HOUSE OF ASSEMBLY

Tuesday 8 November 2005

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

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.

VISITORS TO PARLIAMENT

The SPEAKER: We have visiting today members of Her Excellency the Governor's Leadership Foundation. We welcome them and trust that their visit is educational and informative. We also have another group from the Department of Education and Children's Services, and we welcome them, too.

ESTIMATES REPLIES

The SPEAKER: Some of the answers coming back from estimates seem to be unduly delayed. There is a rule about minister's replying within a set time, and I ask ministers to abide by that rule.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. M.D. Rann)—

- Adelaide Film Festival—Report 2005
- Disability Information and Resources Centre—Report 2004-05
- South Australian Museum Board—Report 2004-05

By the Minister for Transport (Hon. P.F. Conlon)—

- TransAdelaide—Report 2004-05
- Regulations under the following Acts—
  - Harbors and Navigation—Point Turton
  - Motor Vehicles—Motor Bike Licences

By the Minister for Infrastructure (Hon. P.F. Conlon)—

- Infrastructure Corporation, South Australian—Report 2004-05

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

- Evidence Act 1929, Section 71 of the—Relating to Suppression Orders—Report 2004-05

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

- Animal Welfare Advisory Committee—Report 2004-05
- Board of the Botanic Gardens and State Herbarium—Report 2004-05
- Department for Correctional Services—Report 2004-05
- Department for Environment and Heritage—Report 2004-05
- Dog and Cat Management Board—Report 2004-05
- General Reserves Trust—Report 2004-05
- Land Board—Report 2004-05
- Maralinga Lands Unnamed Conservation Park Board—Report 2004-05
- State Heritage Authority—Report 2004-05
- Upper South East Dryland Salinity and Flood Management Act—
  - Quarterly Reports—
    - 1 July—30 September 2004
    - 1 July—30 September 2005
  - Report 2004-05
- Wilderness Protection Act 1992—South Australia—Report 2004-05
- Wildlife Advisory Committee—Report 2004-05
- Regulations under the following Acts—
  - Natural Resources Management—
    - Mallee Prescribed Wells Area
    - Peake, Roby and Sherlock Prescribed Wells Area
    - Western Mount Lofty Ranges
    - Western Mount Lofty Ranges Prescribed Wells Area
    - Western Mount Lofty Ranges Surface Water Area

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

- Country Arts SA—Report 2004-05
- Youth Arts Board, South Australian—Carclew Youth Arts Centre—Report 2004-05

By the Minister for Employment, Training and Further Education (Hon. S.W. Key)—

- Construction Industry Training Board—Report 2004-05
- Flinders University—Report 2004

By the Minister for Administrative Services (Hon. M.J. Wright)—

- Administration of the State Records Act 1997—Report 2004-05
- Privacy Committee of South Australia—Report 2004-05
- SA Water—Report 2004-05
- Surveyors Australia, Institution of—SA Division—Report December 2004 to 30 June 2005

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

- Actuarial Investigation of the State and Sufficiency of the Construction Industry Fund—Report 2004-05
- Construction Industry Long Service Leave Board—Report 2005
- Mining and Quarrying Occupational Health and Safety Committee—Report 2004-05
- WorkCover SA—Report 2004-05

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

- Independent Gambling Authority—Report 2004-05

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

- Adelaide Cemeteries Authority—Report 2004-05
- Department of Trade and Economic Development—Report 2004-05
- Development Act—
  - Administration of—Report 2004-05
  - Development Plan Amendment Reports—
    - City of Norwood—Payneham St Peters—
      - Heritage (Payneham)
      - Heritage (St Peters, Kensington and Norwood)
- Planning Strategy for South Australia—Report 2004-05
- West Beach Trust—Report 2004-05

By the Minister for Housing (Hon. J.W. Weatherill)—

- Community Housing Authority, South Australian—Report 2004-05

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

- Primary Industries and Resources SA—Report 2004-05
- Regulations under the following Acts—
  - Citrus Industry—Citrus Industry Fund
  - Fisheries—
    - Bait Net
    - Delivery and Storage
    - Rock Lobster Fisheries
    - Vessel Monitoring Scheme Unit
  - Primary Industry Funding Schemes—Citrus Growers Fund

Primary Produce (Food Safety Schemes)—Citrus Industry Advisory Committee

By the Minister for the River Murray (Hon. K.A. Maywald)—

Department of Water, Land and Biodiversity Conservation—Report 2004-05
River Murray Act—Report 2004-05
Regulations under the following Act—
Renmark Irrigation Trust—Water Allocation

By the Minister for Consumer Affairs (Hon. K.A. Maywald)—

Regulations under the following Acts—
Liquor Licensing—Copper Coast Dry Areas
Retail and Commercial Lease—Adelaide Airport Limited

ANTI-TERRORISM LAWS

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

Leave granted.

The Hon. M.D. RANN: On 27 September 2005, the Council of Australian Governments (COAG) agreed to strengthen Australia's anti-terrorism laws. The decision I made at COAG to support extraordinary laws was based on known developments here in Australia and overseas about the activities of terrorists and terrorist suspects. It was based on reliable and credible information from Australia's intelligence agencies about the real risk that Australia faces of a terrorist attack on our own soil. The information contained in a highly confidential briefing provided by the Australian Federal Police, the Office of National Assessments and the Australian Security Intelligence Organisation was as disturbing as it was chilling.

Australians and Australian facilities have already been the targets and victims of terrorist attacks in Indonesia and elsewhere. It would be naive and even foolish to believe that Australia is itself not a target. We know that up to 80 people now living in Australia have received training from terrorists in terrorist camps overseas—individuals free to move within our community who have received training in the techniques of mass murder. These are the enemies within—a highly-trained fifth column of murderers who will show no concern for their own lives, let alone the innocent lives of those whom they seek to destroy.

Events overnight in Melbourne and Sydney involved the arrest of 17 individuals who, according to reports, were in the final stages of planning a terrorist attack within Australia. These developments make it critical that our law enforcement authorities have the necessary powers, first, to prevent terrorist acts, and then to investigate any terrorist acts that tragically may occur. In supporting tougher anti-terrorism laws, COAG adopted a number of principles to ensure the inclusion of proper safeguards to protect against any unnecessary erosion of civil liberties or abuse of power.

For our part, South Australia has agreed to introduce legislation to introduce preventative detention orders for up to 14 days. Our laws will complement commonwealth legislation that can only establish preventative detention orders for 48 hours due to constitutional limitations. Since the September COAG meeting, consultation between the states and territories and the commonwealth has centred on the issue of safeguards and the protection of civil liberties. Directly as a result of pressure from the states, the commonwealth has conceded on a number of issues.

The so-called 'shoot to kill' policy has been abandoned in favour of existing law in this state which allows for the use of force, including lethal force, only when there is a risk to life or serious injury.

With respect to proposed commonwealth powers of preventative detention, such an order cannot exceed 24 hours' duration unless a federal judge, former judge, magistrate or administrative appeals member consider the matter on its merits.

In relation to preventative detention orders issued under South Australian law, such orders can only be issued beyond 24 hours by a judge or a retired judge of the Supreme or District Court. A preventative detention order may be issued against a person who is suspected on reasonable grounds that:

- they would engage in a terrorist act, or
- they have been involved in a terrorist act,

and

- the order would substantially assist in preventing a terrorist act occurring, or
- the order is necessary to preserve evidence of a terrorist act that has occurred.

Under the proposed South Australian law, there will be urgent and automatic judicial review before the Supreme Court of the decision as soon as practicable after the person is taken into detention.

Those who are the subject of a preventative detention order will have access to their own legal representation at the judicial review. I personally urge all members of parliament, both in this house and the Legislative Council, to give their full support to the South Australian bill to ensure its swift passage. Events overnight demonstrate the urgency of what this parliament will be considering.

ESTIMATES COMMITTEES

Mr BRINDAL (Unley): A few minutes ago you, sir, made a ruling about estimates. I would submit to you, Mr Speaker, that as custodian of this house's proceedings it is an instruction of this house that every minister was given a date by which to respond. Erskine May shows ample proof that failure to obey an instruction of the house is a constructive contempt of this parliament. I ask you, sir, to examine that matter in respect of the ministers doing what they want when this house has instructed them.

The SPEAKER: Order! The chair will have a look at that matter, but I remind ministers—and I saw some evidence of this yesterday—of where replies have taken many months to come back to members who have asked following estimates, and that is not acceptable.

SITTINGS AND BUSINESS

The SPEAKER: Before calling on questions, I wish to address two matters. First, it has been put to me that in relation to functions held in other members' electorates which a minister is attending, the common courtesy of acknowledging the member—or, in some cases, not inviting the local member—has not been adhered to.

Ms Rankine interjecting:

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

Members interjecting:

The SPEAKER: Order! Members know the risk of speaking when the house is called to order: they will be named. These courtesies have existed for a long time and

need to be upheld. Likewise, when a minister is visiting an electorate, it is a courtesy to notify the local member.

The other matter relates to yesterday when the house was dealing with the rescission of a vote on the amendments from the Legislative Council. If members look at pages 3813 and 3814 of *Hansard*, they will see that there was some confusion. Two members indicated that I did take a vote on the suspension of standing orders. The member for Hammond believed I did not. I did not personally listen to the tape, but the Clerk did, and it seems, on balance, that I may not have actually called for a vote specifically on the suspension. If that was the case, and there is some vagueness for various reasons—and I am not disputing the tape—I apologise for that oversight. In any event, the substantive issue was whether the vote should be rescinded, which was passed appropriately and the following proceedings were, therefore, in my view, in order.

QUESTION TIME

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Does the Attorney-General agree with the sworn evidence of his own adviser George Karzis given at the Ashbourne corruption trial that board positions for Ralph Clarke were indeed discussed in the presence of the Attorney prior to 20 November 2002? During the trial, Mr Karzis gave evidence under oath that boards and committees for Ralph Clarke were discussed at a meeting in November at which both he and the Attorney were present. George Karzis told the court, 'Randall said Ralph was willing to withdraw, but that he wanted some boards and committees.'

The Hon. M.J. ATKINSON (Attorney-General): This question is like a jockey urging on Mummify with the whip.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. M.J. ATKINSON: Whenever the Leader of the Opposition refers to the evidence of George Karzis, he always leaves out the material parts.

The Hon. R.G. KERIN: I rise on a point of order, sir. The Attorney cannot control what I ask. I asked him whether or not he was present when that was mentioned, which is a yes or no answer.

The SPEAKER: Order! The Attorney will have a chance to answer.

The Hon. M.J. ATKINSON: The Leader of the Opposition asked this same question on 23 June. The answer is in the interviews, the court transcripts—

The Hon. R.G. KERIN: On a point of order, sir: I asked a simple yes or no question. The Attorney is dodging the answer.

Members interjecting:

The SPEAKER: Order! Members know that ministers have some scope to answer. I think that is the minister's answer.

HOSPITALS, PATIENT SURVEYS

Ms THOMPSON (Reynell): My question is to the Minister for Health. Of the—

Members interjecting:

The SPEAKER: Order! The house will come to order. The chair cannot hear the question from the member for Reynell.

Ms THOMPSON: Of the 2.4 million interactions with our South Australian hospital system each year, can the minister inform the house if any have actually been positive?

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is warned.

The Hon. J.D. HILL (Minister for Health): I thank the member for her question and acknowledge her great interest in our great public health system. As the member said, there are 2.4 million interactions with our hospital system each year in South Australia. If one listened to the questions from the opposition, one would believe that every single one of those interactions is a negative interaction, but the reality is far from that. Today, I announce the findings of the latest patient evaluation of hospital services survey that was undertaken in June this year. Sir, the survey covered 4 440 patients who had spent at least one night of care in our state's public hospitals that month.

Mr BRINDAL: On a point of order, sir: every minister has the chance to make a ministerial statement. Questions without notice are not a disguise for ministerial statements.

The Hon. R.J. McEwen: Sit down!

Mr BRINDAL: Don't tell me to sit down. You will be retiring when I do, I am pleased to say.

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

Members interjecting:

The SPEAKER: The house will come to order. Question time ticks away. The Minister for Health has the call.

The Hon. J.D. HILL: As I was saying, 4 440 patients were surveyed. They were patients who had spent at least one night in a public hospital in the month of June. There are 340 000 inpatients—

Ms Chapman: What about the other 2.3 million?

The SPEAKER: I warn the member for Bragg.

The Hon. J.D. HILL: For the information of members, 340 000 inpatients each year spend an average of 4.1 days in hospital. Based on a range of questions, patients' level of satisfaction was rated from zero through to 100. This year's overall rating was 87.2 per cent, which was the equal highest on record.

The Hon. P.F. Conlon: A high distinction!

The Hon. J.D. HILL: A high distinction, as the minister says. That is equal to 2002. This rating is 3.5 points higher than in 2001, when the member for Finniss was the health minister. The overall rating for people over 65 was even higher at 89 per cent. Two parts of the survey have reached what is known as a gold standard of care—that is, coordination and consistency of care at 92.8 per cent, and information and communication between patient and service providers at 96 per cent.

I also want to give the house some particular first-hand stories which come, in part, from correspondence to the minister's office and also from other sources. A man from Broadview who had heart problems and who was in the casualty department of the RAH had this to say:

> The staff on this ward are so caring for the people under their care.

A woman from Globe Derby Park, whose daughter had chest pains and who was at the Lyell McEwin Hospital, said:

> Words cannot tell you how impressed we both were by the standard of care which both of us received—she as a patient and me as merely an anxious parent. . . Please be assured that no criticism

of the health service will henceforth go unchallenged by me, it is magnificent.

Another lady from Wynn Vale said:

> We are always hearing in the media how the public system is bad and about long waiting lists, however I disagree, I have nothing but praise for your department and all the caring staff that I met who gave me A+ service.

Then there was the man who rang ABC 891 earlier today. He was suffering from bowel cancer and was served at Flinders Medical Centre. He said:

> It was absolutely tremendous the way they treated me. . . it was a difficult operation but their professionalism, I really couldn't say things good enough to say how quickly they moved in and how well they treated me.

And then there was the gentleman from my own electorate who called me the other day and told me that he had spent 10 days at Flinders Medical Centre, and said that he had had first-class treatment and was happy to make that public. Another Flinders Medical—

Members interjecting:

The Hon. J.D. HILL: I understand that the members on the other side of the house want to attack the public health system, want to attack doctors and want to attack nurses—they want to run down the public health system—but the facts speak for themselves. Another patient from Flinders Medical Centre said:

> During my stay in hospital I would have been in contact with dozens of hospital staff from clerks, orderlies, cleaners, catering staff, nurses, technicians and doctors plus anybody else I may have missed. Looking back at all my contacts with these people I must say that I cannot think of a single word of complaint about anything. Everybody I had dealings with was very caring and helpful. Even the food couldn't really be criticised, contrary to what one hears about hospital food.

Mr Speaker, there are hundreds and thousands of stories like this, and I would be delighted to share them with the house on a future occasion.

Members interjecting:

The SPEAKER: When the house comes to order, we will continue.

Members interjecting:

The SPEAKER: The house will come to order and then we will proceed.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Did the Attorney-General offer to resign in late 2002 on any day other than 20 November 2002? Yesterday when the Attorney-General was asked if he offered to resign in late 2002—

The Hon. K.O. Foley: Around and around and around and around.

The SPEAKER: The Treasurer is out of order.

The Hon. R.G. KERIN: —he went on to talk about a range of unrelated matters, and concluded by saying, in typical style, 'I did not offer to resign. . . on 20 November. . . ' My question at no time referred to that specific date.

The Hon. W.A. Matthew: The answer is yes.

The SPEAKER: The member for Bright is warned.

The Hon. M.J. ATKINSON (Attorney-General): There was only one occasion in my time as a minister when I have offered to resign and that was, as I recall, on 30 June 2003 when the Deputy Premier was the Acting Premier. I was not asked to step down from all my portfolios but I believed, unlike members opposite during the Brown and Olsen governments, that it was the right thing to do to step aside during an investigation. That is to say, I had higher standards than members opposite: I stepped aside and the investigation proceeded. I was never a suspect and I was cleared. Mr Speaker, how many times do I have to be cleared? I was cleared—

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order! The leader will not be in the clear if he continues to interject.

The Hon. M.J. ATKINSON: Well, because of the allegations that were made by members of the opposition. I don't know anyone in this house whose life has been so closely and minutely examined as has mine. I have been—

The Hon. R.G. KERIN: On a point of order, Mr Speaker, the Attorney is answering everything but the question.

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Mr Speaker, in respect of both questions that have been asked today I have given the Leader of the Opposition a direct and blunt answer. He asked whether I ever offered to resign. Yes, I did, on 30 June 2003.

INDUSTRIAL LEGISLATION

The SPEAKER: Order! The member for Giles.

Members interjecting:

The Hon. K.O. Foley: You're boring us, Kero.

The SPEAKER: Order! The member for Giles.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Treasurer and the Attorney are out of order.

The Hon. M.J. Atkinson: Have you got some cognitive difficulty?

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

Ms BREUER (Giles): My question is to the Minister for Industrial Relations. How does the state government's consultation process on changes to work laws compare with the federal Liberal government's consultation process on changes to work laws, and what is the state government doing to help South Australians to have their say on work laws that affect them?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): As members would appreciate, there is a huge amount of community concern about the Liberal plan to legalise workplace agreements that make workers worse off: the Liberal plan to scrap award rights; the Liberal plan to create a system for locking South Australians out of their workplace until they give in to their employers' demands; and the Liberal plan to legalise unfair sackings.

Mr WILLIAMS: I rise on a point of order, Mr Speaker. This is not an answer; it is a debate. It is hypothetical, and it is not the business of this house.

The SPEAKER: Order! I do not believe the minister has transgressed at this stage. There is some scope given in answering a question. The point about hypothetical questions is that it is different if you are asked for a solution to a hypothetical question. Hypothetical questions (which this was not) are not out of order; it is only when you ask for a solution to a hypothetical question that it is out of order. Ministers should be considering future developments. If they are not, they are not doing their job. The Minister for Industrial Relations.

The Hon. M.J. WRIGHT: Thank you, sir. Scrapping the award right to be given decent notice about changes to shift times, for example, is just one part of the Liberal plan which leaves working families feeling insecure and unable to manage their commitments to care for loved ones. When our government moved to change work laws we had an open and transparent process. We began with an independent review and a formal submission process. We then released the report of the review and consulted on that. We then released a draft bill and had another formal submission process before finalising a bill to put before the parliament. The Liberal government has shown no interest whatsoever in broad consultation with the community.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, this is clearly debate and not permitted under standing order 98.

The SPEAKER: Order! The minister was debating earlier. I think he has improved in the last minute or two, but he was starting to debate again. He needs to focus on his specific responsibility as minister. The Minister for Industrial Relations.

The Hon. M.J. WRIGHT: Thank you, sir. After the Prime Minister overruled the responsible minister and said that there would be no Senate inquiry, the Liberal government was dragged kicking and screaming to have a Senate inquiry.

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

The SPEAKER: Order! The minister is starting to debate. He needs to talk about his specific responsibility. The minister.

The Hon. M.J. WRIGHT: Thank you, sir. To help South Australians express their views, we have established a web site: www.realchoicesatwork.sa.gov.au. To make sure that South Australians are aware of this facility to help express their views we will be conducting a promotional campaign. If South Australians want to have their say about the Liberals' so-called work choices package, I encourage them to visit the website and send a message to Canberra. I urge everyone who is worried about losing basic rights at work to send a message to Canberra. South Australians deserve real choices at work, not the Liberals' work choices of give in or get out.

The SPEAKER: Order! The minister is debating now.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Was the Premier approached at any time by the member for Florey with regard to complaints that she had been pressured by the Attorney-General?

The Hon. M.D. RANN (Premier): Can I just say that the first I heard about this was when it was raised in the form that you referred to, so the answer is no.

FLOODING

Ms CICCARELLO (Norwood): My question is to the Minister for Families and Communities. What are the latest developments in the flooding experienced overnight?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. Sadly, she is one of the members here with residents in her electorate who have been affected by the extraordinary flooding event last night. It is true that many of us in this house in fact do have people in their electorates affected. From 5.30 pm last night State Emergency Services began receiving reports of isolated flooding in the Adelaide Hills area and some parts of the metropolitan area. Those calls continued to cascade through the night. The SES, Metropolitan Fire Service and Country Fire Service provided support and, at 10 p.m. last night, the Police Operations Centre became operational. Overnight significant and widespread flooding was reported and I think over 530 requests for flood assistance were received by the SES. The reports covered damage to homes, sheds, cars, driveways, paths and fences. Floodwater has entered some houses and I think there were something like 60 houses that were significantly damaged, although the extent of this damage is still to be assessed.

Fortunately as of this morning, or indeed as of my most recent briefing, there has been no loss of life or significant injury. This morning the Premier, the Minister for Emergency Services and I visited flood affected areas in the Waterfall Gully, Norwood and Hawthorn areas. We witnessed first-hand the damage done to people's homes, and we met with a range of people who had been battling the floodwaters during the evening. Many of them had been mopping up mud.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, we were received very well. Some were very angry; some were angry with the local council, but I think they were grateful that the Premier took the time out to actually meet with them and, first-hand, acknowledge the extent of the distress they had. Grants are being made available to assist with temporary accommodation and clean up. The Department for Families and Communities Services is doorknocking all of the affected homes today and there will be amounts of between $250 and $750 offered to people, based on the amount of damage. There are also two grant schemes in place for household goods and structural repair. They can be accessed for up to $5 600 depending on a means test and certain criteria being met. A hotline has been established. It is 1300 764 489. We expect that that will be operational for a couple of weeks. We are conscious from the experience we have had with bushfires and other disasters that many people will not initially understand the extent of their needs, so we will leave that hotline open for a couple of weeks. Advice received today is that weather conditions are improving and we expect that no further heavy rains will be experienced this evening. That may give us an opportunity for some recovery. Many of the people we met this morning expressed their thanks for the excellent work of the emergency service crews, and the government adds its voice in gratitude to our volunteers.

BULLYING ALLEGATIONS

Mrs HALL (Morialta): My question is to the Minister for Police. Is the minister aware that a female Labor MP has raised with the police the matter of her being bullied by the Attorney-General?

The Hon. K.O. FOLEY (Minister for Police): Sir, I cannot recall a briefing of such by—

An honourable member interjecting:

The Hon. K.O. FOLEY: I am answering the question. Would you like me to answer the question or would you like to interject?

Members interjecting:

The SPEAKER: Order! The minister has been asked a question, and he should have the opportunity to answer.

The Hon. K.O. FOLEY: I cannot recall a briefing on that matter, but I will check. I think it is on the public record that something may have happened. An investigation actually occurred and, in the letter that I read yesterday to the Attorney-General, the Police Commissioner said that two female members of parliament were interviewed by police. So, it is hardly a startling revelation—

The Hon. M.J. Atkinson: And there was no need for an investigation.

The Hon. K.O. FOLEY: —and there was no need for an investigation. But I don't recall—

Mrs Hall interjecting:

The Hon. K.O. FOLEY: Sorry?

Mrs Hall: Bullying is okay, is it?

The Hon. K.O. FOLEY: The member for Morialta has just interjected that I somehow condone bullying. I should have thought that the member for Morialta, with issues related to her electorate office, would be the last person to accuse me of condoning bullying.

SCHOOLS, TEACHER AND STAFF NUMBERS

Mr SNELLING (Playford): My question is to the Minister for Education and Children's Services. What are the most recent figures relating to teacher and staff numbers in our government schools?

Members interjecting:

The SPEAKER: Order! Members should desist from personal attacks across the chamber. The Minister for Education—

Mrs HALL: I rise on a point of order, Mr Speaker. I refer to standing order 127, and I ask that the Deputy Premier withdraw the threat that he made.

The SPEAKER: I do not believe it was a threat, because—

Members interjecting:

The Hon. K.O. FOLEY: Sir, the member for Morialta accused me of something which I refute. If she takes offence, I apologise.

The SPEAKER: I ask members once again to refrain from personal reflections across the chamber. The Minister for Education and Children's Services.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Sir, I do not think I have had a question yet. I will give an answer—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: Could I have it repeated? I am sorry.

