchell): I speak on this bill on behalf of the Greens. I might startle the Attorney-General with a key aspect of the Greens' policy in relation to drugs, and that is that, in respect of people who deal in these sorts of drugs, there is no difference between the Greens, Labor, Liberals, Family First or anyone else. The full force of the law should come down upon them. However, the underlying principle that we are pursuing is probably different from that of the government on this issue, because we are putting the health and wellbeing of the community paramount. If one looks at the whole problem of drug addiction from that point of view, then one can distinguish clearly between two cases.

One is where you have people taking advantage of others' addiction for the purposes of greed, and that is a despicable thing, whether it is preying on children or adults, but there is a different sort of case, and that is where you have young people experimenting with drug use. I am not saying it is a good thing, but I am saying it has happened and it has happened over the decades despite tough laws, lenient laws, medium laws, any kind of punitive laws in relation to that drug experimentation.

Sometimes young people will experiment with licit drugs: sometimes young people will experiment with illicit drugs. If we look at what happens under this legislation, where simply the supply of certain drugs will lead to harsh penalties, we can take the example of two 18-year olds, Adam and Eve, who go to a nightclub and Adam says to Eve, 'Even if it's only once in our lives, let's try some Ecstasy to see the effect,' Adam buys a single tablet from someone, splits it in half and gives half to Eve and takes half himself.

Does the community really want an approach where Adam in that scenario is exposed to 10 years' imprisonment? We know that prison makes people worse, not better. We know it is a soul-destroying experience, where many people come out physically bashed and psychologically wrecked and even more addicted, because our prisons are full of the wide range of illicit drugs that there is. They are all available and probably pushed more there than in your average nightclub. There is nothing in the government's bill about healing or freeing people from addiction, and it therefore represents a one-dimensional punitive approach to crime; in this case, the use of illicit drugs.

It will not actually reduce drug use or crime until the Greens' approach is adopted and the health and wellbeing of the community is placed paramount. That will have no bearing on the approach taken to drug dealers. As I have said, let the full force of the law come down upon them. But when you are dealing with a young person experimenting with drugs, apart from whatever penalties you wish to apply there should be the availability of drug counselling and drug education so that there is an emphasis on healing and the freeing of people from addiction, rather than putting young people in a prison system that will make them worse at the other end.

The Hon. M.J. ATKINSON (Attorney-General): I thank members for their frank and useful contributions.

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

JUSTICES OF THE PEACE BILL

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

No. 1. Clause 4(2), page 4, line 16—
Delete 'A' and substitute the following:
'Subject to section (7), a'.
No. 2. Clause 4(2), page 4, line 17—
Delete '5' and substitute:
10.
No. 3. Clause 7, page 6, lines 7 to 9—
Delete subclause (2) and substitute:
(2) A special justice will be appointed on conditions determined by the Governor for a term, not exceeding five years, specified in the instrument of appointment.
No. 4. Clause 13(2), page 8, after line 26—
Insert:

(e) any conditions specifying or limiting the official powers that the justice may exercise;
(f) the expiry date of the current term of office of the justice.

Consideration in committee:

The Hon. M.J. ATKINSON: The government wishes to quench the desire of the upper house for our concurrence with these amendments, and therefore I move:

That the Legislative Council 's amendments be agreed to.

Ms CHAPMAN: I indicate that the amendments are also agreed to by the opposition and we welcome the consideration of the upper house of these matters and are pleased that the government has seen the good sense in accepting them.

Motion carried.

CARERS RECOGNITION BILL

The Legislative Council agreed to the bill without any amendment.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 September. Page 3418.)

Mrs REDMOND (Heysen): Thank you, Mr Speaker. I indicate to the house that I am in fact the lead speaker on this bill, notwithstanding that it is not strictly within the jurisdiction of my shadow portfolios. I have had rather a lot of contact with this bill in terms of my legal practice before coming into this place. I was involved in quite a number of capacities, most particularly as a legal practitioner in relation to a number of issues that arose under the Retirement Villages Act, as it was before its last amendment—that was in 2002—and indeed, for many years now I have been a member of the Stirling District Hospital board and that board owns and operates a retirement village which is part of the not-for-profit organisation of that community hospital, which operates behind the Stirling Hospital.

I have had quite a bit to do with this legislation over the years. Indeed, when the previous minister was the minister in respect of this bill and they called for some submissions I actually had a fairly lengthy briefing session with the departmental officers who were concerned with that process because, as the minister indicated in his report on the matter, this bill was actually amended most recently in 2002, which was just before or just as I came into the parliament. I was pleased to support the amendments proposed at that time, and I did so on the basis that they sought to address some of the issues. However, when the bill was amended in 2002, I, and quite a number of other members of parliament, indicated that it really needed to be looked at as a whole and that a number of issues needed to be addressed. That being the case, the government has spent the next three years not really progressing the matter but going through a fairly extensive consultation process. This led to the bill which is now before the house.

At the outset, I indicate a number of matters. First, with the exception of one area, we will support the bill, and so we hope that it will proceed reasonably rapidly through the house. In this contribution, I intend to put on the record a fairly comprehensive analysis of the bill and where we think it might need further amendment. It is disappointing that, having waited for three years for this legislation to be introduced, now it is before us, although it addresses a couple of the key issues which have been problems under the legislation, in my view it fails to address a few of the other matters I think should have been addressed.

I also want to put on the record that, in making my contribution, I may appear to be making out the owners and operators of retirement villages to be the very worst people in the world. I do not think that at all, as I think the vast majority of retirement villages operate quite well and satisfactorily. I am not sure how many such villages there are around the state, but very few end up in dispute. However, as I said earlier, the contact I have had with this bill came about because the Sevenoaks retirement village in Stirling presented so many different problems that it was the subject of 13 of the 19 matters before the Residential Tenancies Tribunal in the six months shortly before I came into this place. I represented a number of the residents of that village in those various matters.

When the negotiations were going on about what changes needed to be made to the bill, I realised that, when you first read the Retirement Villages Act, it seems quite innocent. As long as everybody is well intentioned and does the right thing, things generally go along fairly swimmingly. However, when you get an unscrupulous retirement village operator, the residents (who are, by definition, more elderly than the average person) do not have the resources or the wherewithal to fight what is often a big corporate machine, and often the residents are hard done by. As I go through my comments on the various clauses, I will detail some of the sorts of issues that have arisen over a number of years in relation to the act as it stands because, unless you understand some of the issues that have ended up before the tribunal, it is hard to appreciate just how difficult it is for residents to get what they think they are paying for when they purchase a 'right to occupy' in a retirement village.

My intention is to go through the bill and comment on the various clauses. I will not comment on every one, because there are a number where we are simply making changes to the wording, or the numbering and so on. However, where there are substantive changes to the current Retirement Villages Act, I will detail the opposition's response and the reasoning behind it. I will also detail what the change is intended to achieve. I will then address a few of the other general issues that arise in relation to the act, its administration and some of the problems brought to my attention over a period of years by residents in various retirement villages around the state, and I wish to touch on quite a few of those.

I turn now to clause 2 of the bill. The current act does not have a section 2, as it was deleted some time ago. In accordance with most legislation, section 2 inserts an object of the act, as follows:

The object of this Act is to provide a scheme under which a balance is achieved between the rights and responsibilities of residents of retirement villages and the administering authorities of retirement villages by—

and it sets out three things by which this will be achieved, namely—

(a) regulating the making, content, operation and termination of residence contracts; and
(b) providing for proper consultation between residents and administering authorities of retirement villages; and
(c) providing for dispute resolution processes.

I think it is better to have a clause that defines the object of the act. Over the past couple of years, the act has not contained an objects clause. I think it was removed in 2002. It seems to me that some elements could be more comprehen-

sive, because it is quite a narrow definition. If we broadened the proposed objects clause to state, for example, 'to identify and clarify those living arrangements which are retirement villages and are thus governed by the act; to regulate the regimes under which such villages operate' and so on, I think that would be a more comprehensive object of the act than we currently have.