The SPEAKER: Order! We can try it the other way around—give the answer and then we will have the question! The member for Playford.

Mr SNELLING: Sir, I repeat my question, which is directed to the Minister for Education and Children's Services. What are the most recent figures relating to teacher and staff numbers in our government schools?

The Hon. J.D. LOMAX-SMITH: I apologise, sir. I did not hear the question the first time. I am pleased to inform the house of the very dramatic increase in the number of teachers employed in our state schools and preschools during the last three years. New figures show that an extra 261 full-time equivalent teachers were working in schools and preschools in June 2005 compared to June 2002. The number of teachers has increased from 13 023 full-time equivalents in June 2002 to 13 284 in June 2005. These numbers speak for themselves and, whilst those opposite will talk down the public education system, it is worth saying that our numbers have significantly increased. In fact, we have invested another $2 000 in the education of each child, and that translates in our public schools to teachers, support staff and counsellors.

Since being elected, this government has employed 160 more teachers to reduce reception to year two class sizes for the most disadvantaged schools, and shortly we will employ another 126 teachers to extend the small class sizes to every junior primary school in the state. We also have employed 125 additional teachers and staff to provide intensive support for children's literacy as part of our $35 million Early Years Literacy Program.

In addition, there are 55 more counsellors, 80 teacher mentors working with students at risk of dropping out of school and 140 individuals to provide extra leadership and administrative support in primary schools and preschools. We also have four extra student attendance counsellors and 10 more early childhood speech and behaviour experts, as well as 12 more specialists providing support to children with high level disabilities in preschools. Whatever those opposite say, we have invested in schools, we have invested in teachers and we have invested in all our children. There can be no misunderstanding that the Rann government has delivered more for schools—more teachers, more support staff and smaller class sizes.

Mr BRINDAL: I rise on a point of order, Mr Speaker. In answering questions, ministers are not allowed to engage in debate. The minister clearly is.

The SPEAKER: The minister should not engage in debate. The minister needs to focus on the factual elements.

The Hon. J.D. LOMAX-SMITH: This government can be proud of its achievements in education. Every parent knows what has occurred, and the children have benefited from the Rann government in a way that they would never have dreamt of in the previous eight years.

HOSPITALS, PATIENT DEATH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health order an immediate and independent investigation into the circumstances surrounding the death of a 69 year old Riverland man at the Royal Adelaide Hospital on 23 September this year? The Leader of the Opposition and I have both received a lengthy letter in which the man's widow paints a shocking picture of his treatment at the Riverland Hospital and his subsequent death at the Royal Adelaide Hospital.

The Premier and the Minister for Health have also received the letter, as has the Prime Minister, the CE of the Riverland Hospital and the Ombudsman. Further, I have spoken to the widow, and she has requested me to ask for an independent investigation. The letter to which I refer includes claims that the woman's incontinent husband fell out of bed on at least three occasions at the Riverland Hospital when attempting to crawl to the toilet because he had not been given a bedpan or a buzzer to call a nurse.

The letter further states that, when he was subsequently transferred to the Royal Adelaide Hospital, the patient was held in the emergency department for 15 hours before being transferred to intensive care, where he was held for another 48 hours. The letter states that within 36 hours of her husband being transferred to Ward S7 he suffered 'a stroke and heart attack after aspiring his own vomit' a few hours after the critical care nurse was removed from the patient's side. The man died two weeks later on 23 September.

The Hon. J.D. HILL (Minister for Health): This set of circumstances described by the deputy leader is disturbing. It is, I think, a tragic set of circumstances. I am aware of the correspondence; I saw it yesterday. I have also spoken to the widow (I will not mention her name) in relation to this matter. The CE of the Riverland Hospital has made an arrangement to meet with her on Wednesday (tomorrow). I have told her that we will have an investigation into the matter. I apologised to her on behalf of the health system for what had happened to her husband.

She congratulated me, by the way, on my appointment as the Minister for Health and wished me well. I said to her that, despite the facts that she described in her letter and despite the fact that her husband's circumstances were far less than ideal at that particular time, it was not a reflection on the entire health system. In fact, we have a very good health system in South Australia, and she agreed with me. In fact, she said that her husband had suffered with cancer and had been undergoing treatment for some six or seven years at the Royal Adelaide Hospital. She also said that if it had not been for the excellent treatment received at that hospital she would have been a widow some six or seven years earlier.

SUPPORTED ACCOMMODATION, FERRYDEN PARK

Mr RAU (Enfield): My question is to the Minister for Disability. What new services in Ferryden Park are there for people with disabilities needing supported accommodation?

The Hon. J.W. WEATHERILL (Minister for Disability): The honourable member has an obvious interest in Ferryden Park as part of the Westwood development. I was very pleased last Friday to open officially a new state-of-the-art home designed for residents with multiple disabilities located in Ferryden Park. This house will be home to four adults, who will live there independently with an appropriate level of day-to-day support from two carers. It is a specially-designed home, which has five bedrooms and which is valued at more than $350 000.

The home has many adaptable features, including stepless entries on all external doors and shower alcoves and, of course, widened corridors for the wheelchairs. There is also a tracking system, which ensues that carers are able to assist residents to move into the shower and bathroom area with the use of hoists. This is a critical part not only of ensuring the health and safety of carers but also of dealing more effectively with the hygiene conditions of the residents. The home sits within the Westwood development. I stress that we would like to see more of this around the metropolitan area: that is, people with disabilities living in the community with appropriate support. We know that it forms very much a home environment and ensures that the people living there are able to experience some independence and integration with the community which is missing in large congregate facilities.

Just simple things such as having a meal when you want one, rather than when everyone else has one as part of a big system, is important; being able to watch what you want to watch on television; having small areas where you can meet family and friends; and having a small home-based environment in which family and friends feel comfortable when visiting you, rather than a sterile institutional environment. This is an example of the commitments that we are making through our housing plan to spread the supply of affordable housing for people with disabilities throughout the metropolitan area and, indeed, country areas.

The government has set a target of 5 per cent of new housing developments to be set aside for people with disabilities. We have also set a target of 75 per cent of all social housing stock to be modified appropriately to ensure that people with disabilities can live in them.

This project was a collaboration between the Housing Trust, Normus Homes (which built it) and CARA, the support agency. It was a wonderful collaboration. You only need to see the smiles on the faces of the residents and their families and carers to know that this is a wonderful initiative.

HOSPITALS, WAITING LISTS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question again is to the Minister for Health. Will the minister order an immediate and independent investigation into why a patient suffering from groin cancer was required to wait six weeks for an appointment with the Royal Adelaide Hospital oncologist, during which time the cancer spread, became ulcerated and is now terminal? The family of the patient in question, who is 53 years old, has approached the opposition—

Ms Breuer interjecting:

The SPEAKER: The member for Giles is out of order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport is also out of order!

The Hon. DEAN BROWN: I will explain my question. The family of the patient in question, who is 53 years old, has approached the opposition expressing outrage that, after a malignant cancer was discovered in the patient's groin in September, he had to wait six weeks to see an oncologist. During this period, the cancer became ulcerated, and when he finally saw the oncologist last week the patient was immediately scheduled for admission to hospital on Monday (yesterday) for urgent chemotherapy. The family has told the opposition the oncologist was astonished that the gentleman was not given a course of therapy a year ago when he had surgery to remove the cancer and was very concerned that, after a malignant tumour was discovered in his groin in September of this year, he had to wait six weeks to see an oncologist.

The oncologist arranged for the patient to be booked into hospital for treatment commencing yesterday and for a Royal District Nursing Service nurse to attend the man over the weekend before his admission. When the nurse arrived at the man's home to treat him on Friday, she told him that his admission to hospital had been cancelled because there were no beds. After the family raised very strong objections yesterday, he was finally admitted last night for continuous chemotherapy.

The Hon. J.D. HILL (Minister for Health): I thank the honourable member for his question, which is similar to many of the other questions the member for Finniss raises in this place. It has a drip, drip effect, trying to undermine confidence in the public health system that we have in South Australia. We have an excellent health system in this state. There are always waiting lists. There were waiting lists when the member for Finniss was the minister responsible. There are waiting lists now. We do our best to bring those waiting lists down. In fact, we have been very successful in reducing the long-term wait that patients have to get access to surgery.

The question of where a person is, of course, on a waiting list is a matter for individual doctors.

The Hon. DEAN BROWN: I rise on a point of order. My specific request on behalf of the family—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. DEAN BROWN: My specific request on behalf of the family was for an independent investigation, and I ask the minister to stop debating the issue.

The SPEAKER: The minister may well get to that point. Minister.

Ms Rankine interjecting:

The SPEAKER: Order, member for Wright!

The Hon. J.D. HILL: The member for Finniss asked a specific question indeed. I will get to the content of that question, but I also want to put it in context. The problem is that we hear these individual questions, tragic and sad as they be, and about families who are grieving and are in a particular personal crisis. We can all identify and recognise that. But there is a context to this, and it is that this is a good health system which generally, by and large, deals with people in a very good way. To identify this particular person in the way that the member has without any of the detail to allow me to get a proper investigation makes it difficult. But this is the track record for the member for Finniss.

I will certainly seek advice about this. However, the point I would make to the house is that where a person is on the waiting list is a medical decision, not a political decision. There have always been waiting lists; they always had waiting lists when he was the minister. Under our term there will be waiting lists, but where a patient is on that list is a decision for doctors. How outraged would the member be if I went in and interfered with where individual patients were on that list? If this is a tragedy, then it is deeply regrettable, but it is a tragedy as a result of medical decision making.

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order, the member for Newland.

The Hon. J.D. HILL: I will get a report on this matter.

The Hon. D.C. Kotz interjecting:

The SPEAKER: The member for Newland! I warn the member for Newland. She will be named if she continues.

The Hon. J.D. HILL: The other thing I know is that when the deputy leader asks questions he only ever tells one side of the story, and he tells the facts selectively.

The Hon. DEAN BROWN: I rise on a point of order. This is just straight debate. All I have asked for is an independent investigation, and the minister did not even bother to answer that.

Members interjecting:

The SPEAKER: Order! I believe the minister did indicate that he will get a review. The member for Unley.

Mr BRINDAL: On a point of order, the minister was attributing motive to another member. I believe standing order 126 demands that if you are going to attribute motive you have to do it by substantive motion.

The SPEAKER: I do not uphold the point of order. The minister made a generalised remark about lack of information.

WOMEN'S SAFETY

Mr KOUTSANTONIS (West Torrens): My question is for the Minister for the Status of Women. What support has the Office for Women given to initiatives to help address women's safety?

The Hon. S.W. KEY (Minister for the Status of Women): I would like to thank the member for West Torrens for his question about women's safety, particularly the initiatives that have taken place through the Office for Women. On International Women's Day this year, I launched this government's Commitment to Women's Safety in South Australia. This is a five year plan which aims to tackle domestic violence, indigenous family violence and sexual assault.

The Women's Safety Strategy looks at the approach and also preventive mechanisms that the government is taking to help women live in a safe and secure environment. As part of that strategy, I have announced a number of projects to be initiated over the next six months. One of the projects was a booklet that I was very pleased to participate in launching at Nunkawarrin Yunti. The Women's Legal Service funded, with the Office for Women grant for the Women's Safety Strategy, this booklet about sexual assault. The actual booklet was developed by a number of young Aboriginal women. It is titled 'Living safe and growing strong'.

Initially, this was discussed at the indigenous women's camp, which was organised earlier this year. At the camp, women—young women, in particular—expressed their deep concerns about issues around sexual assault. The booklet is part of those discussions. I think that when members get the opportunity to see it they will see why it is such an important resource in our fight against domestic violence and sexual assault. The women were also involved in producing a DVD video which talks about ways and methods of keeping oneself safe and, again, I think that this is a very approachable medium.

The young women talk about some of their own experiences, which I have to say are fairly grim in many cases, and they also talk about ways in which they can feel strong and address issues of keeping themselves safe and secure. I am particularly pleased that this booklet is available because a series of actions will happen as we approach White Ribbon Day on 25 November.

I know that in the past everyone in this place has shown great support for this campaign. White Ribbon Day will be followed by 16 days of activities around the elimination of violence against women, and this will culminate in the celebration of Human Rights Day on 10 December.

As I mentioned earlier, there has been funding for community education grants as part of the women's safety strategy project, and these grants have been used in a variety of ways to look at how we identify concerns and come up with preventive actions for women's safety.

Some of the grant recipients will showcase their work at the University of South Australia's campus on 2 December. These recipients include the Dale Street Women's Health Centre, the Migrant Women's Lobby Group, the Aged Rights Advocacy Service and the Young Women's Christian Association.

PUBLIC HEALTH SYSTEM

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health. Does the minister have responses to the parliament to the series of investigations of serious incidents promised by the previous minister since the parliamentary session started in September? If so, what are they? Incidents in which the previous minister promised an urgent and thorough investigation and a report back to the parliament include the missing

mental health files that she knew about but did not retrieve, the woman who died in the emergency department who was not seen by a doctor for 3½ hours, the heart surgery patient left in blood-stained bedsheets for 2½ days without the sheets being changed, and the escape from Glenside Hospital again of the same patient who caused a rampage at the hospital and caused a nearby childcare centre to be locked down while STAR force officers attended.

The Hon. J.D. HILL (Minister for Health): I thank the member for the question. It is my intention to bring to the house a full report in relation to these issues as soon as it is completed. I have had some temporary advice about each of the matters other than the last one referred to by the member. The facts are not as they might appear to those who heard the question in each of those cases. There is always more than one side to the story. I will be happy to share it, but I am just getting all the facts confirmed and making sure that all the people who have something to say have been talked to, and then I will be happy to share the information with the house. I appreciate that the member has run out of questions and is now reprising old questions, but so be it. I will get the report for him.

Mr BRINDAL (Unley): I have a supplementary question. Is the government concerned only about violence against women or violence generally? We have heard year after year about White Ribbon Day and violence against women. I should have thought that the government would have moved on and not condone violence full stop.

An honourable member interjecting:

Mr BRINDAL: I do not care if it is an international movement. When are we going to have a violence against men day?

The SPEAKER: I take that the last sentence is the question. It is not really a supplementary question. Do we have a minister for the status of men? We might have to take that one on notice.

FLOOD MITIGATION

Mr GOLDSWORTHY (Kavel): My question is to the Premier. What action has he taken to ensure that businesses at Verdun are not flooded out by the Onkaparinga River? In August last year businesses in Verdun were flooded due to the Onkaparinga River bursting its banks. Both the Premier and the Minister for Environment and Conservation visited the flooded area, and the Premier said, at the time, that he would fix the problem. Last night the same businesses were flooded again, with the level of flooding actually worse than last year. I visited the flooded area this morning, and the owners are outraged at the lack of action by the Premier and his government.

Members interjecting:

The Hon. P.F. CONLON (Minister for Transport): It is good to be loved, sir.

Mr Scalzi: You've done nothing.

The SPEAKER: Order, member for Hartley!

The Hon. P.F. CONLON: It is one of the most extraordinary things—in 8½ years of their government flooding was, of course, the responsibility of local government, but in our government it is our responsibility. Let me say that we have done a number of things—

Ms Breuer interjecting:

The SPEAKER: Order, member for Giles!

Mr Scalzi interjecting:

The Hon. P.F. CONLON: The lion of Hartley is urging me to answer the question. Well, if he can stop bellowing with those enormous lungs of his I will try to do so. In fact, this government has, at some political risk, extended itself into doing things and assisting councils in areas which have traditionally been councils' responsibility. We will not pick up all of it—

An honourable member interjecting:

The Hon. P.F. CONLON: All talk; we will get to that in a moment. We have gone further than they ever did in 8½ years—and I know he was not the member then, so I cannot blame him. At the moment I am engaged in discussions with the Minister for Urban Development and Planning in another place, the Hon. Paul Holloway, about some of the things we might be able to do in Verdun, and I will be able to give a report to the local member very soon about that. I have to say that they hate it when we have some good news—we have old Dr Misery there, the ambulance-chaser, with another sad story every day. They just hate good news. We are in consultation and we are going beyond what any state government has done before on an area that is the responsibility of local government.

The other thing we are doing about flooding in general is that we have been talking to councils now for some two years, encouraging them to accept what is a very good offer from this government to create an overarching body which will allow us to address flooding in this state. We are going further than any government in this state's history to assist councils in stormwater management; we are doing more than anyone ever before. However, just like our roads, apparently our stormwater infrastructure suddenly went into a state of decay in March 2002. What utter rot, and what utter hypocrites! This government is doing more for local government in stormwater management than any government in history.

We have a few recalcitrants in that regard, and what the opposition should do is go out and encourage those councils in their eastern suburbs (such as Burnside) to actually participate in a scheme that helps their residents and also helps all South Australians—and maybe we could find a little bipartisanship about our doing more than any government has done for local government in the past.

MOTOR VEHICLE REGISTRATION, REGIONAL SOUTH AUSTRALIA

Mr BROKENSHIRE (Mawson): My question is to the Minister for Transport.

The Hon. P.F. Conlon: Beauty, I am warmed up.

Mr BROKENSHIRE: You are bubbling over, you are so hot. Why did the minister threaten to discontinue motor registration subsidies for motorists in regional South Australia? Three people have attested that at a meeting with the representatives of the Provincial Cities Association the minister threatened to scrap motor registration subsidies for country drivers because of the association's calls for the government to fund regional bus services equally. The association's Chief Executive has told ABC Radio that the minister told the meeting in May, and I quote from the transcript—

Members interjecting:

Mr BROKENSHIRE: It's all right, mate; they are still pretty angry with you. Here it is, Mr Speaker:

> . . . that could be one way how he would fund the complete cost of the operation of provincial cities' buses and rural transport needs in South Australia.

The minister has since responded by saying on ABC radio: 'That is absolute, absolute rubbish, never been suggested.' Who is telling the truth?

The SPEAKER: Order! That remark is out of order.

The Hon. P.F. CONLON (Minister for Transport): Don't you love the little rhetorical flourish from the Jack Russell at the end: who is telling the truth?

An honourable member: Who's the bully now?

The Hon. P.F. CONLON: Who's the bully now. This is absolute rubbish. He says a number of people, more than three, but names one. He quotes one on radio and says there were three. There was a large number of people at that meeting, including Wendy Campana—

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. P.F. CONLON: —he's hearing voices again—the representative of the LGA, who confirms the view of my staff that that was never the case. I am quite happy to see these reports from people who said that. What was discussed at that meeting was the general principle of funding buses in the provincial cities. We talked about what we do in the city and what we do in the regions, and we talked about the other things we do in the regions including postage stamp pricing for water and electricity, a country equalisation scheme for electricity, and the subsidy on motor vehicle registrations. The suggestion that that meant that we were going to take all of those things away is purely fanciful.

What a great opposition this is. This debate was played out in the media three or four weeks ago. It has taken the member for Mawson this length of time to screw up his courage and raise it in the house. This is a nonsense, and he knows that. It never occurred; and Wendy Campana will agree that it never occurred.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: Let me also make this point: when we sit down with a bunch of councils, with 10 mayors, we are not sitting down with 10 Mother Teresas; they are 10 politicians, and there is going to be a lot of argy-bargy when politicians argue amongst themselves. When a state government politician and 10 local government politicians sit down together, they are not a lot of innocents or babes in the woods. A lot of people have a very different view of what was said, and those people who have that very different view are the ones with the accurate view.

Mr BROKENSHIRE: I ask a supplementary question. Given that the minister claims that he did not threaten to withdraw motor registration concessions to fund the regional bus services, will he explain why letters were written to the Premier and himself by the Executive Officer of the Provincial Cities Association to advise them following the threat that—and I quote from the letter:

> The Association will strongly oppose any campaign against any attempt by any government to withdraw concessional motor registration fees for rural/regional areas of the State.

The Hon. P.F. Conlon interjecting:

Mr BROKENSHIRE: You know what you told them. Is this why the minister stated that he would no longer deal with the Provincial Cities Association, only the Local Government Association?

The Hon. P.F. CONLON: That is exactly why I will only deal with the LGA: because this was politicking by a politician. I am quite happy for you in your small way to come in here and try to insinuate that I am not telling the truth, but what I say to you is this: Wendy Campana does not agree and a number of other people at that meeting do not agree. The version that I gave you is correct, but if you have the gumption, my little fellow, why don't you move a matter of privilege on it? Why don't you do something about it? Let me say this—

Mr Brokenshire: You're just like the rest of them: an arrogant bully.

The SPEAKER: Order, the member for Mawson!

The Hon. P.F. CONLON: Mr Speaker, I am offended—

Mr BRINDAL: I rise on a point of order, Mr Speaker. The minister in answering the question is not allowed to gratuitously insult members of the opposition. I don't think Goliath should be calling the rest of us David.

The SPEAKER: Order! There is no point of order.

The Hon. P.F. CONLON: I don't get that. Can I say about gratuitous insults that I have just had about 15 minutes of them.

SCHOOLS, PRINCIPALS

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. How many school principals are currently under investigation by the department's Special Investigation Unit, what is the nature of any complaint against them, and have any been referred to the police?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Bragg for her question. She seems intent in having a minister interfere in a Special Investigation Unit investigation. As we know, the Special Investigation Unit is set up as a body to investigate a series of complaints, some of them to do with sexual activity, some to do with interpersonal relationships, others to do with matters about people's ethical dealings and criminal records. It is an extraordinary idea that I would interfere in a process of investigation before it had ever been completed, and I have no intention of telling the member opposite the names and the schools. There have been several inquiries on this level. Over the last week the member for Bragg has made it abundantly clear that she wants to know the names of the teachers and the schools. She has repeatedly asked on the basis that many parents—many parents—have contacted her wanting to know. I think this is extraordinary because none have actually contacted the minister. None have contacted the minister. The reality is that this is coming from the group of people who allowed two-thirds of our teachers to work in South Australian schools without police checks.

Ms CHAPMAN: On a point or order: not only is this irrelevant, it is imputing improper motive as to the people who are asking questions, referring to the opposition; so I ask that that be struck out.

Members interjecting:

The SPEAKER: Order! I think the minister has just about finished her answer. Minister.

The Hon. J.D. LOMAX-SMITH: Can I ask that her comments be 'struck out'!

Members interjecting:

The SPEAKER: Order! The member for Bright.

MOBIL PORT STANVAC OIL REFINERY SITE

The Hon. W.A. MATTHEW (Bright): My question is to the Minister Assisting the Premier in Economic Development. Further to an answer given yesterday to an opposition

question, is he or anyone from the government negotiating to reopen Mobil's Port Stanvac oil refinery site? Yesterday, in answer to a question asked by the Hon. Angus Redford in another place, the minister said:

> The government is trying to help Mobil find an alternative user for the site by facilitating negotiations between them and a number of other companies.

The Hon. K.O. FOLEY (Minister Assisting the Premier in Economic Development): I am very happy to have received this question, and, yes, I am already on the public record saying that we have discussed and are discussing a number of options with Mobil right now, in accordance with our agreement—that is, we want a decision about whether or not that site is to be reopened as a refinery, or whether or not it could be made available for third party access, particularly from a storage point of view—I have said this in the public media, from my recollection—or, of course, if they are not going to reopen they are to clean up and move on and make that decision relatively soon. But not only am I negotiating with Mobil, so is the federal industry minister, Ian Macfarlane, who indeed has written to Mobil and applying pressure to Mobil to make a decision about the reopening or not of Port Stanvac.

I have had a personal telephone conversation with Ian Macfarlane and he is quite happy for me to make known his views. His views and the federal Liberal government's views are exactly those of the state government—that is, that Mobil should reopen and if they are ever going to reopen the margins that we are seeing in the market now and in the industry now should be more than sufficient to make that decision. If they are not going to reopen then they should do the decent thing and clean up and move out—clean up and move out—unless, of course, there is an opportunity for third party access to their storage facilities. The federal Liberal government and the state Labor government are at one on this. They are at one on this, and I appreciate the support of Ian Macfarlane, the minister who, as I said, I have worked with before and whose cooperation I appreciate. What he has asked is that Mobil make that decision soon and get back to him in a very short space of time.