When you look at each of those provisions—namely, (a), (b) and (c) that I read out—they do not really comprehensively consider all the elements of the relationship which this act, I believe, needs to canvass so as to set down that balance that the government is seeking to achieve. Consider (a), for instance, under the objects of the act. That regulates the making, content, operation and termination of resident contracts. It only talks about contracts. I have received quite a number of submissions on the issue of other facilities which are supposed to have been made available. So, for instance, if the village is going to build a community hall or purchase a community bus, have a swimming pool, or whatever it is going to be, then that is something that is not necessarily going to appear in the contract, but something that will clearly influence a person's decision about going into the village—whether they are getting value for money and a whole range of other things. So, it seems to be a little bit narrow to talk about that.

Then, we have this idea of proper consultation. I would have to say that, before I came into this place, my experience of consultation was that generally it meant what people think it means; that is, you go out and actually talk to people and listen to them. However, my experience with this government has been quite the reverse of that. In fact, the ministerial statement given by the minister for the environment this afternoon—maybe it was not the minister for environment; it might have been in answer to a dorothy dixer during question time—about the prescription of water in the Mount Lofty Ranges is an obvious demonstration of that point, because it did not matter what any of the community groups said at the various so-called consultations, because no consultation in that sense took place. Government bureaucrats simply came out to tell people what they had organised to impose on them. No justification was necessary to be given, and no amount of trying to get any proper reasoning from the bureaucrats was ever effective, and it was always going to be imposed from above at the behest of the bureaucrats, and that is exactly what this government has gone on to do. I express a sincere doubt that talking about proper consultation processes means anything to this government.

The dispute resolution process is one of the key difficulties in this area. As I said, the existing regime already has an immense inequality between the resident and the administering authority. Retirement villages might have people over the age of 55 and, since my husband is now over the age of 55, it does not seem very old to me; very few people go into retirement villages that young. The average age is usually over 65 but a significant number of people are quite elderly and frail, and they are often of a generation which is not used to taking the argument up to someone. They are the sort of people who do not argue with the doctor or anyone else when they are given advice. When they go into a retirement village, they expect to lead a quiet, peaceful and happy life, but when something happens in that village, and they become distressed about trying to deal with it, it tends to get worse and, on some occasions, it can become an obsession with them, mostly because they have never been in that situation. They have lived their whole lives, reached the very end, and suddenly they are faced with legal dilemmas, arguments and problems, and they are against an organisation that often engages professional managers, some of whom I have known to be quite overbearing. They engage legal teams; so, sometimes, unrepresented people are up against barristers and solicitors. They find themselves in hearings of the Residential Tenancies Tribunal where the other side has legal teams. That seems to me not to be addressed by simply putting in, as the objects of the act, that we are going to have dispute resolution processes. I will concentrate more on that later.

The second substantive provision that I want to deal with is the changes to the definitions. This contains a number of changes to the definitions and most of them I do not need to separately consider—they are relatively minor, simply making some consistent amendments all the way through. However, I suggest that we look at the definitions of retirement village and retirement village schemes and so on. I know that it is the name we are all used to. When you think about a 'retirement village', as it is defined at the moment, it means:

> . . . a complex of residential units or a number of separate complexes of residential units (including appurtenant land) occupied or intended for occupation under a retirement village scheme;

A 'retirement village scheme' or 'scheme' means:

> . . . a scheme established for retired persons and their spouses, or predominantly for retired persons and their spouses. . .

The thing is that most of the schemes that I have actually read the documentation on do not talk about whether someone has to be retired to go into the village. They define it by an age, rather than a status of work. I suspect that as the baby boomer generation ages, increasingly, we will find people in retirement villages—and I know quite a number of them already—who still have some sort of paid work outside the village. I think that is actually going to increase as the years go by. I make no criticism of the government in this, but I just raise it and run it up the flagpole because I suspect that retirement village is just an odd name in the circumstances because we are going to have fewer retirees and more people who simply choose to go into these places. I am also puzzled by something that is not changed by the bill and that is the current definition where it talks about a retirement village scheme and it talks about this scheme established for retired persons and their spouses as follows:

> (a) residential units are occupied in pursuance of lease or licence.

I have no problem with that, nor do I have a problem with (b), stated as follows:

> (b) a right to occupation of residential units is conferred by ownership of shares

That means that it would involve a company title-type situation. Paragraph (c) of section 3 states:

> residential units are purchased from the administering authority subject to a right or option of repurchase.

I have no problem with that. However, paragraph (d) states:

> residential units are purchased by prospective residents on conditions restricting their subsequent disposal.

I am a little puzzled by that. I have never come across that and I wonder whether, in due course, the minister could see whether his minders are aware of where there might be an example of such a scheme and how it works; and how it might differ from anything else that comes within the definition of a retirement village scheme.

My second comment in relation to the definitions is that I notice that the definition of 'service contract' is removed.

Under the existing act there is a definition of 'service contract', which, essentially, is a separate contract to that of the residents' contract and it relates to the provision of additional services. That is, if you are to have your meals, medical or nursing services supplied, there may be a cost. As I read what is being done, what happens now is that, rather than there being a fairly extensive definition of this separate contract known as a 'service contract', new section 6 (which replaces the existing section 6) details any other additional services that are available as part of the overall residents' contract and the cost of those. I assume that that is where it is included and that appears to me to be the case.

The other thing that happens under the definitions clause is that existing section 3(2), which is a fairly simple provision, is replaced with a more complicated one. Existing section 3(2) basically says that a person will be taken to cease to reside in a retirement village when the person vacates his or her unit and indicates to the administering authority, either expressly or by his or her actions, that he or she does not intend to continue to reside in a retirement village. That is fairly straightforward. First, the new definition defines the commencement date of the settling-in period, which seems to me to be a positive thing. However, there is no definition of 'settling-in period' in the definitions and I cannot find a reference to it anywhere in the act, except when it is used in section 7(2a), (2b) and (2d). That provision seems to be welcome.

The new section goes on to expand the definition to include a provision to cover the situation where the administering authority decides to terminate a person's right of occupation and the tribunal confirms that decision. That does not really add a new provision to the legislation. The legislation already allows for an administering authority. For instance, they might reach a situation where someone becomes mentally incapacitated by reason of dementia and they cannot continue to reside by themselves in a retirement village but, because of their dementia, they may not be prepared to move. There is a provision under the existing legislation to allow the administering authority to give notice, basically, but that has to be confirmed by the Residential Tenancies Tribunal, and then the person must leave at that point. What they have done is shift that over. I do not have any particular problem with that happening.

The opposition does not accept clause 6; that is, the insertion of the provisions concerning having a registrar and all the provisions that go with that—and there is a whole series of them. We will oppose that particular clause. As I said, over a number of years, I have had much contact with people who are unhappy with various provisions of this act and I have received many submissions about it. I cannot recall anyone raising with me a wish to have a registrar, and given that the philosophy within the Liberal Party is to oppose increasing bureaucracy unnecessarily, it seems to us that it would be better to simply use the Office for the Ageing which is already in existence and which I have had a lot to do with over the years. I can see no obvious reason why we simply would not give more powers to that office.

Certain powers are given to the registrar and authorised officers under this particular clause, which I do not oppose at all, but it seems to me to be unnecessary to install someone called a 'registrar'. I am not suggesting for a moment that it would not be useful to insert some of the provisions in terms of being able to require the sort of information sought, for instance, by new section 5G(1)(c). Certainly, there have been a number of instances where people have had difficulty obtaining information to which they are entitled or, in my view, should be entitled. For instance, most recently I have been trying to obtain land tax information because a local retirement village, Sevenoaks, has charged land tax for what is essentially the common property—not the individual unit holders but the common property.

It has proportioned that out to all the unit holders. The unit holders would like to know what the land tax was and, thus far, we have not been able to get hold of the land tax bill. I think that there are some useful things in that clause. Having said that though, we will oppose it. Nevertheless, I will comment on various bits and pieces under that clause concerning the government's proposals.