An honourable member interjecting:

The Hon. K.O. FOLEY: No, not at all. As I said, minister Macfarlane has met with Mobil and asked it to respond within two weeks (I understand that that time would now be up, or very close to it) regarding the viability of reopening Port Stanvac and to bring forward the review of Port Stanvac that it had planned for April. I have made it clear to Mobil that I expect to be hearing back from it very soon about its intentions. However, I make this point very clear: if it does not soon make a decision to reopen, we will use all our powers, consistent with our agreement, and that may indeed require a legislative response. We will move Mobil out, clean up the site and ensure that the site is made available for the community.

HOSPITALS, WUDINNA

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

Leave granted.

The Hon. J.D. HILL: I rise to inform the house that an investigation into Wudinna Hospital has been conducted and that a report of its findings will be released publicly at a community meeting this evening. I table this report. The independent review was conducted by Mr David Rosenthal, a GP and senior lecturer in rural medical education from Flinders University, and Genevieve Hebert, then director of nursing at Mount Barker District Hospital. The report finds as follows:

> The Review Team did not believe that Medical and Nursing Care met contemporary standards at that time, but that the situation was not serious enough to be placing lives at risk.

The report also draws attention to a breakdown in the relationship between some staff and a lack of leadership from management and the board. The report that is being released tonight makes 12 recommendations. I am pleased to advise the house that action has been taken to respond to these recommendations, including:

- corporate governance training for the board of directors;
- establishing an annual board performance development plan;
- reviewing the performance of all executive and management staff every year;
- improving consultation with staff and a new employee assistance program;
- involving the current CEO and Director of Nursing in management development;
- a review of policies;
- appointing a temporary clinical nurse consultant with permanent appointment to be made by December this year; and
- putting in place a nursing development plan.

A review of the nursing procedures by a senior nurse from Ceduna and the Chief Nurse of the Department of Health was also conducted. I am advised that these experts consider that the policies and procedures which are now in place are appropriate and provide a safe clinical environment. Meanwhile, the Mid West Health Service has been assessed by the Australian Council on Health Care Standards and received four years' accreditation in August 2005.

I am advised that the Ombudsman has taken an interest in this matter and has indicated that he is satisfied with the process that has been taken. I am also advised that the Department of Health is now satisfied that the board has responded appropriately and the clinical issues have been addressed. However, I have asked the department to maintain a watching brief.

FLOOD MITIGATION

Mr BRINDAL (Unley): Sir, I claim to have been misrepresented, and I therefore seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: In answer to a question today, the Minister for Infrastructure alleged that for 8½ years the Liberal government had done nothing in respect to flood mitigation in the city of Adelaide. As I was minister and responsible to the house for that matter, I claim that to be a serious misrepresentation. In fact, I would point out to this house that it was under a Liberal government that the water catchment management boards were introduced.

Mr SNELLING: I rise on a point of order, sir. This is not a personal explanation: it is purely a debate.

The SPEAKER: The member should take an opportunity through a grievance or similar—

Mr BRINDAL: On a point of order, Mr Speaker, the standing orders simply provide that, if a member claims to have been misrepresented, the member may then rise to correct the record. That is what the standing orders say, and that is what I am doing—and it is allowed for in the standing orders, respectfully.

The SPEAKER: Order! The member for Unley, I think there is a distinction between a general reference to a government vis-a-vis a specific accusation relating to a member.

Mr BRINDAL: With the greatest respect, Mr Speaker, I held the Queen's warrant for that ministry and was responsible to this house therefor. So, the criticism was not general: it was specific, and it was personal and vindictive.

The Hon. P.F. CONLON: Sir, on a point of order, the purpose of a personal explanation is a claim to have been misrepresented. The member has claimed that, and he has claimed it was not true. To then go and detail what he says supports his argument is no more than that—an argument—and that is the point.

The SPEAKER: Yes, I agree.

ESTIMATES COMMITTEES

The SPEAKER: Earlier the member for Unley raised a matter concerning the delays in responses by ministers to questions in estimates. The dates stipulated by the chairpersons of the estimates committees for the lodging of replies to questions are not formal orders of the house. The practice of stating a date is simply a means of establishing a closing time for the inclusion of answers in the *Hansard* volume dedicated to that purpose. Therefore, there is no offence that could remotely be regarded as a contempt of the house. Nevertheless, there is an obligation on ministers to provide information to the house at the earliest reasonable opportunity in any circumstance, including estimates committees.

I point out that there is an increasing tendency in estimates committees for a series of omnibus questions to be asked. When the estimates system was set up, there was no intention that the time allocated for examination should in a sense be expanded by reading in such a series of questions (or in some cases simply requesting that the omnibus questions be answered). In fairness to the ministers and their departments, it must be acknowledged that the answers to some of those questions might involve considerable time and effort and that the dates set by the chairpersons may not allow sufficient time.

The issue of questions that are beyond what should be reasonably expected to have a quick answer is addressed in *Blackmore* (first edition, page 126), which states:

> Questions asking for statistical returns or such detailed information as requires to be compiled from official records should take the form of Motions for Returns.

GRIEVANCE DEBATE

FLOODING

Mr HAMILTON-SMITH (Waite): This morning I visited parts of my electorate which had been catastrophically flooded as a consequence of a one in 20 year event overnight and which has seen more than 60 homes in the metropolitan area damaged, in some cases beyond repair. Some of the calls to my office are quite heartbreaking, and some of what I saw this morning is equally concerning. One house in Leonard Terrace, Torrens Park, was flooded with six inches of water through the house. The resident moved into the house only six weeks ago—a catastrophic outcome.

In Lochness Avenue, Torrens Park, a house was flooded directly, the resident's shed and contents being completely swept away. She and her neighbours have had debris in their yards, and it is still coming through. A chair was found four metres up a tree in her backyard. The council's CEO advises me that one house owned by an elderly lady in the Hawthorn precinct will require demolition. Paisley Avenue, Denning Street and Fife Avenue have all been catastrophically swept by this one in 20 year event. Much of the damage could have been avoided.

There was supposed to have been a stormwater mitigation study under way for the Brownhill and Keswick creeks. In fact, after I raised this issue on behalf of my constituents, a briefing for MPs was organised for 23 February 2005. We were given a schedule which showed that the mitigation study would be completed by October-November. It is not done. Not only is it not done, but also we are now advised that it will not be complete until March—after the next state election. This government has failed to put effort, priority and resources into this mitigation study and this remediation work.

Quite apart from that, no funding is in the budget for the extensive works that will be required as a consequence of the mitigation study. I am advised by the council that only $4 million is available for the whole of the metropolitan area, barely enough to scratch the surface of the works required. Quite apart from the fact that the government has moved slowly, here we are, four years into its term in office, still working on mitigation studies and remedial works to ameliorate the effect of such floods.

The government has completely botched the planning process. The government's flawed and poorly-consulted PAR (which was the subject of a motion from me on 10 February 2005) led to a feisty and controversial debate in the house. The gallery was full. People were on the steps of Parliament House demanding an outcome. What outcome did they get? Nothing but a feisty debate during which the minister at the time refused to listen. She was even being set upon by her own members—the member for West Torrens and I think the member for Ashford, whose own constituents were desperately affected. Shortly thereafter (in fact within two days), the minister backflipped and completely threw her PAR out the window, threw the whole matter back to councils and said, 'We are stepping back; we want nothing further to do with it.'

Yesterday, in parliament, I received an answer to a question on notice reinforcing the fact that they could not lead an agreement on this issue. It is a most catastrophic example of a government that is doing nothing. I noticed that, shortly thereafter (a few weeks), the minister resigned her portfolio and left cabinet. I can only wonder whether the stress of all this was too much. However, the net result is that we have a government which has done nothing on planning, which has failed to deliver a mitigation study and which has not provided for any funding for remedial works to ameliorate the effects of this flooding. The people in my electorate and other electorates have paid the price. A one in 20-year flood has occurred. This government could have done something. It should have done something. But it did absolutely nothing. It has been set upon by the Residents for Effective Stormwater Solutions (RESS) and by a range of community groups,

all calling for action. What have they received? Absolutely nothing in the way of action—and now we find cynically that the mitigation study will not be completed until after the election. We have managed to push it off until after the election.

God knows what will happen after the election. It has been a do nothing response, and now the price has been paid by the 60 home owners who have had their homes flooded and damaged today in this catastrophic event. I say to members of the government: you have been in office for four years. You are awash with cash. You should have done something. You have done nothing. Get off your backside and do something.

HYDE, Dr M.

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): Recently, when reading the *Women's Liberation Magazine*, I was very sad to see an article that was a vale to Dr Miriam Hyde (1913 to 2005). As people would know, Dr Miriam Hyde was a leading Australian composer, pianist and former student and teacher at the University of Adelaide's Elder Conservatorium. Dr Miriam Hyde died just a few days short of her 92nd birthday at her Sydney home. Dr Hyde was born in Adelaide in 1913 where she began her studies in piano at the Elder Conservatorium, University of Adelaide, under William Silver. In 1931, she graduated with a Bachelor of Music and won the Elder scholarship to the London's College of Music, where she studied piano and composition and attained the ARCM and the LRAM diplomas.

Seeking the wider scope of Sydney, Dr Hyde taught for several years at Kambala School and lived in Sydney for the most of the remainder of her life. She was active as a composer, a recitalist, teacher, examiner, lecturer and the writer of a number of articles for music journals. She did return to Adelaide from time to time. Returning to Adelaide in South Australia's centenary year (1936), Hyde wrote much of the orchestral music for the pageant Heritage, produced in the Tivoli Theatre. Of this music her Fantasia on *Waltzing Matilda*, an overture to one of the scenes, has become well known as an independent piece in her various arrangements of it. Also in that year, her Adelaide overture was first performed and conducted by the then Dr Malcolm Sargent. However, for a period during the war, when her husband Marcus Edwards was a POW in Germany, she returned to Adelaide and taught piano and musical perception at the conservatorium.

In 1975, Dr Hyde was appointed patron of the Music Teachers' Association of South Australia (MTASA). MTASA President, Malcolm Potter said:

> As a musician, Miriam was without peer, being an acclaimed composer of music not only for piano but also other instruments and also in voice.

Dr Hyde was a prolific composer of music and words who wrote over 150 instrumental and vocal works in the early 20th-century pastoral style and was an acclaimed international concert pianist and music educator. Miriam established the Miriam Hyde Award for Music Teachers' Association of South Australia, and many students have benefited from winning these awards.

Dr Hyde's own achievements were recognised through several prestigious honours and awards. She was awarded the Order of the British Empire in 1981, made an Officer for the Order of Australia in 1991, and received an Honorary Doctorate from Macquarie University. The brilliant Adelaide woman was also adept at literary expression and had two books of poetry published, *The Bliss of Solitude*, Economy Press 1941, and *A Few Poems*, Economy Press 1942. Her autobiography, entitled *Complete Accord*, was published by Currency Press in Sydney in 1991, with the royalties being devoted to the scholarship that she won in 1931.

It is said that as a patron, as a wonderful friend and advocate, and as a musician extraordinaire Miriam Hyde will be sadly missed, but will enter the history books as one of Australia's—indeed Adelaide's—worthy ambassadors. This is again by Malcolm Potter. The Music Teachers Association of South Australia has dedicated its 2005 Biennial Summer School to Dr Miriam Hyde. Miriam Hyde was presented with the University of Adelaide's distinguished Alumni Award in a private ceremony at her home in Sydney on 8 October 2004. Her passing is sad, and I think it is important for us to commemorate another great South Australian, particularly a woman in this area.

ROADS, LIGHT ELECTORATE

The Hon. M.R. BUCKBY (Light): I rise in this grievance debate to talk about roads in my electorate. Mr Speaker, the RAA, as you would be aware, has highlighted that there is a backlog of some $200 million in terms of road maintenance repairs. One can see how that figure would add up when you look at some of the roads in Light. Sir, I just want to highlight a few of the roads today for your information and for the information of the house. The Main North Road between Templars and Roseworthy is—

Mr Venning: Disgusting.

The Hon. M.R. BUCKBY: It is, as the member for Schubert says, absolutely disgusting. This road is full of undulations, and it has got to the stage where it is downright dangerous in terms of semitrailers and heavy vehicles travelling along that road, because of the undulation of the road, and particularly when you have livestock in the centre of gravity of the truck and the swaying of the truck when it is meeting oncoming traffic on that road. I have written to the minister. In particular, there was a very bad patch alongside the Roseworthy silos that was creating problems for heavy vehicle drivers. That was patched. But this road is in desperate need of a complete remake of foundation, because it has got to the stage where, as I said, it is dangerous. That is not coming from me; that is coming from heavy vehicle drivers who use that road every day. I drove down the road just last Friday from Templars to Roseworthy, and even in a car it is obvious that the undulations in that road are in need of repair. As I said, the whole foundation should be repaired. I call on the government to spend some money on road maintenance in that area and address the issue.

There are three others. In relation to Heaslip Road at Angle Vale, and along the length of Heaslip Road down toward Waterloo Corner, there are numerous sections where the pavement is so severely cracked it is now lifting. There are chunks of bitumen that have lifted out of the road surface, and the depth of the chunk would be about three to four centimetres deep. With the amount of heavy vehicle traffic that travels over that road it too is in desperate need of attention but we see nothing being done to it. In fact, in the area at Waterloo Corner, just after the Waterloo Corner Road and Heaslip Road intersection, there are no markings on the road, so it would appear that there is nothing in the short term planned to be undertaken by government. There are some

markings on the road, and on Angle Vale Road elsewhere, where it appears that maintenance is going to be done in the not too distant future, but this is another road. Main North Road at Evanston Park is another one. When the bypass leaves Main North Road and where the Main North Road goes under the bypass bridge at Evanston Park there is a crack in the road that must be about 300 or 400 metres long.

In this sort of weather rain gets into that crack. It will eventually lift the road surface to make it even worse than it is now; yet, nothing is being done about that, either. We have a government that knows about the backlog of road maintenance, yet it is prepared to spend $51 million on the extension of a tram from Victoria Square to the Railway Station which will benefit only a few people and change the whole vista—

The Hon. I.P. Lewis: Absolutely none.

The Hon. M.R. BUCKBY: Absolutely none, as the member for Hammond says. It will change the whole vista of King William Street and affect the excellent width of the street and the avenue that is there at the moment. Yet, it is prepared to turn a blind eye to the maintenance of a road that is needed so desperately.

The member for Waite talked about flooding. I know that the Minister for Infrastructure is working as hard as he can to get the North Para retention dam as a project. At the moment, a couple of the councils are creating problems. Today's flooding in Gawler highlights the need for that dam and the importance of it.

Time expired.

PLAYFORD CITY COUNCIL, MANUFACTURING PROSPERITY CONFERENCE

Mr O'BRIEN (Napier): I wish to publicly applaud the Playford City Council for the highly successful Manufacturing Prosperity Conference held on Tuesday 25 October at the South Australian Convention Centre. The manufacturing industry plays an extremely important role in the South Australian economy. It accounts for 14.2 per cent of gross state product, 12.2 per cent of total employment and 62 per cent—that is nearly two-thirds—of total exports. The importance of the manufacturing industry is particularly evident in northern Adelaide.

According to the 2001 Census, 27 115 people were employed in the manufacturing sector in northern Adelaide. This represents 19.3 per cent of the work force for the area. Accordingly, the Rann Labor government has encouraged the continued growth in the manufacturing sector by creating the most competitive business environment in Australia by providing tax relief and ensuring a AAA credit rating. We continue to improve conditions by improving infrastructure, including the building of the Port River bridges, the upgrading of South Road, and the planning for the $300 million investment in the Northern Expressway.

The biggest achievement of this government is perhaps the securing of the air warfare destroyer contract. The immediate impact of the contract is enormous and includes securing 3 500 jobs for South Australians. The long-term impact will be even more significant in securing, as it does, the future of manufacturing in this state. The recent achievements of the manufacturing sector in northern Adelaide have been obtained in spite of an extremely difficult international environment for Australian manufacturers.

The single biggest factor impeding the manufacturing sector is the current high value of the Australian dollar on international money markets. The value of the dollar has been inflated by the minerals boom and is well above historic levels. The real long-term value of the air warfare destroyer contract is that it secures the immediate future of a manufacturing industry that will then be well poised to boom when the value of the Australian dollar finally drops back to its more established zone.

Conferences such as the one organised by the Playford City Council are an important part in ensuring that lines of communication remain open between different manufacturers and between manufacturers and the three levels of government in Australia. To this end, the Playford Manufacturing Prosperity Conference was an enormous success. Keynote speakers included the Hon. Paul Holloway, the Minister for Trade and Development; the federal Minister for Foreign Affairs, the Hon. Alexander Downer; leading manufacturing consultants from around Australia; and several speakers from Playford Council and other council areas around Australia that are in a similar position in terms of reliance on the manufacturing sector, notably Wollongong.

In particular, I acknowledge the work of Rodin Genoff, the Playford industrial strategist, and the mayor of Playford, Marilyn Baker, in ensuring the success of the Playford Manufacturing Prosperity Conference.

WINE INDUSTRY

Mr VENNING (Schubert): I was amazed yesterday that when I asked the Minister for Agriculture, Food and Fisheries a question about a senate report on our most important industry, the wine industry, he did not have an answer. This report was tabled over a month ago and he 'has not received a full and thorough briefing', so he did not respond. As we all know, South Australia is renowned for its wine industry and its premium wine but, as we are also all aware (including the minister, I hope), our wine industry is in a very serious predicament. This is due to many factors, including a surplus of grapes and, most importantly, a higher Australian dollar affecting our exports.

I would like to speak briefly on the senate report entitled, 'The operation of the wine-making industry', which was based on an inquiry conducted by the federal Rural and Regional Affairs and Transport References Committees. I am interested, even if the minister is not.

An investigation into our wine industry was undertaken by the select senate committee to determine the current status and situation of our famous wine industry. The report contains four recommendations based on evidence given to the committee from a range of industry representatives from across South Australia. Whilst the general thrust of the recommendations are supported by SAFF, there are some concerns. Recommendation 1 states:

> The committee recommends that the Department of Agriculture, Fisheries and Forestry should consult with state authorities and peak bodies with a view to establishing a national register of vines.

SAFF supports this recommendation entirely, provided that the government includes or involves representatives from three industries—those being the wine grape, the table grape and the air-dried grape industries.

When the Wine Industry of Australia joined as part of Plant Health Australia (the body that manages exotic diseases entering the country) a three-way partnership with federal government, state government and industry was established. It would be advantageous to establish a joint committee to administer activities with the national vine health issues. There would be costs involved which must be borne by the

community, but the main aim is to involve a larger scope of activities. Recommendation 2 states:

> The committee recommends that the government should give priority to amending the Trade Practices Act 1974 to add 'unilateral variation' clauses in contracts to the list of matters which a court may have regard to in deciding whether conduct is unconscionable.

There seems to be some legislative changes to the Trade Practices Act to assist the weaker parties over the stronger parties. Many issues are on the border of activities regarded as unconscionable (and in a violation of the Trade Practices Act). However, there is no clear indication of what activities are unconscionable or not.

Recommendation 3 states:

> The committee recommends that the government, in consultation with representative organisations for winegrape growers and winemakers, should make a mandatory code of conduct under the Trade Practices Act to regulate the sale of winegrapes.

SAFF supports mandatory codes of conduct over voluntary codes of conduct for the simple reason that 'mandatory' binds all corporations that participate in the industry while 'voluntary' only binds those people who agree to be bound by it. This way, everyone within the industry is operating under the same code and the same legislative provisions.

Recommendation 4 states:

> The committee recommends that any national wine industry body should be separate from a winemakers' representative body.

This concept is supported. What is most concerning to the people I have spoken to in regard to this report is its failure to include a fifth recommendation. In its submission, SAFF suggested that a wine grape industry advisory committee be established to inform the minister of changes occurring in the industry from time to time. The committee would consist of an equal number of growers and winemakers, meaning that they would be able to offer a far higher contribution and a balanced approach and assessment, and could potentially eliminate problems and conflicts which have occurred between the winemakers and grape growers over the last 10 years.

I urge the minister and the Rann Labor government to take note of this report, in particular its recommendations, and be proactive in the measures they take towards implementing those recommendations. After all our beloved, revered and world-acclaimed wine industry is too precious for us to sit back and do nothing. The current state of play is not so good for the industry at the moment but, keeping these recommendations in mind as well as those of SAFF, measures can be implemented to resolve ongoing problems.

I am amazed that the minister did not read the report himself or seek advice from his department straightaway; nor did he contact SAFF. The minister represents the winemakers and grape growers of South Australia; he also has some in his own electorate. It is a disgrace.

FLOOD MITIGATION

Mr KOUTSANTONIS (West Torrens): I listened intently to the member for Waite's grievance speech today when he spewed his vomit into the chamber about flood mitigation programs in the Adelaide Plains. The hypocrisy of some members opposite! When their government was last in office they halved the amount of money the government granted to local councils to mitigate stormwater and carry out stormwater upgrades. They now come into this house and complain that not enough has been done. We all know that stormwater management is the sole responsibility of local councils. Many members of this house have stormwater problems in their electorate. Mine is one such electorate, so I understand why many members are frustrated by their councils' inability to work together to standardise stormwater flows from the hills through the plains to the sea.

Unfortunately, the people who are stuck in the middle are the residents. Residents of the western suburbs, which are particularly prone to flooding given their location between the sea and the hills, will bear the brunt of a flood event. The tragedy of those who have suffered flooding today pales in comparison with what could have happened in the western suburbs had the rain event that took place in the hills in Cherryville and Mount Lofty occurred on the plains. I am talking about a one-in-20-year rain event in the western suburbs. The high tide would have been much worse, and we would have seen flows that would have risked human life in the suburban streets of the western suburbs.

I also take exception to insurance companies. Now that local councils and catchment boards have mapped flood plain areas in the western suburbs and the plains, the insurance companies have said that these areas are subject to flood—they have mapped these areas showing the speed and depth of the flows in suburbans streets—and have acted accordingly and refused to insure the homes of our mums and dads for flood events which are beyond their control. Some councils are trying to do the right thing—West Torrens council is trying to do the right thing—but most councils are trying to shift the liability for stormwater management out of their taxpayers' hands and lump it onto every taxpayer in South Australia. They are trying to move liability away from a small section of the community onto the entire state.

I actually think that is good policy, because I do not think it is fair to ask the ratepayers of Mitcham, Burnside, Unley, West Torrens and Charles Sturt to foot the bill for a rain event that occurs outside their council area but happens to flow through it on the way to the sea. This raises a number of issues. First, how do we manage our stormwater? Instead of it being a liability, it should be an asset. We should be using our stormwater in the driest state in the driest continent in the world. Instead, we are pumping millions and millions of litres of freshwater out to sea, and this is doing a great deal of harm to our seagrasses and the natural environment, never mind the wasted use of this asset.

I think that, eventually, the state government will have to take responsibility for this, because if we rely on councils to do this, they will not act. The evidence for that is the last 100 years when they have not acted. I cite an example of the idiocy of the policies of local councils. Unley council and Mitcham council—

The Hon. I.P. LEWIS: I rise on a point of order, Mr Speaker. Whilst this subject is dear to my heart, I have listened intently to what the member for West Torrens is saying and I think it anticipates debate on a matter of which the member for Waite gave notice today.

The SPEAKER: Order! The notice did not provide any detail, so it is hard to pre-empt something if we do not know the detail. The member for West Torrens.

Mr KOUTSANTONIS: I cite an example of the idiocy of the policies of two councils. One council refuses to change its stormwater pipes to match those in the adjoining council area. This means that one council has smaller pipes than the other, so the water flows at a slower rate (as it should) through that council area but, when it reaches the neighbouring council area where there are larger pipes, it rushes, gains

momentum and velocity, and flows up. It is crazy. It is lunacy. One day people are going to lose their lives.

From the maps that the West Torrens council has published, they are showing if there is a one in 100 year rain event in the western suburbs—the member for Hammond can shake his head all he likes; they have published maps—we will see flows exceeding 80 km/h, a metre deep in Brooklyn Park. We have to act and we have to act quickly. Burnside council has to get off its bum and agree with the government's program of works, and do it quickly before people lose their lives and their homes. This is not a laughing matter.