First, the government proposes to insert new section 5A, the registrar's functions, and they are: to gather and maintain current information about retirement villages (I cannot understand why that would not already be being done); to advise the minister on the operation of the act (I would assume that is, indeed, already being done); and report to the minister on issues concerning retirement villages (and I would assume that is already being done, notwithstanding that we currently do not have a registrar).

The powers to require information are contained in new section 5B, and I am obviously very much in favour of that. My only comment is that, on that and another couple of the powers inserted under this particular division, the expiation fee seems to me to be surprisingly low. If someone simply refuses to provide information which they are required to do, to have an expiation fee of only $105 seems to me to sometimes let large corporations off the hook with a very little slap on the wrist, and I would urge consideration of a somewhat higher fee.

When I saw the heading of the obligation to preserve confidentiality which appears in proposed new section 5C, I was pleased, because it is obviously necessary to preserve the confidentiality of residents. But it turns out that the section is not about the preservation of residents' rights but, essentially, about the preservation of the confidentiality of the owner of the village. It is to do with information which could affect the competitive position of the administering authority or which is commercially sensitive. That seems to me simply to give the owners another wall to hide behind. As I said at the outset, I do not want to sound as though I think all owners of retirement villages are bad guys because, overwhelmingly, they are not. But, given the number of problems that have arisen under the act, I think we need to draft the legislation so that we stop the bad guys—the very few that there are—from getting away with it. Knowing the way some owners have behaved, if you give them a section that says the registrar must preserve information confidentially if it can affect confidentiality and their competitive positioning, I think they will try to avoid providing information.

I make no comment about the delegation authority. That seems to me to be straightforward, as is the annual report, although I do not see why it would need to be provided to the parliament. I have no objection to receiving it, of course, but it seems to me to be a bit of bureaucratic justification for having a registrar in the first place.

In relation to the registration of retirement village schemes, of course at the moment one simply decides whether a retirement village comes under the act by looking at the contract and seeing whether it falls under the provisions of the legislation, because there is no absolute clarity about it. But the register is actually only going to provide very basic information. It is basically information about the ownership,

the certificates of title and the contact person and, again, it has a ridiculously low expiation fee if there is a failure to provide the information in any event.

I turn to authorised officers. As I said, I think there is a good basis for saying that authorised officers need to be formally appointed and have some quite specific powers. I do not understand why we could not simply appoint the people already within the Office of the Ageing or add a couple of people and not necessarily have to set up this whole separate bureaucracy.

I was a little concerned in relation to the general powers of the authorised officers where they have a power under this proposal to: enter and inspect any place or any vehicle; use such force as may be reasonably necessary to gain entry; require a person to produce documents in the person's possession or control for inspection; and require a person who has been issued a document under the act or who is required to keep records to produce those records. The interesting thing is that the most substantial of those powers, of course, is that of being able to enter and inspect any place or vehicle and use force, but there is a rider on it saying that the officer cannot in any event do that without the authority of a warrant issued by a justice. Again, I am concerned about the extent to which the unscrupulous operator could use that to prevent entry to get rid of records and so on if they were facing some sort of action by the appropriate authorities.

I was pleased to see that in relation to the provision creating the offence of hindering authorised officers there is a substantial maximum penalty of $5 000 and, indeed, if they assault an authorised officer there is an even more substantial penalty of $10 000.

The most difficult thing to analyse, of course, was the change from the existing section 6 of the act to what will be new section 6 but is clause 7, concerning the creation of residents' contracts. Under the existing regime I know what happens is that the administering authority has to supply certain documents. It has to supply a statement containing prescribed information (and the regulations set out what that prescribed information is); it has to give the person a notice as to their rights; it has to provide them with a copy of the residents' rules; and it has to provide them with a check list in the form of schedule 2. When you look at schedule 2, which appears of course at the end of the existing legislation, you see that it is basically a check list. It says that you should read this document carefully. That is fair enough. It says 'These questions should assist you to make an informed decision,' and it talks about general questions such as whether the person has discussed this decision with family and friends and a social worker. It asks what discussions the person has had with the residents and so on. Regarding legal implications, it asks whether the person has sought advice on the documents relating to the village.