JUSTICES OF THE PEACE BILL

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

Leave granted.

The Hon. M.J. ATKINSON: Yesterday some members of the opposition, particularly the member for Bragg, tried to attribute fault to me in seeking to have the vote agreeing to the amendments made in the other place rescinded so that a drafting omission could be corrected. I wish to make a personal explanation about how the need for this to be done occurred. The criticism levelled at me by the member for Bragg yesterday was unwarranted. In fact, the member for Bragg, in her zeal to blame me for this matter, claimed that the opposition moved amendments to the bill in this house. That is not so. I direct honourable members to *Hansard*, the debate in committee of this bill on 14 September 2005. The member for Bragg moved no amendments in the House of Assembly.

The member for Bragg also claimed that the government opposed the amendment made on the run in the other place. In fact, the Leader of Government Business accepted the opposition proposal and everyone understood it would be fixed between the houses. The member for Bragg also accused me of blaming parliamentary counsel. I did not seek to blame the member of parliamentary counsel's office who drafted the amendment on the run for the shadow attorney-general, and I do not seek to blame her now. She is to be commended for her skill and conscientiousness in identifying, in just a few minutes, the potential for an unintended result; nor was it the result of error on my part.

The need for yesterday's procedure was the result of a genuine misunderstanding. When the bill was in committee in the other place, the shadow attorney-general moved an amendment to clause 4 so that justices of the peace would be appointed for a term not exceeding 10 years, instead of for a term not exceeding five years as proposed by the government. Clause 7 of the bill provided that special justices held office, as such, for the same time as they held office as a JP. During debate on the proposed amendment, the Hon. Ian Gilfillan made a remark that resulted in the shadow attorney-general withdrawing his amendment and having a new amendment drafted while the committee paused and waited. The hand-written amendment was distributed and there was some concern about whether it achieved exactly what was required. The amendment passed on the understanding of the members that any drafting refinements needed would be dealt with between the houses.

My departmental officer informed me of the amendments and sought my instructions about whether the government would agree to the changes made in the other place. In the spirit of bipartisanship and to ensure this important bill passes through all its stages I immediately moved that the house agree to the amendments—which it did. Alas, I was not informed that the drafting was still being reconsidered. When I was informed a short time later that there was an omission in the drafting of the amendment to clause 7, the amendments had already been agreed to by the house. The further amendment was drafted and given to me but, alas, it was too late—the vote had been taken. I repeat my appreciation to members for agreeing to remedy this matter yesterday. I urge the member for Bragg to be more careful.

AUDITOR-GENERAL'S REPORT

(Continued from 7 November. Page 3850.)

In committee.

The CHAIRMAN: I call upon the Deputy Premier.

Mr BROKENSHIRE: To assist the minister and officers of the agencies, I have only a couple of questions on police and then I will be dealing with Treasury. With respect to the police department report of the Auditor-General for 2004-05, the section dealing with WorkCover, workers' compensation and employee benefits shows that, during 2005, the workers' compensation liability increased to $53 million from $43 million the year before. Can the minister advise the committee what has happened in that respect? There also was a significant increase between 2002-03 and then a flat figure for 2003-04. Can the minister advise us what is happening with workers' compensation within SAPOL?

The Hon. K.O. FOLEY: I can advise the house that, in 2004-05, SAPOL experienced a $10.4 million increase in its workers' compensation liability. I am advised that the key factors in this were an increase in income maintenance trends of $2.4 million; additional exposure from the 2004-05 accident year of $4.2 million; and recognition of a liability for section 42 lump sum redemptions following the closure of the government's workers' compensation fund to new claims as at 30 June 2004 of some $1.4 million. Long service leave liability, including on-costs, has increased by $14.1 million, mainly due to the implementation of the police enterprise bargaining agreement—some $9.8 million—and a change in the shorthand benchmark from 12 years to 10 years—$2.2 million—as requested by my staff at the Department of Treasury and Finance. Annual leave is calculated and accrued at the rate of pay expected to be paid, including on-costs. Annual leave liability, including on-costs, has increased by $3.5 million. This includes recognition of a liability associated with the leave bank fund for the first time in 2004-05 of some $1.3 million. The leave bank is for the benefit of police who have used all their sick leave entitlements. I hope that answers the member's question.

Mr BROKENSHIRE: It partly does. Can the minister advise the house with respect to the number of personnel who were involved in WorkCover claims in 2004 to 2005, and where they sat, given that there was an increase in the liability during that time? Obviously, there were more serious claims or there were more claims.

The Hon. K.O. FOLEY: I have given an explanation as to the break-up of the costs. I am happy to take that question on notice. If the member is asking how many additional

people in 2004-05 went out on WorkCover as compared to previous years, I am happy to provide that information.

Mr BROKENSHIRE: In providing that answer, can the minister advise how many police have been on WorkCover for a period greater than two years?

The Hon. K.O. FOLEY: Yes, we can obtain that information for the member.

Mr BROKENSHIRE: Regarding procurement and contract management (page 3 of the police department report), the Auditor noted that the contract register is not used by all relevant areas to monitor contract negotiation processes undertaken and for the management of the contracts administered. Can the minister advise what action will be taken with respect to the Auditor's note?

The Hon. K.O. FOLEY: I can advise the committee that all major contracts are administered centrally within the agency. I can also provide some further information. In December 2004, Procurement and Contract Management Services (PCMS) compiled a contract register which contained not only those contracts directly managed by PCMS but also other contracts with values less than $50 000 being managed by other service commanders within SAPOL. The acquisitions database, which is a contract database promulgated by the Department of Justice, is used to record and manage all contracts with a value greater than $50 000. This database is periodically audited against the contracts registered to ensure commonality of data. The two most recent audits were carried out in May 2005 and September 2005, and a 100 per cent reconciliation was found on both occasions.

Mr BROKENSHIRE: Following on from that, my final question (and I do not think the minister will be able to give me an answer to this at the moment) relates to CARS (Capture Adjudication and Reporting System). There were some matters requiring attention there. There will be a follow-up audit on that issue. When SAPOL responds to the Auditor, can the minister provide to the house a copy of the response from SAPOL as to what it will do regarding the Auditor's comments about requiring attention in that area?

The Hon. K.O. FOLEY: I am advised that the Auditor-General will be tabling a separate report on that issue. If any more information is required, I am happy to provide it to the member. I am pleased that, clearly, the shadow minister is extremely satisfied with the management, policy settings and funding of the police department, as evidenced by so few questions. I am pleased to receive that ringing endorsement from the shadow minister.

Mr BROKENSHIRE: I could ask questions on SAPOL for 45 minutes to an hour, but the committee should note that we have only 45 minutes for all the minister's portfolios. Whilst I am far from satisfied with the police budget, as was the case when I was the police minister, I am quite happy with the way in which SAPOL goes about its reporting processes. By and large, it is a highly respected department, of which we, the South Australian parliament, are proud. However, that does not mean that there are other issues about which we are not concerned.

The Hon. K.O. FOLEY: Just for a moment there I thought that the honourable member might have been happy. I am pleased to leave it at that. I thank the officers for coming. Acting Commissioner John White, I understand, has been up all night looking after our state in flooded conditions. It is time for him to go home.

The Hon. I.P. LEWIS: My question is not related to anything other than the Treasurer's own prerogative—

The Hon. K.O. Foley: Can you start again?

The Hon. I.P. LEWIS: —as to the reasons why the Treasurer continues to allow the Auditor-General to spend excessive amounts of money on glossy publications of his reports when the material in them is of great interest to me and other members, I am sure, but not enhanced in the least by the expensive publication costs. I have a further question; the Treasurer seems unable to answer that—

The Hon. K.O. FOLEY: No. I did not hear the first bit. I was saying goodbye to my advisers.

The CHAIRMAN: Does the member for Hammond wish to repeat his question?

The Hon. I.P. LEWIS: No. It is an entirely different matter but related to the Auditor-General's office. Why is it that the Treasurer and the Auditor-General continue to cite the commonwealth Solicitor-General as the source of their authority in law when that person or people from that office have no standing in the Audit Act, any other act or the constitution in South Australia?

The Hon. K.O. FOLEY: The Auditor-General is an independent statutory holder of this parliament. I do not tell the Auditor-General or collude with the Auditor-General about where he should get his legal advice. Quite frankly, that is a matter entirely for the Auditor-General. From time to time, under successive and different governments, he has chosen to seek legal advice outside the borders of South Australia to ensure both impartiality and an objective assessment that may or may not otherwise be available here in South Australia. That is his choice.

I think that is a good move by him, but it is not for me to allow or not allow him to do that—unless the honourable member is suggesting that I should somehow direct the Auditor-General in his conduct, and that is a course on which I do not intend to embark.

The Hon. I.P. LEWIS: No, I just thought that the minister, as Treasurer and Deputy Premier, would have access to the South Australian Solicitor-General or any one of a number of outstanding constitutional lawyers here to whom he would refer at least if the Auditor-General would not. I do not know what act it is that enables both the minister and the Auditor-General to continue to behave in the manner in which they do publicly by referring—each of them, separately, from time to time—to the commonwealth Solicitor-General as the source of their authority when that person or people in that office have no standing whatever in law or in our constitution as a state. Thank you.

The Hon. K.O. FOLEY: I think it is a bit rough to say that the commonwealth Crown Solicitor has no standing in law. I do not seek the opinion of the Australian Government Solicitor in Canberra. Obviously, that was not a question, because the honourable member is leaving; he is not interested in my answer. I cannot recall doing it. I might have, but I will not waste the time of my staff checking. If the Auditor-General choses to seek that advice, that is a matter for him.

The Hon. I.F. EVANS: During 2004-05, have any issues of concern about possible breaches of the Treasurer's Instructions been raised with the Treasurer and, if so, can he provide details?

The Hon. K.O. FOLEY: I cannot recall matters offhand. The Crown Solicitor's Trust Account, I assume, was in the previous financial year, from memory. We will take that question on notice and get the details checked. None immediately springs to mind, but I will go back and check my records. My guess is that there may have been. There are a number of these instructions and, from time to time, they

would be breached. We are just checking. Quite often they are very minor breaches. We will check that. There may have been some incidents. We will get back to the honourable member.

The Hon. I.F. EVANS: When a Treasurer's Instruction is breached, how does one know whether it is a major breach or, in the Treasurer's terms, a minor breach? I just thought that I would ask that question.

The Hon. K.O. FOLEY: It is a good question. I would take advice from the Under Treasurer, obviously, as to his views on the nature of the breach. From memory, there were varying views as to the seriousness of the breach of the Crown Solicitor's Trust Account. Often it is a judgment in the eye of the beholder as to whether or not the breach is serious. Clearly, the majority view of the breach of the Crown Solicitor's Trust Account was that it was a very serious breach. I understand that the police are reviewing that breach as to whether any criminal actions may have occurred.

In the main, it is a matter for the senior management in Treasury. If they feel that it is of such importance they will raise it with me and we will decide what action we will then take.

The Hon. I.F. EVANS: One assumes then that all Treasurer's Instruction breaches are reported to the Treasurer or senior management in Treasury; otherwise they could not establish whether they were minor or major breaches.

The Hon. K.O. FOLEY: My advice is that not all these breaches would come to me. Senior officers within Treasury would be made aware of them, or they would discover them. My guess is that some would not be discovered; that is the nature of the business we are in. When they are discovered they would be matters for discussion, debate and concern within the senior management of Treasury. If they are minor breaches they will be dealt with at officer level; and, if they are of a more serious issue, they will be brought to my attention.

The Hon. I.F. EVANS: Part B of Volume 5 indicates that contractors' costs increased from $2.9 million to $8 million in 2003-04 and were $3.701 million in 2004-05. Will the Treasurer provide a detailed breakdown of expenditure on contractors in 2004-05 for all departments and agencies reporting to the Treasurer, listing the name of the contractors, the cost, the work undertaken and the method of appointment?

The Hon. K.O. FOLEY: I will take that question on notice.

The Hon. I.F. EVANS: Will the minister clarify for the committee that he will definitely provide an answer or just think about it?

The Hon. K.O. FOLEY: The honourable member will know when he gets the answer.

The Hon. I.F. EVANS: Is there any reason why the Treasurer would not provide an answer to the previous question?

The Hon. K.O. FOLEY: I cannot think of one straightaway.

The Hon. I.F. EVANS: On page 28 of the audit overview, the report states:

> The overall administration budget for progressing the future ICT services arrangements program to the period ended 30 June 2005 was in the order of some $12.7 million. Actual costs to that date totalled approximately $10.8 million.

Is this just the cost of arranging the tender?

The Hon. K.O. FOLEY: It involves a whole range of costs. It is costs associated with the valuation team, the officers and, I assume, 'contractors' or consultants who are engaged and legal costs. This is a mammoth task. I am sure the honourable member would recall the politics of the day when he was but a mere backbencher and the issues surrounding the all-of-government contract taken by the then Brown government, the first of its type in the world where all the ICT needs of the state at the time were bundled up and put out to a questionable tendering process—and I am on the record in the early 1990s saying that—and a company awarded the contract. It won that contract fairly. From memory, the concern I had about the tendering process was that former premier Brown promised it to IBM before a state election and thought that, on getting into government, he could give it to IBM.

That was highly questionable. I raised that at the time as a political issue, and that brought EDS into the mix—and good luck to EDS, as it then won the contract. Bear in mind that, when that contract was signed, I have a recollection of someone telling me that the word 'internet' (and I could be wrong) was never mentioned. Of course, it was only in its very embryonic stages. That was the point of time that we were at when that contract was written. To unwind that and to deal with the minefield of issues through which we have to work, and rearranging the work packages, including new services, new products and new requirements as technology has rapidly advanced—and we are putting out packages for a variety of opportunities for companies with a very strong competitive mix, a very strong focus on competition and value for money for the taxpayer—has been a very expensive exercise.

I have to say that, in all the budgets that I have brought down, when this issue has been a matter for discussion in bilaterals, I have taken a hell of a lot of convincing that we needed to spend this type of money because it did seem such a large amount for a such a large process. However, when it was made very clear to me that we are dealing with a billion or more of expenditure over the life of these contracts, we have to get it right. It has been a very costly exercise. However, I am extremely confident that there will an enormous benefit to taxpayers through this, and the return on our investment in terms of getting this process right will be many times the expense that we have outlaid to get us to this point.

The Hon. I.F. EVANS: Given that answer, what budget savings, if any, have been included in the forward estimates under the future ICT service arrangements?

The Hon. K.O. FOLEY: We have not included those as yet because we have not been in a position to properly quantify those. Obviously, we expect that there will be some savings, but we are not able to make that judgment at this point in time.

The Hon. I.F. EVANS: Let me understand this. When the bilaterals were occurring and you needed convincing to spend the huge amounts of money on the tender process because there was going to be a substantial return to the taxpayer, you are not in a position to give us an indication of what the return to the taxpayer may be? There was no indication given to the Treasurer by Treasury of what the saving might be?

The Hon. K.O. FOLEY: No, let us understand the process. First, we have to spend this money because the contract has expired and been extended. The contract is coming to an end, so we have to spend money to go from one contractual situation to the next.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Can I answer the question? You have to go from ending a contract to awarding new contracts. What I needed a lot of convincing about was the cost of that process, but as I have had explained to me regularly these are the expenses one has too incur to get this process right. Clearly one would hope that there will be ongoing savings. Otherwise, given the nature of technological improvement over the years, improved processes and the way we are going about this, you would be questioning what we are doing on this side of the negotiating table. We cannot factor in future savings until we have awarded the contracts and had a good look at what the costs are. It may be that, when all the tenders are open, it will cost us more. I do not think that will happen. I am pretty confident it will not happen, but I am not in a position to know what the costs of these services will be going for because I am not involved in the tender process. Up to this point in time, we have not let or awarded a large number of these contracts, and until we do that we will not be able to factor in the savings.

The Hon. I.F. EVANS: What is the time line for the awarding and the finalisation of the contracts?

The Hon. K.O. FOLEY: Has the Minister for Infrastructure been before this committee? He is the minister handling this. We will take that question on notice, but that is being handled by another minister.

The Hon. I.F. EVANS: My next question involves the Ristech project management. Can the government outline the total cost of the project to date and how that cost compares to the original budget?

The Hon. K.O. FOLEY: I am advised that the budgeted amount is $21.6 million. A couple of million of dollars of that money has been expended in the preparatory work to maintain the system and to keep the current system going as we move forward. My advice is that I will receive a cabinet submission about that particular project shortly, and we will go forward. If I can get some more information for the member, I will.

The Hon. I.F. EVANS: What is the time frame for the completion of the project?

The Hon. K.O. FOLEY: The proposal that cabinet will need to consider is that we will test the market with a request for proposal. Our estimation is that it will be about an 18 month time frame.

The Hon. I.F. EVANS: I refer to Part B, Volume V, page 1446, Government Accounting and Reporting Branch. The report states that in 2004-05 Audit observed two agency bank accounts, i.e., the Department of Education and Children's Services and the Department of Premier and Cabinet going into overdraft due to the ex-post model. Is going into overdraft a breach of the Treasurer Instructions?

The Hon. K.O. FOLEY: My advice is that it is a breach of Treasurer's Instruction No. 6, entitled 'Deposit Accounts and Banking'. I have a detailed answer which I am happy to provide to the member unless you want me to read it all out to you. I am happy to read it. I have a full explanation.

The Hon. I.F. EVANS: Can we insert it?

The CHAIRMAN: No; it has to be in table form.

The Hon. I.F. EVANS: Perhaps you could give us an explanation, Treasurer.

The Hon. K.O. FOLEY: Audit has observed that the ex-post disbursement model to disburse appropriation for the administered items of the department can and does result in agency bank deposit accounts going into overdraft during the year thereby exposing the particular agency to a breach of Treasurer's Instructions No. 6, 'Deposit Accounts and Banking'. The relevant clause is 6.11:

> Each chief executive shall ensure that at no time any special deposit accounts and deposit accounts are overdrawn. Where a special deposit account or a deposit account is or will become overdrawn, the matter must be rectified immediately.

At the outset it must be stressed that this matter is the result of a weakness in the process employed to disburse appropriation for administered items of a restricted group of agencies and not the result of any agency overspending its appropriation authority. It is very important that the point be made. Whilst the process may result in an agency bank accounts inadvertently going into overdraft, this is temporary and due to the time limit of the transfer of appropriation to the agency from Treasury and Finance. The disbursement of annual appropriation for administered items of departments is controlled on an ex-post basis, i.e., appropriations paid to the relevant department after the actual amount of administered expenditure is known. This disbursement model has been in operation for many years. This is back in the nineties, so this would have been a process under—

The Hon. I.F. Evans: Is that the 1990s or the 1890s?

The Hon. K.O. FOLEY: The 1990s, under your government. The disbursement model has resulted in the bank accounts of the Department of Education and Children's Services and of the Department of the Premier and Cabinet going into overdraft during the 2004-05 year. The DECS operating account was $18.1 million overdrawn as at 31 March 2005 as a result of delays in the receipt of commonwealth funding. The account was a returned to surplus on 1 April 2005 following the transfer of appropriation from Treasury and Finance. The special deposit account used by DPC to administer the funding of targeted voluntary separation scheme reimbursement payments across government was $1.1 million overdrawn as at 28 February 2005. The account was returned to surplus on 13 April 2005 following the transfer of appropriation from Treasury and Finance. In both instances, Treasury and Finance took action to return the account to a positive balance as soon as notified by their respective agencies.

The Hon. I.F. EVANS: I refer to page 29 of Audit Overview. The report states:

> It is important that this initiative—

which is the ICT Future Directions and Audit comment; the ICT initiative—

> ensures that high standards are associated with the management of the overall ICT arrangements, including the probity of the procurement processes involved. This will be a matter of Audit interest in 2005-06.

The question, Treasurer, is: are you or your agency aware of any probity issues already raised?

The Hon. K.O. FOLEY: The Auditor-General raised this issue at the beginning of this process, concerned with any perceived or real conflicts that senior public servants may have who are involved in the decision making process. This was an interesting point of debate and discussion internally within government. I think the Auditor-General's view was, which I understand has now—

The Hon. I.F. Evans: It is the share ownership issue.

The Hon. K.O. FOLEY: The share ownership issue. I think the Auditor-General's view was that anyone who had shares in, let's say, Telstra, Optus, or other likely bidders for various components, had to either sell their shareholdings or exclude themselves from decision making. The Under Treasurer I know, for example, had to sell his Telstra shares.

He did not have to, but chose to sell his Telstra shares. He wanted to be involved in decision making. That was an interesting discussion point at the time. My understanding is that that has been complied with by CEOs. I assume that is in part what the Auditor-General is, of course, referring to. I have to say that that is a pretty high standard of probity required and delivered by this government. I am not wanting to make a large point about this, but it does contrast starkly with one former minister I can recall, minister Armitage, who had a shareholding as long as your arm in terms of companies in the IT sector, and others, when he was a minister directly responsible for the awarding of telecommunication contracts, and others, from memory. We have taken advice from the Auditor-General, accepted that advice and put in a very strict regime of probity. There is also a probity auditor, whose name I do not have with me at present, but there is a strong level of probity.

The Hon. I.F. EVANS: I refer to page 48 of the Audit Overview reports on the Forward Estimates Project. The report states:

> It is notable that a project is underway in 2005-06 aimed at establishing more robust and realistic budgets and forward estimates. The project aims to provide revised forward estimates for the 2006-07 Budget and strengthen links to the Strategic Plan.

Can the Treasurer give us some extra details about the project? Can the Treasurer also confirm that the government acknowledges that the estimates have not been realistic or robust?

The Hon. K.O. FOLEY: The estimates of our forward estimates are undertaken with the methodology that was in place under the previous Liberal administration, which has been adopted by this government. We have taken some advice from a number of key people—federal bureaucrats, in particular—that it is probably time for us to have a look at how we compile our forward estimates and how robust our forward estimates are. We are doing a project now to try to see if there is capacity to more accurately forecast some of the cost pressures that recur and if there is a trade-off available to government to allow CEOs to work within their defined forward estimates and not come back so often to the budget, seeking money for cost pressures. The member for Davenport would be well aware of that—it happened under his government. It is something that I have been grappling with.

As the member knows full well, when we came into office, the education department, from memory, had somewhere close to a $30 million overspend and was doing little or nothing to grapple with it; it just kept coming back to the Treasurer. The former minister for health who, from what I can gather from documentation, had absolutely no relationship with Treasury or the Treasurer and would keep coming back to cabinet and putting his hand up for ever more money throughout the course of the year. I am having a bit of work done, but it will not be done before the election; so, if the member opposite should be the finance minister or the treasurer in a Liberal government, he can pick up the project and see whether or not it is of value. I think it is opportune that we have a good look at how we shape our forward estimates going into the future. As I said, it is not something that will be done before the election.

The Hon. I.F. EVANS: Is it also dealing with the revenue side of things? The government has been notoriously underestimating revenue, and I notice that the federal government from whom you are seeking advice notoriously underestimates revenue as well. Is this project also about better estimates of revenue stream?

The Hon. K.O. FOLEY: My guess is that there was probably some underestimation under the last government. It was a less buoyant period of the economy, obviously; so, the fluctuations would not have been so great. But I tell you that I would rather Treasury underestimate revenue every year than to overestimate revenue. No-one in Australia has been able to predict the length and strength of this boom. My advice is that, of those who have underestimated the most, we come in at about the middle of the pack. That is not a bad position. However, revenue would not be part of this particular forward estimates project that we are doing. I note with interest that the shadow minister has committed a Liberal government to a review of property taxes should they be elected. It will be interesting to see how they change the mix as to how they collect their money. We do not envisage embarking on a similar inquiry.

The Hon. I.F. EVANS: I refer to Part B, Volume 5, Page 1446, which deals with the Government Accounting and Reporting Branch. The audit comment states:

> . . . the need to undertake a review to determine whether agencies have deposited all required funds into the Account since the implementation of the accrual appropriation methodology. . . The follow-up review revealed that the Department had commenced a review of current procedures and principles relating to accrual appropriations to agencies and will be releasing a formal policy and future direction on the funding of accrual items by December 2005.

What is the latest on this matter? Have all the agencies deposited all requested funds into this account? If not, is that a breach of Treasury Instructions?

The Hon. K.O. FOLEY: I advise the committee that the Auditor-General has noted that last year the Department of Treasury and Finance advised that it intended to review accrual appropriation procedures and principles in 2004-05. He noted in his follow-up review that DTF advised that it will be releasing a formal policy by December 2005. Part of the review would be to assess whether the policy and procedures are consistent with the cash alignment policy. Accrual appropriation arrangements operate independently of the cash alignment policy. The existing accrual appropriation arrangements result in the build up of cash in the accrual appropriation excess fund special deposit account—that is more commonly known as the AAEFSDA—nominally to fund future cash payments for which accrual expenses have already been recognised. Balances in the accrual appropriation excess fund account—or should that be the special deposit fund account?—are not within the scope of the cash alignment policy. The review of accrual funding arrangements will include consideration of the appropriate management of the balances in this deposit account.

The cash alignment policy (CAP) was released in October 2003 and was to be reviewed after two years. The review of the CAP policy will be completed by April 2006 and will sit there for the incoming treasurer to do with what he chooses. I do not think that there is anything overly exciting.

The Hon. I.F. Evans: Always.

The Hon. K.O. FOLEY: I think that the cash alignment policy is one of the great fiscal reforms of my tenure as Treasurer. I am happy for it to be reviewed and put under the microscope. The CAP has been a successful policy, and it will be retained. The review of the CAP will focus—

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: I love taking credit for something that I had little to do with, except approve doing it.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Yes; we will review it, refresh it, update it and move on. You do not go back with reform: reform is about going forward. Fiscal reform is about always going forward. That is me; you may choose not to retain it—that is your option. The review of the CAP will focus on opportunities to expand the scope of the policy and to address other operational and procedural issues associated with implementation of the policy.

The Hon. I.F. EVANS: Are you on track to have the policy announced by December 2005?

The Hon. K.O. FOLEY: Yes, we are aiming to.

The Hon. I.F. EVANS: You are aiming to be on track?

The Hon. K.O. FOLEY: Absolutely; it would be a worry if you were not aiming to be on track. Whether you are on track or not is debatable, of course, but if you are not aiming to be on track you are being a bit sloppy, I think.

The Hon. I.F. EVANS: On page 35 of Part A: Audit Overview it talks about the whole of government financial statements. The report states that the department has a financial reporting improvement project under way that will facilitate a rapid transfer of agencies' financial data to the department. The project aims to have the agencies on line from September 2005. Has that been completed?

The Hon. K.O. FOLEY: I am advised that the first phase, which is the collection of all the data from the various agencies, is completed. The next stage is to consolidate the data and use it as part of our annual reporting process, which we will use for next year.

The Hon. I.F. EVANS: That is the last phase?

The Hon. K.O. FOLEY: Yes.

The Hon. I.F. EVANS: In relation to the carryover policy, point No. 7.4.4.2 on page 104 of the Audit Overview says:

> In 2004-05 the Department of Treasury and Finance wrote to all department chief executives providing detailed information on the carryover process. Proper understanding of the process assists the integrity of the government's budget.

Can the Treasurer provide a copy of that correspondence?

The Hon. K.O. FOLEY: I cannot see why not. The carryover policy of this government has not been without some controversy; it is a policy that was clearly the subject of a very elaborate avoidance scam by senior bureaucrats within the Department of Justice, and they were dealt with swiftly and appropriately by this government. I guess I have to be careful what I say here because there are now matters that are pending some criminal investigation, but the carryover policy is good fiscal policy and good public policy, and it is one that delivers good rigour to the state's budgetary process.

The Hon. I.F. EVANS: I refer to page 31 of Part B, Volume 5, Treasurer's Statement I 'Indebtedness of the Treasurer'. Previous Treasurer's Statements included in last year's report included some $841 million of indebtedness that comprised debt associated with the indemnity payments to the former State Bank (you might remember that one) of $2 000 million, debt associated with the recapitalisation of the State Government Insurance Commission of some $335.077 million, and unallocated debt of $1 495 million. What has caused these balances to be removed from the Treasurer's Statements? That is, what transaction has occurred for this to eventuate and what legal advice, if any, was taken in respect to this matter?

The Hon. K.O. FOLEY: I can give you a more detailed answer if you like, given the time for the committee. Do you want it now or do you want—

The Hon. I.F. EVANS: Are you going to write to us? You cannot table it, you see.

The Hon. K.O. FOLEY: We will write to you. As you would expect me to say, there is quite an appropriate response to the question but I am not sure that this answers your question exactly as you have asked it, that is all. I can give you what I have here and come back to you with some more, or just give you the lot—

The Hon. I.F. EVANS: As long as you are going to answer it quickly, give me the lot.

The Hon. K.O. FOLEY: We will do it quickly, won't we Andrew? If we do not it is his fault.

The Hon. I.F. EVANS: Page 33 of Part B, Volume 5, is about Treasurer's Statement K, 'Statement of Appropriation Authorities, Governor's Appropriation Fund'. Can you advise for what purposes, for each agency and the amounts, the $154 million was appropriated from the Governor's Appropriation Fund?

The Hon. K.O. FOLEY: We will come back with that information as part of our detailed response.

The Hon. I.F. EVANS: On page 35 of Part B, Volume 5, it talks about Treasurer's Statement L 'Statement of Transfers from Contingency Provisions'. The total here is some $117 million but in May 2005 the budget papers for 2005-06 showed that the estimated payments from the contingency provisions were some $174 million. Can the Treasurer explain why the May estimate was some $57 million over what the actual spend was, and can the government further break down the payments listed here by agency into the following categories—that is, employee entitlements, supplies and services, other payments (and list what these other payments are), and purchase of property, plant and equipment?

The Hon. K.O. FOLEY: We are happy to get that for you and will come back with an answer.

The Hon. I.F. EVANS: In Part A: Audit Overview, pages 26 and 27 talk about definitional issues with consultants and contractors. The report states, under 'Definitional Difficulties':

> The definitions of 'consultant' and 'contractor' can give rise to difficulties of interpretation and application in a practical sense for financial statement preparers, users, and auditors. In certain instances the difference between a consultant and contractor can, in my opinion, be somewhat artificial.

The Audit Comment reads:

> The engagement of a consultant or a contractor by an agency, for well founded reasons and circumstances, is a means of an agency achieving operational objectives through the use of external expertise. As such, in my opinion, the disclosure requirements for consultants and contractors should be similar.

Does the Treasurer agree with that particular statement, and is the Treasurer looking at amending DPC Circular 13 and APS 13?

The Hon. K.O. FOLEY: I can advise that agencies are currently required to disclose specific information in relation to consultants in their financial reports. The Auditor-General has noted that there are difficulties in determining whether or not some contractors are consultants as defined, and that the difference in some cases can be 'somewhat artificial'. During the year the Auditor-General advised the Department of Treasury and Finance that he considered that the disclosure requirements for both types of contractor should be similar

given that the underlying basis of such payments were similar—i.e, the engagement of external expertise.

I have considered the current disclosure requirements and am satisfied that they are sufficient. I have noted agency submissions which indicate that additional disclosures would be onerous and that, given the varying levels of the use of agencies across government, the agencies feel that the possible benefits from the disclosure of that information would not upset the administrative costs so incurred.

The CHAIRMAN: That ends the examination of the Treasurer. I call upon the Minister for Environment and Conservation.

The Hon. I.F. EVANS: In DWLBC, the audit report on page 1557 refers to a number of discrepancies in payroll and the lack of follow-up of those discrepancies. What action has been taken to correct that?

The Hon. J.D. HILL: I am advised that in 2003-04, the Auditor-General reported on the absence of adequate monitoring processes to ensure key payroll controls performed by DWLBC's outsourced service provider, DAIS, were operating effectively. A follow-up review in 2004-05 revealed discrepancies noted by managers in their fortnightly review of payroll bone fide reports were not consistently followed up and a substantial number of lead reports were not evidenced as reviewed. The Auditor-General's focus was to ensure that only valid employees exist on the payroll system—I am pleased about that—and that employee details (including leave taken) are accurately updated to the CRIS payroll system.

Actions taken. In March 2005, DAIS payroll, in consultation with DWLBC, introduced a new process for the management of payroll bone fide reports, which includes the collection and retention of bone fide reports within divisions of the department which have responsibility to ensure that all changes are actioned via authorised documentation and all authorised documentation is sent to the DAIS payroll group via the department's Human Resources Group.

At the end of March 2005, DAIS payroll (in consultation with DWLBC) introduced a new leave report format and a new process for management of leave data. These new monthly reports are produced two months after the reporting period, thereby allowing sufficient time for the forms to be submitted and included in the appropriate month's report. Leave reports are retained within divisions of the department which have responsibility to ensure that all changes are actioned via authorised documentation, and in August 2005 the Human Resources Group commenced a review of paypoints set up within the CRIS system, incorporating a review of who signs the bona fide for each paypoint. The findings of this review will lead to further action as appropriate.

The Hon. I.F. EVANS: Were there any employees on the system who were not valid employees?

The Hon. J.D. HILL: I think the Auditor-General would have indicated that if that were the case, but I am advised by the CE that there were none.

The Hon. I.F. EVANS: The audit report on page 1558 refers to the expenses charged against the Save the River Murray Fund: a percentage of administrative costs. An audit review of the basis of the allocation of DWLBC's overheads revealed that a portion of certain general administration costs were allocated to the Save the River Murray Fund. Should I ask this question of the Minister for the River Murray?

The Hon. J.D. HILL: I can refer it to her.

The Hon. I.F. EVANS: But you would have agreed to the amount to be charged. You surely would not have let the agency make up a figure to send the bill to the minister for the fund.

The Hon. J.D. HILL: Perhaps I can explain. The Minister for the River Murray is responsible for the fund and its administration. She is also administratively responsible for the agency. Each agency has a minister who is administratively responsible for it. I am responsible administratively for DEH and the Minister for the River Murray is administratively responsible for DWLBC. So, either in her role as the Minister for the River Murray or the minister administratively responsible, she is the appropriate person of whom to ask that question. I can take it on notice and pass it on to her.

The Hon. I.F. EVANS: Why am I asking you questions about DWLBC if you are not the minister administratively responsible?

The Hon. J.D. HILL: I asked this question myself, but you have to be able to ask me questions about the impact on policy decisions that are made, otherwise you would rightly accuse me of trying to avoid scrutiny.

The Hon. I.F. EVANS: That is as clear as mud. You do not know why you are answering the questions and I am not sure why I am asking the questions. The minister that sets the administrative amount in that fund is the same minister who authorises payment out of the fund?

The Hon. J.D. HILL: As I understand it, SA Water collects it—it goes on the water bill; Treasury holds it and appropriates it back to the agency; and the expenditure is determined by the minister. As I understand it, the administrative bit is determined by Treasury.

The Hon. I.F. EVANS: Page 1565 refers to the metropolitan drainage scheme and the decision previously made about the transference of the drainage schemes and the fact that that decision has not been put in place. What action does the government intend to take to implement that decision, and will the government explain why it has not occurred? The top of page 1565.

The Hon. J.D. HILL: Yes. As I understand it, the issue is really an in-principle one, that the assets should be assigned from SA Water Corporation through to the Department of Water, Land and Biodiversity Conservation, subject to funding being available to do it. That funding has not been available so the assets have not been transferred. The assets are still there; it is just that they have not been transferred.

The Hon. I.F. EVANS: What funding needs to be available? Surely it is a book entry asset transfer. The assets exist, they are in one agency, and the decision is made to transfer them to another agency, so what money actually has to change hands? Surely this is just an asset transfer book entry.

The Hon. J.D. HILL: Largely what the member says is right, but these assets need to be maintained. There are, I gather, holding costs associated with it, and maintenance costs, and it is the transference of those amounts that have not been resolved.

The Hon. I.F. EVANS: So are we to believe then that SA Water and DWLBC, or its predecessor, have been talking about what transfer costs need to be agreed since 1997 and, eight years later, the two agencies still cannot agree on what the maintenance costs are, what the holding costs are? Surely the maintenance costs already exist; there would be a record of that in the agency. Surely it is as simple as going into the agency, establishing what the real costs are and transferring

that money across through reallocation of the budget. Surely it is that simple.

The Hon. J.D. HILL: You make a perfectly reasonable point. I have to say it is not an issue that I have given a lot of focus to. Perhaps that is why the matter has not been resolved for eight years, as you say. I will give some attention to it and come back to you with a clearer explanation about why it has taken so long. I assume—and this is a total assumption—it has not been a priority for either SA Water or DWLBC. There may have been a disagreement about it and then they have just moved on to other things, but I will have a closer look and get you some information.

The Hon. I.F. EVANS: Does the minister think it is likely that SA Water does not want to lose them and DWLBC does not want to get them?

The Hon. J.D. HILL: I think the latter. When you say you are transferring an asset, you are transferring a whole set of drains and really they are transferring liabilities, I guess. The agency would be very cautious about accepting that ongoing liability without appropriate appropriation.

The Hon. I.F. EVANS: I refer to the crown lands issue (page 410, Volume 2). The crown lands issue has been raised in every audit report for the past seven or eight years, and there still seems to be no system in place, no time line and no budget. Is there a time line when this project will actually be complete, and what is the budget for the completion of the project?

The Hon. J.D. HILL: The member understands this very well from his time as a minister, and I am not pretending that things have changed very much since then. As he said, they have been subject to audit qualification for some time. As outlined in the papers submitted to the DEH Risk Management and Audit Committee, the scope of the work required to address this issue satisfactorily is well outside the budget capacity and scope of expertise of DEH in the short term, and I guess well outside the inclination of cabinet, really, to allocate the funds when there are so many other pressing issues—health, education and so on. The department has indicated to audit that it anticipated being able to address this issue progressively over a number of years. However, this is reliant on significant support from other agencies with a vested interest in this area, and not a lot of support has come from those areas.

The department will continue the work, which was commenced in 2004-05, focusing on the coastal unallotted crown land during this 2005-06 period. At present, this exercise is about 40 per cent complete. This project involves the determination of parcels of crown land that may be more appropriately incorporated within the reserve system. Further analysis will also commence shortly on crown land parcels within a number of regional towns with a view to determining whether it may be appropriate to transfer these to local government authorities. However, the work will not, in the short term, result in the removal of the audit qualification.

I think that is probably the appropriate way of dealing with it. We recognise what audit is saying, but the amount of resources to do it in a speedy time frame would just be inordinate and out of proportion to the issue. The crown land is there; it is not going away. There are so many other priorities—bushfire prevention, and so on. How do you manage it? So, they are choosing some priorities (and I think that coastal lands is sensible, because they are obviously high value and under the most pressure) and looking at lands that might be added into the reserve system. I think that is quite a reasonable way of going about it. However, I imagine that the minister after me and the minister after that person, and so on and so forth, probably will still be dealing with this issue.

The Hon. I.F. EVANS: Has the government thought of adopting a per hectare rate through a cabinet submission and saying that, for all crown land, this will be the value—so much per square metre or hectare—so that a value is established by government policy, which it would then sign off through the audit process, to save spending all this money in trying to establish a value for the land? It is only a book entry, at the end of the day. The book entry becomes important if there is a disposal of the asset, in which case it would be properly valued for disposal at a market value. Even if it is transferred between agencies, it is still basically within government. To save future ministers all these problems and this qualified audit forever and ever, amen, I am wondering whether it is possible to speak to the Auditor-General about whether there is a process of adopting, through a cabinet submission, a per hectare valuation with the proviso that, if it is ever transferred out of government, the full market value is established through the normal processes? I wonder whether that would solve it.

The Hon. J.D. HILL: That is a reasonable suggestion, and I am happy to explore it with the agency and, perhaps, as the member suggested, with the Auditor-General. There is another issue as well, and that is identifying what land we hold and whose name it is in, as the member would know. When something is in the name of the minister for environment and planning, whose land is that, for example? There is now a minister for the environment and a minister for planning. There are those kinds of issues. Maybe we need legislation, or some sort of process, to say that, as of this date, it is all in the name of person X, and sort it out in that way. As the member has raised this issue and made some suggestions, I am happy to have a look at it more closely.

The Hon. I.F. EVANS: In Volume 2 on page 411 it is stated that DEH has contracted an external service provider for the HR management system. Who is that?

The Hon. J.D. HILL: I understand that it is the Department of Administrative and Information Services. It is outsourced in the sense that it is not within the agency of DEH, but it is to another government department. In 2004-05, Auditor-General's staff conducted a review of the Department for Environment and Heritage computer processing environments and controls, including the department's payroll leave and position management system, which is known as CHRIS (Complete Human Resource Information Services). Three issues were identified: the formalisation of a service level agreement with the Department for Administrative and Information Services for payroll services; modifying the DAIS business continuity plan to suit DEH disaster recovery; and improving password control—and the SLA with DAIS for payroll services was signed off in December 2004. The business continuity plan was signed off in January 2005 and the password controls were implemented in September 2004.

The Hon. I.F. EVANS: In an earlier answer the minister mentioned crown lands, concentrating on the coastal areas. Is the minister aware that in the Cowell area the department is talking about taking back 40 per cent of land that is under lease as part of the freeholding process—some 2 000 hectares? I am wondering whether the minister thinks that is appropriate and why the government would be doing that.

The Hon. J.D. HILL: We are not taking it back, of course. The person is seeking to freehold the property, and

rules have been put in place which were established before I came became the minister (I am not sure when they were put in place, under whose watch—maybe in the member's, or maybe someone before him). The rules are that, when crown land is freeholded, there is a certain requirement for coastal and riverine frontage. It is a minimum standard of 50 metres, from memory, but it has to take into account the physical site. If there are big, rolling sand dunes, wetlands or something that is part of the coast, or part of the river frontage, all of that has to be included. So, it is not just an artificial 50 metres along the front; it is where the coast is.

I suppose the definition of 'coast' is a fairly imprecise thing in some senses. It is not just the point where the water and the land meet: it takes into account that sort of fragile, variable section of the land that is intimately connected with the water. That is why in that particular case such a large section is being requested before freeholding can occur, and it varies from place to place. The department, through that freeholding process, has tried to be flexible and cooperative with the owners. I am not sure about the exact example to which the member referred but I know that, in relation to other examples, officers have gone down there and negotiated outcomes.

If they have not already talked to that particular lessee, I make the offer that we are prepared to talk to them to see whether we can be flexible. However, it is a general policy, and I think that to ignore that policy would undermine the whole set of principles that have been applied to these issues for a very long time.

The Hon. I.F. EVANS: I may not have this quite right, but the way I read them the papers go something like this: page 416 indicates that the borrowing costs for 2005 were $2 856 000. The previous year they were $2 764 000. Borrowing costs have therefore increased. When we look at page 426 we can see that the interest rate charged by Treasury is the same each year. The amount of debt indicated on page 417 is the same in each year. If the debt level is the same and the interest rate is the same, how do the borrowing costs differ?

The Hon. J.D. HILL: The honourable member is correct: the borrowing level has stayed the same. However, if one turns to pages 439 and 440 one can see that the borrowing rates have changed. There is an explanation; but, rather than waste time, I will get the honourable member a written explanation.

The Hon. I.F. EVANS: Fine, get me a written explanation. However, under the heading 'Borrowings', the bottom of page 426 states:

> Borrowings consists of the unsecured loan advanced by DTF. The interest is accrued at the rate determined by the Treasurer with interest paid quarterly in arrears. The average effective interest rate for the reporting period was 6.75 per cent.

And it indicates in brackets that it was the same interest rate last year. If the interest rate is the same for both years and the level is the same, I do not understand why borrowing costs are different.

The Hon. J.D. HILL: Perhaps we will have to check Treasury to see whether it is pulling one over us. It would never do such a thing, of course. I will get a written response to that. Rather than try to find an answer now, we will do that in due course.

The Hon. I.F. EVANS: Page 413 indicates a $15.4 million increase representing, in the main, an increase in budget and recurrent appropriation in 2004-05 due primarily to the funding arrangements associated with the transfer of lots to DAIS. If lots were transferred to DAIS, how is it that your revenue increased by $15.4 million? I thought that it would have decreased by $15.4 million.

The Hon. J.D. HILL: The lots were transferred so that the income that we used to get from lots went with it. So, appropriation had to be provided so that we could maintain our levels of service.

The Hon. I.F. EVANS: One assumes that DAIS got a decrease in $15.4 million because it was then getting revenue that you were once getting.

The Hon. J.D. HILL: I assume that, but I cannot answer that question.

The Hon. I.F. EVANS: Will the minister check that for me, because he would have been in cabinet when the cabinet submission went through?

The Hon. J.D. HILL: I will have that checked for the honourable member.

The Hon. I.F. EVANS: Page 419 indicates a table, and I congratulate the Auditor-General for providing a useful table. I can only assume that the agency provided that information in that format to the Auditor-General, but it is good to have a document that someone can actually read.

The Hon. J.D. HILL: It is novel.

The Hon. I.F. EVANS: The minister says that it is novel. That is his word, not mine, but I agree. I have probably misread it, but the way that I read program 1 (the sustainability program), under 'Activities', the revenue has decreased from $6 700 000 to $212 000. What is the explanation for that?

The Hon. J.D. HILL: As I understand it, it is as a result of the transfer of the land administration program to DAIS, which is an appropriate thing to do. I think that six, seven or even more years ago part of the land services were transferred. We have now pushed the whole lot in there, which makes sense.

The Hon. I.F. EVANS: Then I do not understand why $15.4 million in revenue went across and here it shows only a decrease of $6.5 million?

The Hon. J.D. HILL: The revenues were attributed to other sub-programs. I am happy in the answer which I provide.

The Hon. I.F. EVANS: The only decrease in revenue then across that section is due to the transfer of lots?

The Hon. J.D. HILL: As the honourable member knows, there are always ups and downs in any of those things. My advice is that operating revenue is approximately $21.5 million higher than budgeted, primarily as a result of higher than anticipated revenue from sales of goods and services, commonwealth contributions, support services and other fees and charges.

The Hon. I.F. EVANS: In that section, fees and charges have dropped from $4.7 million to $2 million under sustainability.

The Hon. J.D. HILL: No, I am talking generally across the agency. I am not sure if the honourable member wants me to continue with this.

The Hon. I.F. EVANS: Yes, why not.

The Hon. J.D. HILL: Assets classified as being acquired free of charge that were not budgeted amounting to approximately $4 million. This was primarily the result of resurvey of seven sites and infrastructure stocktakes on nine sites undertaken during the year. Higher than anticipated interest revenue of $2 million; debt revenue from government was approximately $3.7 million higher than budgeted, primarily as a result of additional appropriation related to dredging and

sand management at Glenelg and West Beach harbours of $1.3 million; the purchase of Pinks swamp for inclusion in the reserve system of $900 000; supplementation for the interim state government enterprise bargaining agreement of $678 000; the cost associated with the redeployee management of $550 000; and the government radio network, $490 000; and the return to government under the cash alignment policy was $463 000 lower than budgeted.

After removing the influence of non-cash transactions and accounting treatments dealing with assets, it can be seen that the additional expenditure incurred during 2004-05 is supported by increases in fees and charges, 9.6; grants and contributions 7.2; and net revenue from government of 3.7 million. I am advised that the big drop is almost 100 per cent associated with the DAIS transcript.

The Hon. I.F. EVANS: The minister mentioned in that answer how revenue from fees and charges has increased, yet when you look at page 419, the fees and charges line, under sustainability fees and charges drop from $4.7 million to $2.2 million; under nature conservation, they drop from $2 million to $1.6 million; under land management, they drop from $13.8 million to $12.7 million; and under coast and marine, they drop from $156 000 to $93 000. In every line of fees and charges they appear to have gone down. I might be misreading it, but I am happy for the minister to take it on notice and come back with an answer.

The Hon. J.D. HILL: We will take that on notice.

The Hon. I.F. EVANS: On the same page, under sustainability, under expenses from ordinary activities, expenditure on sustainability has reduced. I am wondering why the government is spending less on sustainability programs?