It does all that but it does not give the person reading it any direction as to where they might go to get advice, and it does not compel them to get advice. In other areas we have a compulsion to get advice. For instance, if someone is going to give up their rights to cool off from the purchase of a house under a Real Estate Institute standard contract, they have to get advice. It would seem to me that it might be a good idea to at least think about making it compulsory for people to get advice before they enter into a contract like this, particularly someone who is elderly. If you have been around these contracts for a while, they become familiar, but there are a range of contracts and a range of different ways that various villages operate and they can be quite overwhelming. So, at the moment we have this checklist and it gives lots of questions but it does not really give any answers, and it does not even give clues as to where best to get the answers.

The current measures provide that an administering authority is deemed to have given a warranty as to the correctness of the information in that first statement that they give containing the required information. That warranty will prevail over the contract, if they have signed a contract which is inconsistent with the information that they have given. There is also a provision that they must not make representations that are inconsistent with what their documentation says and, if they do, they are going to be bound to their representations. Interestingly, under the current provisions, a resident may rescind a contract within 15 days if the provisions of that very first obligation are not complied with. However, the current regime does not provide that a contract can be rescinded within 15 days, for instance, in circumstances where incorrect information has been provided by way of representation. It seems to me that it would make sense to incorporate all of those things as a basis for rescission but, never mind, it is not there at the moment.

So, that is generally what happens under the current regime. What happens under the proposed regime is that a lot of other bits and pieces from elsewhere are gathered together, and it is probably a good thing that we have a regime which will now set everything out and not put bits in the regulations, and bits in the schedule, and bits elsewhere. It will now set out that the prospective resident has to be given, first, details about the residence in respect of which they are about to enter into a contract. They also have to be given details about their rights and obligations created by or under the contract including the right to cool off, the right to occupation, the recurrent charges for which they will be liable, the additional services and facilities available, the costs of those services and facilities, the right to terminate their contract and to receive a refund, and what the dispute resolution processes might be.

In relation to recurrent charges, whilst the bill states that they have to be told about them, it does not set out that they have also to be told how those recurrent charges might be altered, and it does not state whether there are limits on what changes there might be. One of the problems that has arisen under the act from time to time is that people go into a village expecting to pay a certain amount per annum, and suddenly find that the recurrent charges are going up at a rate that they are not used to.

Most of the people in these premises are on a fixed or limited income, and it is worth remembering in dealing with this legislation that, while the rest of us who are paying off mortgages jump for joy if the interest rates stay low or go down, for people who are either on a pension or are self-funded retirees, that means a decrease in their income. They are faced with rising costs and decreasing income. We need to bear that in mind in terms of the obligations that they are entering into. So, information about recurrent charges needs to address not only what they currently are but how they might be altered and whether there is any limit on what they might reach.

I assume that the additional services and facilities that have to be notified in that document relate to what is the cost of those services or facilities to the resident and not, for instance, the cost of constructing a community hall within the village, although it is not apparent from a strict reading of the document that it is one way or the other. The new regime also provides that the resident has to receive a copy of that

contract and they have to receive certain financial information about the village. Strangely, that financial information about the village only has to be supplied if the retirement village already exists. It seems to me that, if someone is going to move into a retirement village which is not yet built or completed, we should be making some provision for residents to find out about the financial viability of the organisation that is building the village. I could not find anything on reading the bill in detail which gives someone moving into a village in that circumstance any equivalent right to financial information which is given by this provision to someone who is moving into a village that is already in existence. There also has to be a detailed report about the condition of the fixtures, fittings and furnishings provided in the residence and about how they will be repaired, their replacement, who will bear the cost, and so on.