The Hon. J.D. HILL: The honourable member is saying that it is $400 000 less. I cannot give the honourable member an explicit answer on why it is less. It might be that some staff members' positions were not filled as quickly as they might have been, I am not sure. I will get some detail for the honourable member. There is no particular reason. An explicit decision has not been made to reduce support for this area of government activity.

The Hon. I.F. EVANS: When the minister comes back to me with that answer, will he explain why the employee benefits figure is essentially the same big figure—basically around $11.3, $11.4 million each year. In relation to supplies and services, the actual services into the field drop from $6.1 million to $4.9 million, so there is a $1.5 million cut to supplies and service. There is an increase in depreciation, which to me means that they are investing more in plant, equipment or land purchase than in sustainability programs. While the total result is a cut of $500 000, the reality is that there has been a cut of $1.5 million on supplies and services which is where it really counts.

The Hon. J.D. HILL: I will check that out. It may well that an item of capital was a one-off which occurred last year and which is not required this year. That is more than likely the explanation, but I will find out the detail for the honourable member.

The Hon. I.F. EVANS: Minister, there was an issue with the lack of detailing on the capitalisation of some of your capital works projects and the lack of explanation in the accounts and on which audit comments. Will the minister give an explanation as to how that occurred and to what projects they were referring?

The Hon. J.D. HILL: I understand that, in general terms, it is as a result of at budget time not distinguishing between operating and capital budgets, and that is a process that is being corrected. I guess the department was aware of the difference, but it was categorised in the same way. I have some information which might be helpful. I am advised that activities associated with the creation and management of the capital works in process are generally considered satisfactory. Some control issues had been identified around annual budgets not being supported by sufficient information to enable independent review of the allocation between investing and operating activities. In some instances, insufficient explanations were provided to support the proportion of expenditure on individual projects that were capitalised and expensed as at 30 June 2004.

During the transition from the existing CWIP process to the revised process, the classification and funding had been determined predominantly by its source, be that operating or investing, from the Department of Treasury and Finance. In some instances, CWIP projects had insufficient data to determine the nature of the budget expenditure using the strict accounting definitions as opposed to the requirements to the budget process. This issue was identified by the Attorney-General after the 2005-06 budget process was complete, resulting in 2005-06 budgets being prepared and implemented primarily according to Treasury and Finance guidelines. The department acknowledges that in any given CWIP project elements of both investing and operating activities may exist. The precise amounts of either activity are best determined at the completion of the project when departmental finance staff review the project for appropriate accounting treatment and reporting.

The department's CWIP processes have continued to evolve in the past three years and, more recently, were centralised in the new asset services area in order to allow for more effective management of the process as a whole. As a matter of procedure, asset services now provide written explanation and supporting documentation from regional staff involved in respective projects to facilitate the apportionment of expenditure on individual projects that are either capitalised or expensed (to use a dreadful word).

The CHAIRMAN: That ends the time allocated for the examination of that line. I call upon the Minister for the River Murray.

The Hon. R.G. KERIN: The Save the River Murray Fund and the levy had a bit of a chequered start with some of the assurances given by the Treasurer not really being totally fulfilled as some of the funds were initially allocated outside the assurances. Can the minister give an assurance that in the last year all payments have been in accordance with the legislation and the assurances that were given by the Treasurer at the time of the levy being legislated?

The Hon. K.A. MAYWALD: I am advised that we have no reason to believe otherwise, and that, yes, the expenditure, as far as we understand it, has been expended in accordance with the legislation.

The Hon. R.G. KERIN: I refer to page 1558 of the Auditor's Report:

> Audit review of the basis of allocation of DWLBC's overheads revealed that a portion of certain general administrative costs were allocated to the Save the River Murray Fund (the Fund). At the time of the audit a formalised methodology did not exist to support the allocation of these expenses. Audit raised that a rigorous and substantiated costing methodology (supported by a documented policy) be developed to determine the basis of the fund's share of administrative costs.

To which the department responded that it recognised the need to formulate a robust and consistent costing methodology. Minister, can you give us an update as to what methodology will be put in place for the allocation of overheads out of DWLBC against the fund?

The Hon. K.A. MAYWALD: Yes, certainly, the Auditor-General has commented that a portion of certain general administrative costs were allocated to the Save the Murray Fund. The department had apportioned an amount of $380 000, reflecting a corporate overhead charge to the activities and programs directly related to the Save the River Murray Fund during 2004-05. The amount was derived on the basis of a flat rate of 10 per cent applied against the budgeted program expenditure for 2003-4 for the fund, after excluding the following projects, which would not be reasonably expected to incur a corporate overhead, meaning that these are in the form of direct disbursements, that is, the Murray Darling Basin Commission state contribution, investing in River Murray ecology and water acquisition for environmental flows.

The amount of $380 000 is conservatively stated when compared with the cost of corporate services functions and having regard to other divisional overheads, which may not be ascribed to the River Murray improvement program at this time. The department is currently in the process of reviewing its application of overheads to develop a consistent policy framework and supporting methodology to reflect the concept of an overhead allocation of corporate and other support costs. In the interim period it is considered that the amount allocated to the Save the River Murray Fund activities is purposeful in recognising a level of cost attribution that would form the basis of any future policy.

The Hon. R.G. KERIN: I ask the minister to give some consideration to that. Having been involved in the initial debates about the River Murray levy and with the bill when it went through, I can recall that we were given assurances that the levy was there to fund only a couple of things. I do not think it would have ever been envisaged that the levy would actually be making a contribution back to overheads. Basically, it was there for specific purposes. The act itself basically provides that the money paid into the fund under this section will from time to time be applied by the minister towards (a) programs and measures to improve and promote the environmental health of the River Murray, or ensure the adequacy, security and quality of the state's water supply for the River Murray, and (b) covers the excess over the $15 million for the Murray Darling Basin Commission. The other is to provide rebates. What is the minister's advice as to under what provision of the act the levy can be used to actually pay for overheads?

The Hon. K.A. MAYWALD: I can certainly give the leader my assurance that no more than is absolutely necessary will be applied to overhead costs. Also, as the leader would be aware, when you actually run a program there are certain necessary costs associated with administering these programs. So, as part of the program itself, it will have incurred significant costs. In the year 2004-05, the disbursement, I understand, to the Save the River Murray Fund was $17.6 million, and much of those proceeds went directly in and out to things like the Murray Darling Basin Commission state contribution, investing in River Murray ecology and water acquisition from environmental flows, and no overhead was allocated to those particular programs. The $380 000 is considered a conservative rate on the remainder of programs that are actually undertaken from the fund.

The Hon. R.G. KERIN: I would ask that the minister revisit and ask her office to have a look at the act, because I do not think that you can actually attribute money from the levy, which is what has gone into the fund, to overheads. If you go back and have a look at the second reading speech when it was given and assurances that were given by the Treasurer at the time: it is a levy, it was there to go into a fund, which was to achieve certain things, and not to actually go back into the administration of the department. I ask the minister to go back and have a look at the act, and also what was committed to at the time of the passing of the act as to whether or not the money can be used in that particular way. Basically with the Auditor-General's Report, you can see the overall, but the fund is hidden among the other figures. How much from the levy was actually contributed to the running of the Murray Darling Basin Commission in the last financial year, 2004-05?

The Hon. K.A. MAYWALD: I will have to take that on notice for the exact figure that came out of the Save the Murray levy. Some of that came out of the department, some came out of the Save the Murray levy. I do not have that exact figure here, so I will take that question on notice.

The Hon. R.G. KERIN: I assume it was the difference between the indexed $15 million and, basically, the total payment. Would that be a fair assumption?

The Hon. K.A. MAYWALD: That would be a fair assumption, but I will get the exact detail back to the leader.

The Hon. R.G. KERIN: The levy itself is the reason that a lot of the money has been held in the levy. For example, at the moment it would appear that more than half of what has actually been paid out of the levy has gone to the Murray Darling Basin Commission with a lot of the balance still sitting in the levy. Is that because of the delays in the purchase of water or money spent on projects for the Save the Murray fund?

The Hon. K.A. MAYWALD: A portion of the Save the Murray levy will be applied to the Living Murray initiative of the Murray Darling Basin Ministerial Council, which is to return 500 gigalitres for a sum of $500 million by 2009. The projects that have been identified under that initiative to date are 240 gigalitres for a cost of $179 million. Money has been set aside from the levy towards investment in those projects. Currently, the final agreements have not been finalised, so there is not the opportunity for us to invest at this time; however, we will do so as soon as those arrangements are in place.

The Hon. R.G. KERIN: Can the minister indicate when the annual report for the fund will be tabled in the house?

The Hon. K.A. MAYWALD: It is my understanding that it will be tabled within the next two weeks of sitting. I will get back to the leader with the details of the exact date of its tabling.

The Hon. R.G. KERIN: As is the case in quite a few departments, the Auditor-General has raised the issue of leave entitlements and the fact that some leave that has been taken has not been accounted for. Does the minister have any idea within the department what that amounted to in DWLBC and whether or not that is now fixed?

The Hon. K.A. MAYWALD: I am advised that that is not an issue for the Department of Water, Land and Biodiversity Conservation; however, I will check that detail and get back to the leader.

The Hon. R.G. KERIN: On page 1557, it is identified by the Auditor as being an issue in the two dot points at the bottom of the page. They mention discrepancies between

payroll reports and what has actually been paid. I ask that that be revisited.

The Hon. K.A. MAYWALD: From the advice that I have received, there is no known unaccounted for leave, but some issues have been raised by the Auditor-General in relation to the processes. In March 2005, DAIS payroll, in consultation with the department, introduced a new process for the management of payroll bona fide reports which includes the collection and retention of bona fide reports within divisions of the department which have responsibility to ensure all changes are actioned by authorised documentation and all authorised documentation is sent to the DAIS payroll group by the department's human resources group.

At the end of March 2005 DAIS payroll, in consultation with the department, introduced a new leave report format and new processes for management of leave data. These new monthly reports are produced two months after the reporting period, thereby allowing sufficient time for leave forms to be submitted and included in the appropriate month's report. Leave reports are retained within divisions of the department, which have responsibility to ensure that all changes are actioned via authorised documentation. In August 2005 the Human Resources Group commenced a review of pay-point set up with the CHRIS system, incorporating a review of who signs the bona fide for each pay-point. The findings of this review will lead to further action, as appropriate.

The Hon. R.G. KERIN: I refer to page 1570, 'Assets Not Recognised', which are basically the joint assets of the Murray-Darling Basin Commission. At some stage previously the minister pointed out that they are recognised in our overall equity within the Murray-Darling Basin Commission (so in a way it is partly covered), but can she advise if progress is continuing on trying to account for our ownership of those assets, and when we are likely to have figures.

The Hon. K.A. MAYWALD: I am advised that that is in hand and a review is under way—and it is a review right across the basin. Apparently each jurisdiction tends to deal with these in a different way, and there is support for looking at putting uniform treatment of the assets in place. That review is to take place this year, and as the information becomes available we will certainly be reviewing it and putting in place the necessary and appropriate actions here in South Australia.

The Hon. R.G. KERIN: Also on page 1570, it talks about the Lower Murray government irrigation scheme, and I was a little bemused by a statement there that said that 'A scheme to rehabilitate the infrastructure is currently being negotiated with the affected landholders.' That might be a little out of date, so would the minister give us an update on where the rehabilitation is up to and on how many of the dairy farms are still operating?

The Hon. K.A. MAYWALD: I am advised that to date all but two of the irrigation districts have been transferred from government-owned districts into private trusts, most of those happening in the last six months. We have also seen significant progress in the negotiation of the final funding agreements (which are occurring at the moment), and I understand that there are approximately 75 farming units still operational. This entails about 3 900 to 4 000 hectares of farming land.

The Hon. R.G. KERIN: As the minister knows, I have had an interest in that particular scheme for some time, and I have had a couple of looks in the last 12 months. There is an issue regarding some of the land that the water has been bought off, mainly by SA Water (which I am not sure that I am absolutely thrilled about, but they have bought it so so be it). I suppose there are two parts to this; I believe that some of the environmental water has actually been purchased out of the levy for the environmental water for the Lower Murray. That part of the question might not be correct, but the other part is can the minister advise whether there is any urgency to perhaps meter some of the environmental water, because I am well aware from some of the locals down there that in one so-called environmental watering of the big swamp just north of what was initially the Murray Bridge railway station (so, this side of the river just upstream from the town) this year, the gates were actually opened for three days. This was great as far as growing a lot of hay went, but there was a lot of water that went down the enormous cracks that had formed in that land. I do not want to attack SA Water because I do not know who made the decision to do that, but it seems to me that that is an irresponsible use of the environmental water. Somehow we need to make sure that that does not happen because environmental water, or ELMA as it is called, is an allocation in itself and we need to make sure that there is some stringency as to how that allocation is used and that it is used for proper environmental purposes.

The Hon. K.A. MAYWALD: First, there is no purchase of the ELMA water from the levy. The ELMA water is not transferable, so that would not be able to be purchased; however, SA Water has purchased some water on the market in recent times. The Lower Murray swamp purchased by SA Water, which included the water and the land, is currently the subject of a discussion between DWLBC and SA Water in respect of a management plan. It is also the subject of discussion between local government and the department looking at future options for the land.

I will have to take the question on the issue of the area by the railway crossing on notice. I am not aware of that particular instance but I strongly agree that it is important that the ELMA water be managed appropriately. The SA Water negotiations currently under way with the Department of Water, Land and Biodiversity Conservation will put in place a management plan for that land. Under the review of the water allocation plan, we will be looking at putting in place rules and regulations for the application of ELMA water throughout the region.

The Hon. R.G. KERIN: I have a copy of last year's annual report for the Save the River Murray Fund, which came out in May. It states in that report that during 2003-04 funds provided from the Save the River Murray Fund have enabled the following achievements to be made in this area: the allocation of 67.3 gigalitres for irrigation water use and 22.2 gigalitres for environmental land management within the Lower Murray reclaimed areas and irrigation management zone. I am not sure whether that is just the way it was managed, but it makes it sound as if it was purchased.

The Hon. K.A. MAYWALD: It is my understanding that those allocations to which the leader refers are volumetric allocations to irrigators. Previously, irrigators were allowed to open their gates a certain number of times during the year and there was not a volumetric amount of water applied to those lands. Under the agreement with the Murray-Darling Basin Commission we have a cap obligation to introduce volumetric allocations, and the 67.3 gigalitres is the amount that was allocated to irrigation and 22.2 gigalitres is the ELMA water which is non-transferable and which must stay with the land and be managed in accordance with the water allocation plans.

The Hon. R.G. KERIN: I assumed from the prices that that is what it would have had to be. Some of that land is experiencing a bit of difficulty with cracking because of the water being taken off it. Is there a management plan in place to manage the environmental side of that land as far as both cracking and weeds are concerned?

The Hon. K.A. MAYWALD: As advised a moment ago, I understand that negotiations are under way between SA Water and the Department of Water, Land and Biodiversity Conservation to develop that plan. All care is being taken to ensure that it is managed appropriately into the future. We share your concern that the land must be managed properly. ELMA water has been allocated specifically for that purpose. So, it is certainly an interest of not only the department but the area as a whole in the Lower Murray swamps that that land is managed properly, and a management plan is currently being developed.

The Hon. R.G. KERIN: I have two questions that the minister can take on notice:

1. Will the minister provide a detailed breakdown of expenditure on contractors for 2004-05 for all departments and agencies reporting to the minister, listing the name of the contractor, the cost, the work undertaken, and the method of appointment?

2. During 2004-05 have any issues of concern about possible breaches of Treasurer's Instructions been raised with the minister?

Mr WILLIAMS: I have a couple of questions with regard to regional development. I refer to the Auditor-General's Report, Part B, Volume 5, page 1342. The report suggests that one of the reasons why there has been a reduction of some $16 million in grants and subsidies is a reduction of $1 million in the regional infrastructure grants provided. Where the moneys provided for the regional infrastructure fund were not spent, were they rolled over into the next year; what is the current status of that fund; and how many applications for funding were refused in the financial year 2004-05?

The Hon. K.A. MAYWALD: The total commitment of RDIF grants and loans in 2004-05 was $4.5 million. For the first time since its inception six years ago, allocation from the RDIF for this financial year will be fully committed. Support has been provided to the strategic priorities identified in the Strategic Infrastructure Plan, including: $2 million to upgrade the Kangaroo Island power supply reliability; the Flinders Industrial Estate at Port Pirie—$538 400 has been granted for the provision of common-use infrastructure; the Blyth Industrial Estate—$140 000, made up of a grant of $80 000 and a loan of $60 000, has been awarded to provide assistance for the upgrading of the water supply and power for the proposed estate; the Clare North Industrial Estate will receive $112 500 to provide a water extension of approximately one kilometre to appropriately zoned and under-utilised industrial land.

The Baroota Reservoir will receive a grant of $100 000 to assist with the cost of a common pipeline; Chickenmate Farms has been granted $60 000 and the Port Wakefield Poultry Farm has been granted $85 000 to assist with power and water connections to support expansion of the poultry industry in the Wakefield Plans area; the Ozone Hotel at Kingscote has received a grant of $72 500 to offset infrastructure costs associated with the augmentation and connection to power, water and STEDs; Coonawarra Gold at Nuriootpa (in which the member will be very interested) has received a grant of $78 500 to assist with the upgrade of the Nuriootpa town gas regulator and a gas meter to support the commercial processing of grape marc (winery waste)—a terrific program; and Snowtown Meats has been offered a grant of up to $35 000 to assist with the upgrade of power supply.

RDIF guidelines and assessment criteria have been revised. Regarding the projects which were not successful, I will have to take that question on notice as I do not have that detail here. An amount of $3 million has been allocated for 2005-06 and 2006-07. The projects that were committed to prior to the end of the financial year have been carried over into this financial year to ensure that those funds can be included. At this stage we have sought carryover for the remainder of the funds.

Mr WILLIAMS: Minister, some information has come to the opposition that some South Australian businesses who have been previous recipients of grants and subsidies from what is now the Department of Trade and Economic Development have been pursued for the return or repayment of some of those funds. Are you aware of this and, if so, can you indicate to the committee how many South Australian businesses would fall into that category?

The Hon. K.A. MAYWALD: I understand that where companies default on agreement in the application of funding then government will pursue those companies for the refund of the money that has been granted, but only in the cases where they are in breach of their contractual obligations. I am advised that there is one company that has currently been asked to refund; I am unaware of the details.

The CHAIRMAN: That concludes the time allocated to the examination of the Minister for the River Murray. I call upon the Minister for Families and Communities.

Mrs REDMOND: I indicate that I have two omnibus questions. Perhaps I can read those in now and get a response to them afterwards. The first is: will the minister provide a detailed breakdown of expenditure on contractors in 2004-05 for all departments and agencies reporting to the minister, listing the name of the contractor, cost, work undertaken and method of appointment. The second is: in relation to the financial transactions and internal controls the report states:

> The senior management of each public authority has a specific and important responsibility to establish and maintain appropriate and adequate internal controls over the financial operations and resultant financial transactions processed by the particular public authority.

The question is: during 2004-05 have any issues of concern about possible breaches of Treasurer's Instructions been raised with the minister and, if so, will the minister provide details?

The Hon. J.W. WEATHERILL: The first question, subject to us considering the relevance of that, we will take on notice. In relation to the second question, there has been no breach of any relevant Treasurer's Instructions.

Mrs REDMOND: I refer to the Auditor-General's Report, Volume 2, page 486, I am concerned that, at the end of the context of the audit of the department for 2004-05, the auditor makes the comment that, notwithstanding there had only been a relatively short time and opportunity for the staff to address some of the matters that were raised:

> In a number of areas past audits have identified significant weaknesses in control arrangements which were not resolved at the time of the establishment of the department and while there has been progress over 2004-05 they remain of concern to audit.

I assume, therefore, that they remain of concern to the minister. Can the minister inform me of what actions have been taken to specifically address this overall matter of the

basic issues that are raised in that subheading of the context of the audit report?

The Hon. J.W. WEATHERILL: As outlined in the Auditor-General's Report, the Auditor raised a number of control weaknesses in DFC's operations during 2004-05. However, as has been pointed out, audit did acknowledge that DFC is a new department with a new chief executive and other senior managers, and audit recognises that the new chief executive and a number of her staff have had limited time and opportunity to address the matters that were raised in audit (page 486). The first thing to say is that there is a new chief executive and new officers—especially new financial officers—and there has been limited time in which to address them. However, in a number of areas past audits have identified significant weaknesses, and they were not resolved at the time of the creation of the new department. So, they came over with the new department and they remain of concern. However, it needs to be acknowledged that, in commencing operations on 1 July 2004, we had those processes and systems of the former DHS—the ones that led to the spectacular examples of moneys that belonged in the health portfolio being hidden in the housing portfolio, and black holes all over the place, which were uncovered by Ernst and Young.

While much has been achieved over 2004-05, the department acknowledges that further work needs to be done to improve controls. We have an action plan to address issues raised by audit, and they will be implemented progressively over the course of 2005-06 and beyond, because it will not even be solved in that period. In almost all cases, issues raised by audit had already been identified by DFC's internal audit. What needs to be recognised here is that the Auditor has, to a certain extent, relied upon our own findings from internal audit, and action plans are already in place to implement significant improvements.

Mrs REDMOND: The minister said that he expects it will go beyond 2005-06. How long will it be before he expects that the department will be able to provide information that satisfies audit?

The Hon. J.W. WEATHERILL: The first thing to point out is that this is an unqualified audit so, in that broad sense, this audit has been approved. We are talking about questions of best practice. Most of those will be achieved in the relevant forthcoming period, but some may still be outstanding after the period that I mentioned. It also needs to be mentioned that the Auditor-General often counsels perfection (and that is entirely appropriate), and that will always be a challenge. There will be very few cases where the Auditor-General will not suggest that there is not some room for improvement.

Mrs REDMOND: I move to the next page, which has the heading 'Assessment of controls'. I note that the Auditor expressed the opinion that the controls exercised by the department in relation to the receipt expenditure and investment of money and acquisition and disposal of property are fine, except for the matters raised in relation to funding to non-government organisations, administration of concessions, risk management, management reporting, payroll, accounts payable and the financial operations of Child, Youth and Family Services. Can the minister please explain what is left? If they are all the exceptions that the Auditor-General did not find were satisfactorily accounted for, what is left that he did find was satisfactorily accounted for?

The Hon. J.W. WEATHERILL: It is an unqualified audit. The truth is that the books have been given a clean bill of health. Those are the topics that are really the subject of the Auditor-General's Report, and we have detailed answers in each of those areas, if the honourable member wishes to ask specific questions.

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

Mrs REDMOND: Volume 2, page 489, refers to the issue of unexpended funds. There appear to be two typographical errors in the sentence under that heading. I expect that the Treasurer's Instruction did not provide that 'unexpected grant moneys were to be repaid to the minister unless specific approval was obtained to return the funds'. What it should have said, I think, was: 'unexpended grant moneys to be repaid to the minister unless approval is obtained to retain the funds'. I want to ask about what appears in the next paragraph, namely, where the Auditor-General states:

> Audit however was unable to locate evidence that unexpended moneys were repaid or specific approval was provided by the minister for those moneys to be retained.

I want to know why, given the Treasurer's Instruction, no approval was obtained for those moneys to be retained, and whether any protocols have been put in place to deal with this issue?

The Hon. J.W. WEATHERILL: A piece of work is being done at the moment so that I can make a decision about whether we should insist on this money coming back from non-government organisations. I think that part and parcel of that work is to ensure that there are tighter controls around what we expect of non-government organisations in this regard. I think that there are some circumstances where the money is likely to be expended over a number of years, and, in those circumstances, it would not be appropriate to expect that money to be repaid. That is part of the analysis that will be undertaken in the work that will be done.

In fact, the definitional issue that needs to be considered is that the Treasurer's Instruction talks about the grant moneys unexpended at the end of the grant period. The relevant question becomes: what is the end of the grant period? That is the work that needs to be carried out. If it is the case that an NGO is just hanging onto this money and wants to apply it to another purpose, of course, that is not acceptable. If, in fact, it is being expended over that period and that period has not yet come to an end, that is a different matter, and that is something that should be fairly accommodated.

Mrs REDMOND: There is a considerable list of other matters raised by audit that appears immediately under that heading of 'unexpended funds'. There seems to be quite an extensive list. I note that in response the department advised that considerable work has occurred in a number of areas, but I wonder to what extent. The flavour that I got from the Auditor's report was that it had already had a year to deal with these issues and still they were not addressed. There were still considerable shortcomings in bringing all the relevant service agreements (and all sorts of things) up to speed with what is normally expected.

I would like to know in a little more detail what this says. The department advised that considerable work has occurred. I would like to know just when we can expect this department to be on its feet. Certainly, it is spending lots of money, but it does not seem to be meeting any of the normal requirements.

The Hon. J.W. WEATHERILL: I think that those other matters need to be understood in this context. They are identified by our department. Really, it just documents the

extraordinary amount of work that has needed to be done by the new department in getting things up to scratch. It is proper, of course, for audit to repeat those things that we identified and raise them as concerns. We share that, obviously, because we identified them in the first place. Going to the general criticisms, the Financial Services Division in its 2005-06 business plan has the task of reviewing all the existing standard financial policies and procedures, which will include a review and update of financial policies and procedures regarding the process for managing grant funding for NGOs.

The implementation of a Funding and Grants Management System (FGMS) during 2004-05 is a significant step in the improvement of the administration of grants to NGOs. However, it meant that many of the department's existing policies and procedures were out of date and needed to be revised. It is also the case that FGMS is still to be refined and enhanced, making it difficult in some cases to finalise the updating of policies and procedures; and a new policy specifically relating to FGMS is also being developed.

Where service has been contracted with a provider following a tender or similar process which is being conducted under the auspices of the State Supply Board (or the Procurement Board as it is now known), formal approval of the rollover and a waive of tender should be sought and the reasons documented. If funding has been allocated to an agency for the provision of community services and that allocation has been appropriately approved by the minister on an ongoing basis, no rollover is necessary. It is not intended or appropriate for community services to be tendered on a regular basis.

Under these circumstances, the continuation of funding would be subject to satisfactory performance of the funded agency, and the assessment of agency performance would be enhanced by a performance management model that is currently being developed. Within this general space we are trying to move away from the idea that you must procure everything through a standard tender process for a range of reasons, not the least that these organisations cannot stand the whole rigmarole with it. Also, it is a little unrealistic tendering for the lowest cost when you really know what you want to buy and you know who it is you want to buy it from. Provided we have a good framework that can ensure that we are getting value for money, in most cases, we are seeking to move away from that competitive tendering model. It also tends to be quite destructive of collaboration. All that change in thinking will affect our policy environment, and so a number of the policies that exist in this area are being re-evaluated.

Mrs REDMOND: Further to that, the second last dot point on page 489 refers to there being no regular reconciliation of payment details between the FGMS and the department's general ledger. At the bottom of the page it states:

> The department also advised that the FGMS, implemented part way through 2004-05, will address many of the issues raised by the audit and work continued to enhance the functionality of the FGMS.

First, if it was implemented part way through the year on which the Auditor-General is really reporting, why does it say 'will address many of the issues', instead of 'has addressed these issues'? In particular, I am very suspicious about technology, as the minister may know, and the last line—which says 'work continued to enhance the functionality of the FGMS'—sounds to me like bureaucrat speak for the system that we installed did not really work and we are still trying to figure out a way to make it work. I would like the minister's comment.

The Hon. J.W. WEATHERILL: It is the difference between this just being a pure accounting system that measures dollars and cents and using it to extract its major power; that is, using it as a tool for financial management for creating a framework for decision making and evaluation. I think that is the work that is going on. As I say, it is a new system and it is has been refined and enhanced to ensure that it is able to meet those ambitions. It is a continuing process. The department acknowledges that these reconciliations are necessary and agrees to implement a regular reconciliation of payment details between FGMS and Masterpiece as recommended. We acknowledge that this is an important part of the exercise, but it is very much a work in progress and it is not something that we have been able to implement immediately.

Mrs REDMOND: I now refer to administration of concessions. It talks about formal agreements being in place with all electricity retailers except AGL. It would have seemed to me that AGL was the most important one. The paragraph above the heading 'Data Matching' on page 490 states:

> Audit review in 2004-05 found that formal agreements were in place with all electricity retailers except for AGL.

Does the minister know what percentage of electricity accounts are held by other than AGL, because my understanding is that by far the largest proportion are held by AGL? It seems to me that it would have been appropriate to ensure that, if none of the others were in place, that at least AGL was in place.

I am also puzzled as to a number of things relating to the administration of concessions, particularly the dot points on page 490 which state that the department had not implemented appropriate documented agreement with the parties providing concessions which detailed the respective roles, responsibilities and terms of arrangements and pointing out that there were some difficulties in keeping track of who was getting concessions. At the bottom of the page it states that a significant number of AGL pensioner customers were not updated to the CARTS system. Can the minister give me any sort of assurance that this AGL problem has been dealt with and that the concessions are now on track?

The Hon. J.W. WEATHERILL: The service level agreement has now been signed with AGL, but it will not be any surprise to people who are aware of any of the details around the electricity privatisation that this is one of the gifts of the former Liberal government to the Labor Party. I say that tongue in cheek because in fact it has caused us a massive degree of difficulty. Due to the fact that we have a privatised environment, we now have a separate corporate entity which is bound by the national privacy principles and which means that we cannot go directly to our customers because they are not our customers any more. Bizarrely, AGL has to obtain approval from each of its customers to seek to then communicate with us about their arrangements. Of course, we cannot communicate directly with Centrelink because, once again, federal privacy principles are involved.

To add to the difficulties associated with clarifying the database to ensure that people are eligible to receive the concessions, we have run into the difficulty of AGL sending out letters to their customers and then the various customers not necessarily returning those letters, which has created some difficulty with that process. However, we are able to

address that issue in part through the energy concession bonus. So, when AGL wrote to customers advising them that, unless they completed the enclosed application form to authorise the exchange of data, they would not be entitled to their $150 bonus, this had the effect of ensuring that 80 per cent of these customers have now returned their form.

Out of the original 40 000 in July 2005 who were not matched and therefore we were not entirely sure whether they were eligible, the figure has now been reduced to 17 000. As of 6 September (when this briefing was prepared for me) that number had fallen to 4 300, and I expect that it has fallen in the weeks since that time. Currently discussions are being undertaken as to what action should be taken with remaining clients who have not provided documentation concerning the exchange of information and work has been undertaken on integrating property concessions based on CARTS. However, a review by KPMG on property-based concessions has delayed this. Once the department receives the final report from KPMG, action will be taken to ensure the accuracy of property-based concessions, whether this is through CARTS or other technology solutions. The big issue for electricity concessions has been the privatisation of electricity and for other concessions some of the limitations of our technology. We are certainly working on that issue. We have improved the data matching from the position that the Auditor-General noted and we are continuing to make further improvements.

Mrs REDMOND: In relation to the financial operations of CYFS appearing on page 491, the very first sentence of that refers to the review highlighting a number of suspected frauds which, in turn, highlighted breakdowns in internal controls and financial management practices within FAYS. Can the minister indicate how much those suspected frauds were suspected to have cost the department?

The Hon. J.W. WEATHERILL: Internal audit of FAYS (now CYFS) in 2003-04 includes a review of the alleged misappropriation from advanced accounts operated in FAYS district offices. In May to July 2003, three suspected frauds related to advanced accounts were referred to the Anti-Corruption Branch of SAPOL, estimating losses of $1.4 million. Three staff members were suspended, two resigned and the third employee then resigned a little later. The fourth suspected fraud relates to allegations of an employee of FAYS between April 2003 and March 2004 who stole money from a bank account of one of the clients. The staff member's contract expired in March 2004, and this matter has been referred to the Anti-Corruption Branch (ACB). The current status to date is that three of these cases have not gone to court; two of the cases are with the DPP pending prosecution; and one case, the largest, is $1.3 million. Some of this is capable of recovery through the withholding of employee entitlements.

Mrs Redmond: Or FAYS is going have to pay back $1.4 million.

The Hon. J.W. WEATHERILL: Yes, well, perhaps not him or her, as the case may be. It is $1.3 million for one. The total was $17 000 with $6 040 repaid, and a further $4 650 to be repaid with the balance withheld from entitlements. The other was $75 000 expected to be obtained through civil action and money from salaries. There is a further one of $1 637 which has been the subject of restitution, although I understand they are all matters that have been insured against and so will be recovered. The money has been recovered through our insurance arrangements. These were uncovered, of course, by our own internal audit and, significantly, no frauds for the last financial year have been detected.

Mrs REDMOND: I notice that the external audit, which was 2003-04—so a full year earlier—and that included the work performed by the internal audit, and that is what highlighted these weaknesses—a whole year later, although they note that some progress has been made, at the bottom of page 491 there are three significant dot points as to the things yet to be addressed. CYFS is yet to implement an integrated case management system to record and monitor client payments in a consistent and reliable fashion across district centres. It is still in the process of revising its documented policies and procedures, and had not documented policies, procedures and responsibilities relating to budgetary control and monitoring for the division and the district centres.

I would have thought that, given that the 2003-04—even earlier—internal audit had thrown up these significant amounts—particularly when you are talking about $1.4 million—that it was fundamental that CYFS get right on to this, and more than a year later we still do not have the systems in place. Can the minister explain why not, and when they will be? I note the comment over the page, but that did not seem to take the matter very much further, given that it concludes with 'and will continue in 2005-6'.

The Hon. J.W. WEATHERILL: The first thing is that these frauds were uncovered by our endeavours, not by the audit. The second thing is that it is acknowledged in the audit that steps have been taken through the CYFS financial accountability project to deal with controlled weaknesses. The question though, as is often in the case in Auditor-General's reports, is what further steps could be taken. Basically, there are further steps that can be taken, and we are working on them. Because CYFS is a service delivery organisation that provides support, we have to ensure that these services are effectively provided. So we have to actually consult about how we provide those services, so it is not simply a question of changing our own processes in ignorance of what other people think of us. Work is well underway with an integrated case management system to monitor and report on client payments.

Once completed, this system will be fully integrated with the CIS system allowing detailed analysis for client payments to be undertaken. It is planned for the system to interface with the masterpiece trade accounts system and replace the existing spreadsheet systems currently in place in most district centres. A continual review of all CYFS policies and procedures was commenced in 2004-05, and will continue, not only in 2005-06, to be a standard procedure in all years. Notwithstanding this, CYFS is a division of the Department of Families and Communities and as such is bound by the department's overarching policies and procedures. Work is being completed on a number of policies to fit them into CYFS operational needs. Work is also underway to review and improve the children's payments manual. However, as there are a number of stakeholders, not the least being children and young people, we also need to consult with them about that.

It needs to be borne in mind that we took over a department which, buried into the DHS juggernaut, really had not received as much attention as it properly deserved in these financial accountability areas. It is a big task, but we have identified the steps that need to be undertaken and we have taken important steps along that road.

Mrs REDMOND: Again, in relation to risk management practices on page 492, we have a situation where the audit review a whole year earlier failed to identify a formal risk management process. I would have thought that it was an

essential part of what these highly paid executives are meant to do—to deal with those issues in a timely fashion. More than a year later we still do not have things in place.

The Hon. J.W. WEATHERILL: I am advised that we have now completed our risk register for 2004-05 but not in time for audit, so that task is now being completed.

The CHAIRMAN: That ends the examination of the Minister for Families and Communities. The committee has concluded its examination of the Auditor-General's Report.

LIQUOR LICENSING (EXEMPTION FOR TERTIARY INSTITUTIONS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

RIVER MURRAY (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

TERRORISM (POLICE POWERS) BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 3698.)

Ms CHAPMAN (Bragg): This bill was introduced by the Premier on 19 October when the Premier outlined the underlying reasons for this bill and, essentially, the rationale behind the state laws—this, I think subject to the passage in Western Australia of its legislation, being the last to dovetail into the legislation passed by the commonwealth over the last few years to ensure that certain aspects, which had been omitted from or were gaps in, current state law were addressed. I note that this bill is modelled on the New South Wales Terrorism (Police Powers) Act 2002, so we are a few years past the initial bill when introduced in New South Wales. For the sake of the record, I indicate that in addition to that bill, New South Wales passed the Terrorism Legislation Amendment (Warrants) Act 2005. Queensland passed the Police Powers and Responsibilities Act 2000.

It is important to note that the Queensland legislation is quite different from the New South Wales model. To my knowledge, that was the only state which had adopted a procedure which has a public interest monitor in its legislation. We have not followed that model; as I indicated, we have followed the New South Wales model. In Victoria, the parliament passed the Terrorism (Community Protection) Act 2003. The Northern Territory has passed the Terrorism (Emergency Powers) Act 2003. In Western Australia, to the best of my knowledge, they may still have before them the Terrorism (Extraordinary Powers) Bill 2005 which, as at last week, was still passing through the parliament.

As is probably well known to this parliament, and it has certainly been published at some length in the media, the Council of Australian Governments (COAG) met on 5 April 2002 and agreed to establish better coordination between agencies of the commonwealth and the states on issues in respect of terrorism. As is now a matter of world historical record, this followed the 9/11 attack in 2001 in New York. It was important for the relevant heads of parliament to meet and discuss how they might deal with such unprecedented conduct and to be able to manage that at a legislative level. Subsequently, on 12 October 2002, we saw the Bali bombing and, as the Premier outlined in his second reading speech, a number of other occasions where acts of terrorism have been perpetrated outside of Australia which have tragically touched on the lives of Australians—the Bali bombing alone killing 202 people.

On 21 November 2002, pursuant to the April COAG agreement, the Terrorism (Commonwealth Powers) Bill was introduced into the South Australian parliament. Essentially this bill was necessary because the commonwealth parliament did not have specific constitutional power to deal with the general area of terrorism, and consistent with the April COAG agreement it was established and agreed, on the principle of coordinating future terrorism management, that it was necessary for this constitutional power to be transferred. That bill passed in December 2002 and became the Terrorism (Commonwealth Powers) Act 2002. Importantly for South Australians, it defines a terrorist act as an action or threat of action where:

> the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and. . . with the intention of coercing, or influencing by intimidation, the government. . . or intimidating the public or a section of the public—

and which causes death, serious harm or serious damage to property, and creates a serious risk to health or safety or seriously interferes with or disrupts any of the following: information systems, telecommunication systems, financial systems, essential government services and utilities, and transport systems.

It is important to note that in the years that followed that legislation and similar state acts around the country the commonwealth has enacted a large suite of legislative measures to address terrorism. This includes detention of up to seven days of persons for the purposes of interrogating those persons even though they themselves are not suspects, and I would like to outline to the house (and perhaps put in perspective) that although there has been much media attention in the past four months in relation to the introduction of, and haste in dealing with, the development of other terrorist legislation, the commonwealth has in fact passed considerable legislation in those past two years.

This legislation includes the Border Security Legislation Amendment Act 2002 which deals with border surveillance, the movement of people and goods, and strengthening the powers of the Australian Customs Service. There is the Security Legislation Amendment (Terrorism) Act 2002, which inserts new offences into the Commonwealth Criminal Code including engaging in a terrorist act, providing or receiving training connected with a terrorist act, possessing things connected with terrorist acts, selecting or making documents likely to facilitate terrorist acts, and performing other acts in preparation for or planning terrorist acts. The federal Attorney-General was also empowered by this legislation to declare proscribed organisations which the United Nations Security Council has identified as terrorist organisations.

Then we have the Criminal Code Amendment (Anti-Hoax and Other Measures) Act 2002, which expanded the offences relating to the use of postal or similar devices to perpetrate hoaxes, making threats or sending dangerous articles. There is also the Criminal Code Amendment (Suppression of Terrorism Bombings) Act 2002, which contained offences for international terrorist activities that use explosive or lethal devices, to comply with Australia's obligation under the International Convention for the Suppression of Terrorist Bombings. We also have the Criminal Code Amendment (Espionage and Related Matters) Act 2002, which increased

the penalties for offences of espionage and related activities and expanded the range of activities which may constitute espionage to include situations where persons communicate or disclose information with the intention of prejudicing security or defence or to advantage the security or defence of another country.

Next was the Criminal Code Amendment (Offences Against Australians) Act 2002, and this legislation made it an offence to murder or intentionally or recklessly cause serious harm to Australian citizens outside of Australia. We have the Telecommunications Interception Legislation Amendment Act 2002 and the Telecommunications (Interception) Amendment Act 2004, both of which extend the availability of telecommunications interception warrants to additional serious offences including terrorism-related offences. There is the Suppression of the Financing of Terrorism Act 2002, which makes it an offence to provide or collect funds for terrorist activities, imposes reporting requirements on cash dealers, and enhances the ability to share financial transaction reports with foreign countries and agencies. This act was in part compliance with Australia's obligations under the Resolution on International Cooperation to Combat Threats to International Peace and Security Caused by Terrorist Acts and the International Convention for the Suppression of the Financing of Terrorism. We have the Criminal Code Amendment (Hizballah) Act 2003, the Criminal Code Amendment (Hamas and Lashkar-e-Tayyiba) Act 2003, and the ASIO Legislation Amendment (Terrorism) Act 2003, which enhanced ASIO's power to obtain a warrant to question and detain whilst questioning persons involved in, or who may have important information about, terrorist activity.

This allowed for questioning for up to 24 hours (48 hours where interpreters were used) or detention for up to seven consecutive days. We then had the ASIO Legislation Amendment Act 2003, the Criminal Code Amendment (Terrorism) Act 2003, and then the Criminal Code Amendment (Terrorist Organisations) Act 2004, which amended the prescription process by extending terrorist organisations beyond those which the United Nations had declared and which had been defined in previous legislation. This measure was introduced because of the long delays which some may recall in the listing of Jemaah Islamiyah as a terrorist organisation.

We had the Anti-terrorism Act 2004, which extended the investigative powers of the Australian Federal Police and the period of investigation for suspected terrorism offences and provided extra time for conducting international inquiries. This act created a difference between questioning for the purposes of investigating offences and questioning for the purposes of intelligence gathering. Then we had the Anti-terrorism Act (No. 2) 2004.

I think that, in all, some 20 pieces of legislation have been enacted over the last two years, and they cover a considerable number of matters which have been raised and accepted as necessary in order to combat the terrorist attacks which have been occurring in the world since the 9/11 attack in New York. I think it is fair to say that, although in the last four months there has been a considerable amount of media attention given to the legislation which is being considered at a federal level, much of this other legislation was passed not without authoritative comment by important organisations including the Law Council of Australia but without very much media interest.

Before I address the specific purposes of this bill, I wish to mention the special meeting of COAG which took place on 27 September this year. It was agreed by those who attended that meeting that there would be a strengthening of counter-terrorism laws—for the record, the Prime Minister, the premiers, the chief ministers of the ACT and the Northern Territory, and the President of the Australian Local Government Association were the relevant parties who attended this meeting—and they made some important decisions. First, they noted and accepted that Australia has remained on a medium level counter-terrorism alert since 12 September 2001 and that a terrorist attack in Australia continues to be possible and could occur.

I do not like to consider legislation which is directly reactive to certain events, but if ever there was legislation that coincided with a fateful event, it is this. Only last night 17 persons, of whom I understand three are naturalised Australians, were arrested in New South Wales and Victoria. I understand that one of them was critically injured during the course of that arrest. What is frightening is that—as I understand from the media reports only at this stage—the equipment which was found in the possession of those who were arrested had the capacity for making a bomb which could have blown up the Sydney Harbour Bridge. In other words, we are not talking about a small operation.

Due process will need to be undertaken in respect of those who have been arrested. I do not wish to make any further comment as to the guilt or otherwise of those who have been arrested, but it would be fair to say that this event corroborates the sentiments expressed in the communique at the special meeting on counter-terrorism of the heads of Australian governments that a terrorist attack in Australia continues to be feasible and could occur. Other matters that they considered included that there needs to be a national emergency protocol, that much attention needs to be given to the security of passenger transport in Australia, and that this will need the considerable cooperation of the heads of government.

There was extensive discussion about the use of closed-circuit television and access to information recorded thereon for the purposes of both identification and surveillance. Extensive cooperation will be needed between the states to ensure that any evidence that is recorded on closed-circuit television, particularly in public places such as public transport networks, is an important element in the fight against terrorism.

One of the other matters that has not had a lot of media attention, but which I think is important, is that on 23 August 2005 the Prime Minister and other commonwealth ministers held a meeting with the Islamic community leaders. They unanimously rejected terrorism in all its forms, endorsed a statement of principles and committed themselves to work within the laws of Australia to combat intolerance and violence.

I think this was an important initiative of the Prime Minister and I commend him and other commonwealth ministers for welcoming the Islamic community leaders to such a meeting and for the courage and vision they showed in together making that unanimous statement. That was a matter which was taken up by the Council of Australian Governments at their meeting, to the extent that all jurisdictions agreed that they would pursue initiatives to strengthen links with Australian Muslim communities and promote respect and understanding.

What that essentially means is that each of those premiers and chief ministers, when they left that meeting in September, were clearly charged with an obligation which they had all agreed upon to carry out initiatives to promote respect and understanding with Australian Muslim communities. That was an important initiative and I hope we hear from our Premier about progress—and in relation to other premiers—in advancing that commitment.

Indeed, I am not certain at this stage as to how advanced this is, but they had agreed to request the Ministerial Council on Immigration and Multicultural Affairs to develop a national action plan to build on the principles agreed at both the Prime Minister's August 2005 meeting and the meetings at COAG, and with faith and community leaders, and report back to COAG by the end of 2005. As that time frame is progressing I am certainly hopeful that it is being advanced. Other aspects which, not surprisingly, were on the agenda and for which there was strong support, were the findings of the Wheeler report in relation to aviation security and policing at Australian airports. The significance and importance of protection in that arena will be well known to members of this house.

The preservation and protection of a person's identity was a key concern. It is clearly a right of all Australians, but COAG agreed to the development and implementation of a national identity security strategy to better protect the identities of Australians and to develop a national document verification service to combat the misuse of false and stolen identities and investigate the means by which reliable, consistent, national, interoperable biometric security measures could be adopted. There were national standards considered for the security industry, there was also a national counter-terrorism plan and exercises were considered, and I think we have certainly seen some public record of those types of exercises being undertaken; importantly, to deal with the promoting of a public understanding of the national counter-terrorism arrangements. Perhaps it is that initiative which has in fact brought so much attention on this most recent legislation because it seems to have certainly attracted much more than the last two years of legislation. As I pointed out, that had included—back in 2002—provision for a person under the jurisdiction to be detained for up to seven days, even as a non-suspect. But that seemed to have passed without too much moment.

Finally, I just conclude in relation to the COAG meeting in September by recording the agreement for the development of a national chemical, biological, radiological and nuclear security strategy focusing on prevention, preparedness, response and recovery. I will not get into debate in relation to things known as weapons of mass destruction, but it seemed to be pretty clear at the time of the COAG meeting in September that those members agreed that there was a necessary strategy that needed to be implemented and they agreed to work with a focus in relation to those areas. A report on that matter and that strategy is due by mid 2006.

Many subjects were canvassed, and the one that is pertinent to us today relates to the review and tightening up of legislative reform. We are yet to see legislation which deals with such matters as control orders, preventative detention and other such matters which, as has been foreshadowed by the Premier, will be considered by this parliament in due course. So, it is not necessary for me to traverse that legislation. Suffice to say we note that it is coming.

In the flurry of media comment in relation to reform in the anti-terrorism legislation, it is important to identify very clearly what is the ambit of the bill currently before us. Notwithstanding the myriad of legislation that had been passed and the support that state parliaments had given to the commonwealth in transferring the relevant power to enable them to make such legislation, it was identified at the COAG meeting that there were a number of gaps in the current state law that needed to be addressed. I have indicated to the house that, except for Western Australia, which is on its way to fulfilling its commitment in that regard, we are the last state to deal with this matter. Late we may be relevant to the others but, importantly, this needs to be dealt with.