This is a crucial provision, and I want to tell the house a story about a particular matter that I dealt with relating to Seven Oaks Village. An elderly couple in their 80s moved in, and they paid a significant amount of money for their premises. When they signed their contract they were told, they understood, and the document said that when they left they would receive 100 per cent of what they had paid. For the benefit of the uninitiated, most retirement villages operate on the basis that a person pays an amount to go in. In return for that amount, they receive a right to occupy. That right to occupy is there for the rest of their life or as long as they choose to stay, subject to their obeying the rules. However, most of the contracts operate on the basis that each year a person is there a deductible amount—usually 4 per cent or 5 per cent, up to a maximum of 25 per cent—will be retained. It is usually called the retention amount, and that will be retained when the person leaves the village. It operates on the basis that the person will, therefore, get back 70, 80 or 85 per cent (or whatever it is, depending on how long they have been there), of what the unit then sells for.

So, a person pays a certain amount to go in and they lose 4 per cent or 5 per cent a year, up to a maximum of 25 per cent, but they get back the new selling amount less whatever that retention amount is. For instance, if someone bought a unit for $100 000 and they were in a place where there was a maximum retention of 20 per cent, and after 10 years they sold it, they would get back not $80 000, but 80 per cent of whatever the unit sells for. If it is sold for $150 000, they would get back $120 000. As long as the cost of the place is rising faster than the retention amount is taking someone's bit down for those first few years, they will come out ahead.

However, this particular village said that it would give back the people who moved in 100 per cent of the original purchase price, that is, if they paid $100 000 they would get back $100 000. The idea, on the part of the administering authority, was that it would then sell that unit to the next purchaser for a much higher amount and it would keep the improvement in the value. The difficulty was that it charged so much in the first place that, nine or 10 years later, when it was time to sell the unit, it was not going to receive any more money than had been paid in the first place.

The administering authority decided that it had a problem here so, notwithstanding that the contract clearly said that no depreciation would be charged, the administering authority proceeded to retain a large amount of money. I will explain the basis on which it did that. The unit was in perfect condition. To give members some idea of just how perfect a condition it was in, a local agent gave evidence that he regularly goes into homes and tells people the things they should look at doing to their place to improve it before they put it on the market. His evidence was quite clear that he went into this place, and it was so perfectly kept by this couple that there was just nothing he could recommend that they do or present differently. This unit was absolutely pristine. These people fully expected to get back 100 per cent of what they paid.

However, the administering authority consulted a quantity surveyor and proceeded to have an assessment made of what it would cost to build this unit at that time and how much every little bit of the unit cost—the tiles in the bathroom, the tiles on the roof, the brickwork, the kitchen cupboards and everything else. They added all of that up and then proceeded to say, 'Well, the tiles on the roof we estimate would last 50 years,' and so on. The administering authority decided that it was not called depreciation, but it charged against these people five or 10 years (or whatever it was) of the total life of the unit—effectively, by the back door. Depreciation by any other name: it was still depreciation.

The point I want to make is simply that the detailed report about the condition of the fixtures and fittings and furnishings does not necessarily solve the problem that that situation created where you have the unscrupulous operator. They will find a way to reinterpret everything that we put in there.

Under section 6(3) in the proposed scheme (there are the rules and the remarketing policy, and that is fine), it also talks about any code of conduct that the administering authority is going to observe. My experience of codes of conduct is that they are generally voluntary, and there is generally no redress for a breach of a code of conduct. There are some exceptions to that, but most often that is the way they appear. I seek leave to continue my remarks.

Leave granted; debate adjourned.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT AND RATING) AMENDMENT BILL

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

No. 1. Clause 7, page 6, line 36—
After 'policy' insert:
, taking into account the requirements of subsection (4)

No. 2. Clause 7, page 7, lines 1 to 10— Delete subsection (4) and substitute:

(4) For the purposes of subsection (3)(b), a public consultation policy must at least provide for the following:

(a) the publication in a newspaper circulating within the area of the council of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons—

(i) to attend—

(A) a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or

(B) a meeting of the council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of at least 1 hour,

(on the basis that the council determines which kind of meeting is to be held under this subparagraph); or

(ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and

(b) the council to make arrangements for a meeting contemplated by paragraph (a)(i) and the consideration by the

council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).

(4a) The council must ensure that copies of the draft annual business plan are available at the meeting under subsection (4)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 7 days before the date of that meeting.

No. 3. Clause 10, page 9, lines 14 to 22—Delete this clause and substitute:

10—Amendment of section 128—The auditor

(1) Section 128(2)—after 'the council' insert:

on the recommendation of the council's audit committee

(2) Section 128—after subsection (2) insert:

(2a) The audit committee must, in making a recommendation under subsection (2), take into account any factor prescribed by the regulations.

(3) Section 128—after subsection (4) insert:

(4a) The term of appointment of an auditor of a council must not exceed 5 years (and, subject to this section, a person may be reappointed at the expiration of a term of office).

(4) Section 128(6), (7) and (8)—delete subsections (6), (7) and (8) and substitute:

(6) A person's ability to hold office as an auditor of a council, and to be reappointed to that office, is subject to the qualification that if the person has held the office of auditor of the council for at least 5 successive financial years, or for 5 out of 6 successive financial years—

(a) the person may only continue in that office if he or she ensures that any individual who plays (or who has played) a significant role in the audit of the council for 5 successive financial years, or for 5 out of 6 successive financial years, does not then play a significant role in the audit of the council for at least 2 financial years; or

(b) the person may be reappointed to the office if at least 2 years have passed since he or she last held the office.

(7) The appointment of an auditor will be subject to any other terms or conditions prescribed by the regulations.

(8) A council, and the auditor of a council, must comply with any requirements prescribed by the regulations with respect to providing for the independence of the auditor.

(9) A council must ensure that the following information is included in its annual report:

(a) information on the remuneration payable to its auditor for work performed during the relevant financial year, distinguishing between—

(i) remuneration payable for the annual audit of the council's financial statements; and

(ii) other remuneration;

(b) if a person ceased to be the auditor of the council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and not being reappointed to the office—the reason or reasons why the appointment of the council's auditor came to an end.

(10) For the purposes of this section, a person plays a significant role in the audit of a council if the person would, if the council were a company, play such a role in the audit of the company within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

No. 4. Clause 13, page 10, lines 34 to 37—Delete paragraph (a) and substitute:

(a) to the principal member of the council (who must ensure that a copy is immediately provided to the chief executive officer, and that copies are provided to the other members of council for their consideration at the relevant meeting under subsection (6) or (6a)); and

No. 5. Clause 13, page 10, lines 39 and 40—Delete subsection (6) and substitute:

(6) Unless subsection (6a) applies, the report must be placed on the agenda for consideration—

(a) unless paragraph (b) applies—at the next ordinary meeting of the council;

(b) if the agenda for the next ordinary meeting of the council has already been sent to members of the council at the time that the report is provided to the principal member of the council—at the ordinary meeting of the council next following the meeting for which the agenda has already been sent, subject to the qualification that this paragraph will not apply if the principal member of the council determines, after consultation with the chief executive officer, that the report should be considered at the next meeting of the council as a late item on the agenda.

(6a) The report may be the subject of a special meeting of the council called in accordance with the requirements of this Act (and held before the ordinary meeting of the council that would otherwise apply under subsection (6)).

No. 6. Clause 13, page 11, line 2—Delete 'at the next meeting of the council' and substitute:

at the relevant meeting of the council held under subsection (6) or (6a)

No. 7. Clause 28, page 17, line 12—Delete 'principal' and substitute:

prescribed

No. 8. Clause 28, page 17, line 13—Delete 'principal' and substitute:

prescribed

No. 9. Clause 28, page 19, after line 2—Insert:

(10a) A regulation cannot be made for the purposes of this section except after consultation with the LGA.

No. 10. New clause, page 21, after line 13—Insert:

31A—Amendment of section 303—Regulations

Section 303(9)—delete ', so far as is reasonably practicable,'

No. 11. Clause 32, page 21, after line 16—Insert:

(1a) Schedule 2, clause 19(4)—delete subclause (4) and substitute:

(4) The charter may be reviewed by the constituent councils at any time but must in any event be reviewed at least once in every 4 years.

ADJOURNMENT

At 6 p.m. the house adjourned until Monday 7 November at 2 p.m.