The Council of Australian Governments agreed that the gaps in the state law that needed to be addressed were in four categories. It identified that police do not presently have the power to conduct door-to-door searches. Their only power at the moment is under a search warrant to search a particular person, place or vehicle where, essentially, there is reasonable cause to suspect, and so on, and that it will reveal evidence of the commission of a particular offence. It is a very narrow power that they have. Secondly, it identified that the police do not have power to stop and search all vehicles of a particular description. For example, if they wanted to put out an alert to stop and search all 1985 red Audis or light-coloured early model Corollas, at the moment they would have to set up a roadblock. However, even at the roadblock they would still only have the power to stop and search and detain if there was reasonable cause to suspect that an unlawful activity is occurring or has occurred. So, again, it is very limited power.

Thirdly, the police do not have a general power to detain persons except in defined circumstances—for example, when a person is arrested for a specific offence or when a person is under suspicion on reasonable grounds of having committed a serious offence and there are reasonable grounds to suspect that a forensic procedure may produce evidence, that person may be detained for a forensic test. The fourth area under consideration was that police powers to cordon off a large area were limited. They could not lawfully bar entry to areas or refuse to allow people out or to require persons to undergo decontamination, or the like. So, this is what was identified.

I would expect (and I am only assuming this) that the Council of Australian Governments had received submissions and advice from the relevant police, security authorities and experts in relation to what they considered as not only a gap but which also needed some remedying. Those submissions found fertile ground and were supported because, of course, as a consequence it was agreed at COAG that it would carry out the legislative implementation.

So, what does this bill do? This is the bill, remember, which followed the New South Wales model. Where there is either an actual or an imminent terrorist attack, there is power for a police commissioner, confirmed by both the police minister and a judge, to make a special powers authorisation or a special area declaration. There is provision in this bill for officers of a lower rank, down to superintendent, to assume responsibility if the commissioner, his deputies and assistant commissioners are absent, dead or not available for some reason. So, there are some contingencies if these personnel are not available. They can nominate a target, that is, a particular person, group or place, under an SPA (special powers authorisation) or they can define a special area in which police powers can operate under an SAD (special area declaration). Under an SPA, the police may require a person to disclose his or her identity and provide proof of identity if

the officer suspects on reasonable grounds that the person is the target of an authorisation.

That is something quite new. We know, of course, that there are some situations where a police officer can ask the identity of someone and for them to provide their name and address (as we commonly hear), but, if there is a reasonable ground to suspect that they are the person identified in the SPA, they are obliged to provide proof of identity. The police will also be able to stop, detain and search persons if the officer suspects on reasonable grounds that the person is the target of an authorisation, and that the interview must be videotaped.

A person may only be detained for as long as is reasonably necessary to conduct the search. The rules in relation to the conduct of searches, including strip searches, are all set out in the proposed legislation. These are consistent with current procedures, which are covered in the Criminal Law (Forensic Procedures) Act. It is not a new process, but it applies to a new category of person if they are named under the SPA. Also, the police may stop, detain and search a vehicle if an officer suspects on reasonable grounds that it is the target of an authorisation.

Similarly, the police may enter and search a premises which is in an area and which is the target of an authorisation. Finally, the police may cordon off target areas and refuse entry or egress from that area. Clearly, these are new powers that are being provided for. Of course, areas such as an airport, railway station, a transport terminal, a site of a special event or a public area where persons gather in large numbers may be the subject of an SAD. The Commissioner must be satisfied that the SAD is required because of the nature of the site and the risk of occurrence of a terrorist act within the area. The police may stop and search persons and their baggage.

It is important to note that, under both, the police may seize, detain remove and guard things which an officer suspects on reasonable grounds may provide evidence of a terrorist act or any other serious offence. A penalty for breach of that is punishable over five years. With these new powers, how can we be satisfied that they will be employed in a manner which will not provide a gross abuse of our own civil liberties? How is it that we can be satisfied that the very freedoms that we are fighting to protect against the destructive influence of terrorist acts will be undermined by this sort of legislation?

The opposition has considered the safeguards and limitations in this legislation, and, I must say, has received some comfort in relation to these safeguards. There are some other aspects that we consider would be necessary for the opposition to be satisfied that there is sufficient safeguard to ensure the proper administration and protection of South Australians. Briefly, I indicate that the main safeguard in which we take some comfort are that the circumstance in which these SPAs can be made are very limited. First, a terrorist act must be imminent and there are reasonable grounds to believe that the exercise of powers will prevent the act for a preventative SPA; or a terrorist act is being or has been committed and there are reasonable grounds to believe that exercise of powers will assist in the investigation. I suppose that is arguably very subjective. Whilst the circumstances in which they should be granted are limited, it does rely very much on an assessment by the Police Commissioner to ensure that he or she does the right thing in that regard. What other protections are there?

There is a time limit on the duration of special powers. The preventative SPA can be only up to seven days, with the possibility of an extension of a further seven days. An investigative SPA lasts only 24 hours, but can be extended for a further 24 hours. Much has been said about the safeguard of the Police Commissioner making this finding for the purposes of the issue of a declaration or an authorisation. Again, though, here we have the requirement that the police minister and a Supreme Court or District Court judge must both confirm that proper grounds exist for issuing the authorisation. There is the further safeguard that the SPA must be in writing and must specify person, vehicle or area as the target of the authorisation. In other words, it cannot be some generalised SPA which goes out to pick up all 48-year old, grey-haired, male members of parliament. It must be specific as to a person—

Dr McFetridge interjecting:

Ms CHAPMAN: I was being kind to you—vehicle or area. After the SPA ceases to operate, the Police Commissioner must provide a full report to the Attorney-General and the Police Commissioner. The Attorney-General must, within six months, table the report in both houses. I will come back to that in a moment, but, in any event, there is an accountability process of recording and reporting. Finally, under this legislation it is proposed that the act must be reviewed on the second and fifth anniversaries of its commencement, and it will expire after 10 years, that is, there is a review and sunset provision.

It is important to note though, notwithstanding all these requirements, that, in urgent circumstances, authorisation may be given before ministerial and judicial confirmation, but confirmation must be sought as soon as possible and an authorisation ceases to operate if it is not confirmed. There is provision for the major disaster or very urgent circumstance, but again with some qualification and automatic expiry if it does not follow through. The officers exercising powers under the act must, if requested, produce identification or state their name, rank and number. Persons searched or detained can, within 12 months, request written confirmation of the search. They can get their property back that has been seized; that is, subject to there not being a court order in the interim which may otherwise order the disposal of the asset.

However, in the sense of any arrest as a result of excessive police power or abuse of power and the retention or disposal of these assets, there is a clear obligation for the seized items to be returned. Although there is no direct legal challenge available to the person who might be the subject of one of these orders under the granting of an SAD or an SPA, he or she can be called into question under the Police Complaints and Disciplinary Proceedings Act 1985. That process remains open and available. There is a list of offences for interfering with police in the exercise of their powers under this law or refusing to provide a name or identification, or obstructing or hindering the police, which are punishable by two years' imprisonment or a $10 000 fine.

The Police Commissioner may appoint members of the Australian Federal Police Force or members of other police forces, that is from other state jurisdictions, as recognised law enforcement officers who may exercise police powers for up to 14 days. Such police will remain under the control of the force of which he or she is a member. As I understand it, that applies around the country. What is important is that we have the capacity, if an event is anticipated or occurs in South Australia and other assistance is brought in from interstate,

for the Police Commissioner in this state to commission them to undertake the tasks required and to have the appropriate power. That is not unusual.

There are many examples of when Australian Federal Police and state police personnel assume those powers in other jurisdictions. For instance, if a state police officer is vested with an Australian Police Force jurisdictional matter, then they can be commissioned to do so and be given those powers. That is nothing terribly new but it is all part of ensuring that there is a cooperative process and that it can be enacted for efficient implementation. Questions have been raised, including whether the safeguards are adequate. Are we giving the police too much power, anyway, even with these safeguards? I think it is fair to say that, in relation to these safeguards, the requirement of both ministerial and judicial confirmation of a Police Commissioner's authorisation or declaration, on the face of it, should give some comfort.

The minister and the judge have to be satisfied of two things when they make this confirmation. First, that there are reasonable grounds to believe that a terrorist act is imminent or has occurred; and, secondly, that the exercise of the powers will substantially assist in the prevention or, as the case may be, in the investigation of a terrorist act. It has certainly been put to me even as late as today that what police minister in their right mind, if they were contacted at 4 a.m., would resist the advice of a Police Commissioner? Who would be so brave in that situation to run the risk that it was not necessary? Will the advice of the Police Commissioner be sufficient for them to believe that a terrorist act is imminent and that what they are about to do will substantially assist that?

I think the concern that perhaps this is just window-dressing does need to be viewed in the light that it is not just the minister or a judge, but both of them. I think we can assume that, in the situation where two people are required to give consent, it would be an unreasonable assumption that both the minister and a judge would not be diligent or would ignore the law which the parliament has enacted. There is a necessary test and it is not just for one person, but for three. It is important to remember—and certainly the opposition has taken this into account—that this legislation is not applicable at all times, 24 hours a day hereinafter. It is for emergency circumstances and for limited periods. When one notes that it is in the circumstance of an emergency, even I can say that it would be unlikely that there would be sufficient time to assemble lawyers, counsellors and advisers to present arguments to a court to consider appeals, reviews and the like in an emergency. There needs to be some kind of provision to enable that to be acted upon, in this case with executive and judicial supervision.

The other aspect which I think needs to be considered is whether we are really giving the police too much power. In the short time that I have been in this place I have noted that we have given all sorts of people powers to do things which include the searching, testing, apprehension and questioning of people. We only have to look at the Native Vegetation Act—and I am sorry I do not have the member for Stuart here—as to the powers that are given to public servants in relation to their inspection of and power to seize, make inquiry and question, to know the extent of powers given to all manner of various inspectors and personnel.

One has to look to see whether the powers that we are giving the state police in these limited circumstances for limited periods is reasonable in the circumstances. So many others have powers to stop vehicles, search them, test for alcohol, drugs or for forensic procedures. Even when we go into an airport we can, of course, be the subject of searches. Private security guards can search people and our bags when we go to the football. In light of others that are able to do this—although it is a contractual rather than an entitlement by way of right—the girl who serves me at the supermarket, for example, has the contractual right to look in my handbag when I go through the check-out if, of course, I elect to purchase goods or enter into the premises of that particular supermarket. It is not an unusual situation, and I think it is fair to say that amongst the general public—and they may be unreasonably influenced by American television—you would be hard-pressed to actually find people who actually do not assume that the police already have these powers. It seems that a heck of a lot of other people already do have these powers.

The other thing to remember is that federal police, our ASIO agents and customs officers also have extensive powers under the commonwealth laws, which they, of course, can exercise in South Australia. The question of whether our law enforcement officers should be different from those operating in other environments—except for Western Australia, as we know this is going through—we would otherwise be saying every other police officer in Australia would have these powers except South Australian police officers, which would not serve us too well, I would not think, if the first terrorist act in this country occurred in South Australia.

I think I have made the point already that it is important when we are dealing with such events that we have the capacity to ensure that our state and federal officers have the capacity to easily move over the state borders for the purposes of managing such an event. It would be unlikely in such an event that the hatching, preparation, training, manufacture, implementation and the carrying out of such a terrorist act all occurred within one state jurisdiction. Last night's events just tell us again, just on one occasion, where a number of arrests occurred, that it was across both Victoria and New South Wales, and I think 13 different suburbs in Sydney alone. We need to appreciate that it is likely in the event of such a terrorist act occurring that we are going to—

Members interjecting:

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

Ms CHAPMAN: There has been some comment made in relation to the constitutional validity of such legislation. There has been comment about whether the granting of executive power to judges is an attempt at vesting something that will contravene the constitutional principles, and that is a matter which has been under consideration by a number of eminent people, not only those who might have commented or been critical of the extent of interference with civil liberties in relation to this sort of legislation. It is something that has been considered. It has certainly been put to me, I think as a reasonable assertion, that even if vesting a judicial officer would contravene the question of constitutional validity that could easily be avoided by legislation simply establishing a panel of retired judges to have this responsibility in the confirming function of a police commissioner's authorisational declaration. I am not throwing that up as a means of suggesting that we try to circumvent what would otherwise be a constitutional power, but I point out that there could be persons other than a judge currently exercising his or her judicial responsibilities who could carry out the confirming function.

The opposition considers that there are some aspects of this legislation which could be improved. Currently, there is

to be a review at the second and fifth year after implementation and the sunset clause which will expire at the end of 10 years. It is the opposition's view that the sunset clause ought be brought back to five years at the end of that period. Clearly, at the end of the two-year period in which the review would operate, consideration could be given as we lead up to the five-year anniversary as to whether or not there should be any extension of the sunset clause or either to strengthen or amend it in some way.

The other aspect which the opposition feels is an amendment of merit is that at present it is proposed under clause 27(3) that the Attorney-General table a report of the Police Commissioner within six months after he receives it. It may take some time for the Police Commissioner, especially in an urgent situation, to prepare the report; quite clearly, it should not need six months after the Attorney-General has received it to make it available. We would seek to amend the bill to reduce the reporting period to six sitting days so that that can be placed before the parliament for consideration.

We also seek to restrict the editing before the report is released. At present, the bill proposes that the government have the power to edit the report. We accept that this is on the basis that there may be information contained in the report that is sensitive and that material may need to be kept secret as such and that the government has the power to edit. We say that a helpful improvement to this process would be to prohibit the editing of the report unless it was agreed to by the Ombudsman. It may be that the government takes the view that there is some other person who would have specific powers or responsibility to deal with that. In England, for example, they have a QC who sits there and keeps a view in relation to their terrorist legislation, not specifically in relation to the editing of the report, but they have a watchdog-type system there. We have an Ombudsman in South Australia who has certain terms of reference and it would seem that, if the Ombudsman undertook this responsibility, he or she would be the most suitable independent officer to agree to the editing of the report.

The third area is to require that the report be tabled in the parliament by the Commissioner so that it is subject to the scrutiny of the parliament and to make the public aware of all the inconvenience, loss suffered and damage caused that inevitably can occur in relation to one of these declarations or authorisations. For instance, where a whole area is cordoned off and may be kept in that situation for some days and there are door-to-door raids and the like, one could anticipate not just inconvenience but significant loss or damage.

The Hon. M.J. Atkinson: Are your amendments on file?

Ms CHAPMAN: I think so. We are seeking an amendment that describes in the report any inconvenience or adverse impacts upon the community of the authorisation. We think that these are all helpful improvements to the legislation and we would hope that, during the course of other members' contributions to the debate, the government gives favourable consideration to those. I hear from the chamber an indication of a copy not being available. I will make that inquiry, Mr Speaker, as to the tabling of the amendment. I have just received a copy of the government's amendments which we have hastily looked at to—

The Hon. M.J. Atkinson: They've been on file all day.

Ms CHAPMAN: Thank you. The shadow attorney-general has viewed and promptly considered them. I indicate to the Attorney-General that they will be agreed to and they are amendments which I understand will be moved in the name of the Attorney-General. With those comments, I indicate that the opposition supports the bill with those amendments.

Mr HANNA (Mitchell): This bill is part of a related suite of bills involving commonwealth legislation and a second South Australian proposal which will be debated shortly in this parliament. My aim tonight is to express some concerns about this legislation and also to put it into a strategic context. I would like to suggest that I am putting the debate in a strategic context, but I am not sure if it can truly be characterised as a debate as the immediate genesis of the legislation was the meeting of state Labor premiers with the Liberal Prime Minister, John Howard. At a COAG meeting on 27 September the premiers agreed to institute anti-terrorism laws on a model developed by the Prime Minister—in fact, it cannot be expected that there would be any substantial differences between the major parties and, therefore, little in the way of genuine debate.

An interesting sideline in relation to that COAG meeting is that it is a reflection on our democracy that the Premier of this state can now go to a meeting in Canberra and come back with a decision that virtually locks the South Australian parliament into that decision. That itself is extraordinary, and it is because of the nature of the two-party system where, if you get agreement between key players such as a Labor premier and a Liberal prime minister, you virtually have the whole parliament falling into line because of the factional allegiance system in the major parties. That is regrettable for our democracy.

I return to the bill. The law I am speaking about tonight is just part of a package of legislation, the key elements of which relate to special powers authorisations which can be granted to police if the law is passed. These special powers authorisations greatly extend police powers in respect of what are said to be gaps in the law in three areas. The first of these is where there is a target area for either a terrorist attack or a place where a terrorist attack is being prepared. The difficulty is said to arise when police are not aware of the specific house, or stadium, or place where the act is taking place and the police seek powers that they would normally have in respect of a specific address to apply to a whole street, whole suburb, or whole precinct. Secondly, this authorisations can be gained in respect of target vehicles. Again, it may not be a specific vehicle but rather a type of vehicle about which the police are concerned, so they may stop all the taxis at Adelaide airport, for example, or all the vans of a particular type which are parked at Football Park on a particular day. Thirdly, these authorisations can be gathered in respect of types of people. Whereas normally police are looking for a particular suspect, police will have extensive powers to stop and search people (including strip searching people) based on a general description—for example, all those of Middle Eastern appearance who are attending a particular soccer match may be searched by police, or all the young people with backpacks may be searched, and so on. This is a dramatic extension of police powers.

The authorisations must be gained by the police going to both the police minister and also a judge, so there is a safeguard in the sense that those two different people have to give the nod to the police request. However, the police request must merely be based on a reasonable suspicion, and so there is a very low standard of proof (so to speak) to warrant the authorisations being granted. It is hard to imagine a police minister refusing such an authorisation and later

being accused of not supporting the police in going about their duties, so I suspect that for political reasons it is likely that police ministers are always going to agree to grant authorisations. We hope that the independence of the judiciary and their longstanding concern for human rights is maintained.

There is another aspect to the bill, and that is in relation to searching bags at transport hubs and so on. That is perhaps of less concern. The more contentious aspects of this proposed suite of legislation will come up in the next piece of South Australian legislation, where we talk about control orders and preventive detention and so on—and I will say more about that when the time comes. There is a kind of sunset provision in the legislation but it is only an obligation to review the legislation—legislation does not actually expire after a certain time, it simply has to be looked at, and if the political climate is anything like it is now then I expect nothing will come of such a review.

The real question for people concerned about civil liberties is whether we need these greatly extended police powers. We do, after all, live in a nation where, if there is a threat of what we would call a terrorist act such as blowing up a public installation or attacking a large number of people in the ways we have seen in Bali and London, the security forces in Australia already have the ability to listen in on any conversation taking place in this country—in any home, in any vehicle, between any two people. So, we already have very extensive powers to gather intelligence and that intelligence is shared with the appropriate police forces—whether state or federal—when the occasion arises, and this is under our existing law.

I should also mention that if two people seriously talk about blowing up a place or engaging in mass murder in a way that we would call that a terrorist act, those people would be guilty of conspiracy under the common law, which has been the law for centuries and which carries extremely heavy penalties. So, our law already goes a long way towards dealing with the sort of threat that is said to be the basis of this legislation.

One way of putting the question is to say: would these laws have prevented the Twin Towers aeroplane attack in the US; would these laws have prevented the nightclub bombings in Bali; would these laws have prevented the underground train bombings in London? I suspect they would not, because, as I say, there were already extensive police powers in each of those cases and the intelligence was not sufficient for people to be warned of the attack. So, authorisations such as those contemplated in this legislation would never have come about in any case.

One of the staggering things to me in dealing with this legislation is that almost none of our political leaders have talked about why there is a terrorist threat. Everyone is talking about how it might manifest itself and what our police forces need to manage such a threat, but very few people are looking at the causes of terrorism. If we do not understand the causes of terrorism, how is it ever going to be stamped out? You can give our police and security forces as much power and ammunition as you like, but it is always going to be a catch-up game or a patch-up job while the causes of terrorism are not only being left to go on but are being inflamed by much that is happening in the western political world.

To take the primary culprit, if you like, al-Qaeda, which is more or less a network of networks, one could ask why they go about committing these terrorist acts. They are not done for fun or just to prove a point; there seems to be very well thought out reasoning behind their actions. I think it is regrettable that our political leaders do not attempt to grapple with this difficult problem. Why the hell do these people carry on committing crimes that amount to mass murder? Why can't we grapple with the psychology of it? If we could, perhaps we would be a step closer to solving the problem.

I suspect that the essence of it comes back to the imperialism of the United States which has been manifesting itself with increasing force in the Middle East and Central Asia since the time of World War II. As the British star faded in the region, the US star rose, and it carried on the colonial tradition of seeking to exploit material resources with maximum efficiency and minimum impairment from the local regimes.

In addition to this possible motivation for al-Qaeda to attack the US and its forces and civilians, as abhorrent as it is, the issue of morality appears to be brought into it. The US is said by al-Qaeda representatives to stand for immorality and materialism. It is interesting to remember a conversation that I had recently with a constituent. In many ways, this person is the average voter who has been scared in relation to the terrorist threat just as our political leaders would wish and therefore this particular voter of whom I am thinking clings to John Howard as a potential saviour in this time of trial. Never mind that that person will be economically worse off under John Howard's Liberal government.

One of the things that was said to me is that when people come to this country they should adopt our values. It struck me that, in terms of the values of some of the hardline adherents of Islam, in fact their values would put the behaviour of many Australians to shame. When my constituent said to me, 'Why don't they behave like us when they come here?' I am sure that my constituent was not referring to the fact that our teenagers sell drugs In Hindley Street, that girls are up past midnight at 15-years-of-age trying to get into nightclubs in miniskirts, and that in countless homes in the suburbs of our capital cities domestic violence and drug abuse is rampant. I am sure these are not the values that my constituent would wish that adherents of Islam would share.

I guess what I am saying is that, in spite of all the claims to Christianity of this great nation of Australia, I am afraid that, very often, our behaviour lets us down. When viewed from a fundamentalist perspective (whether it be Christian or Islamic) this behaviour can lead to gross feelings of resentment. However, I suggest that that is not enough in itself to develop the sort of hatred that appears to exist in the minds of al-Qaeda fighters against the US. How can al-Qaeda, if those motivations are anywhere near correct, attack the United States? Obviously, not through conventional warfare. The United States is the most powerful nation in the world, and Australia has set itself up as a close ally of the US through the involvement of our soldiers in Iraq, and in other ways.

Al-Qaeda then began by attacking non-civilian targets. We remember that it was nearly 10 years ago that Osama bin Laden declared a jihad against the US and, in 1998, there were attacks on the US embassies in Kenya and Tanzania. Later there was an attack on the *USS Cole*, a warship of the US. This is all before the notorious Twin Towers attack on 9/11. It appears that al-Qaeda have a plan of provoking the US, and I put forward the thesis that in fact the invasion of Afghanistan and Iraq actually plays into the hands of al-Qaeda because it brings US conventional forces into the region where, as could be predicted, tens of thousands of innocent civilians are killed, maimed and left destitute as a

result of those incursions, and this fosters anti-US sentiment and becomes the breeding ground for more terrorists. The way I see the US playing out its military and foreign policy, albeit with the goals of the great exploitation of the gulf and central Asian areas, it is actually provoking further terrorism through these means. In saying that I can bring it back to Australia and suggest that the real answer in our Australian terms is to, in fact, consider the psychology of potential recruits to these terrorist organisations. That is where the real answer is, rather than giving police powers which are generally not going to be much use after the event of a terrorist attack.

We need to build up resilience and adherence to democratic values among young people in our nation, whether they be Muslim or of any other religion. This is the way, I suggest, to really prevent terrorism in this country, and yet our leaders are so focused on greater police powers that this valuable lesson, I suggest, is being ignored. I would be more comfortable if the guarantees given by Prime Minister John Howard at the COAG meeting with premiers were fully adhered to. He suggested that the laws would be based on clear evidence that they were needed and that the desired effect could not be achieved in less intrusive or onerous ways. He said they must be effective against terrorism. He said they must conform to the principle of proportionality. He said they must comply with all of Australia's obligations under international law. He said there must be rigorous safeguards against abuse. He said there must be judicial review and he said there must be sunset clauses. Not all of those guarantees I believe have been met.

I conclude with the words of Lord Hoffmann in the House of Lords when considering the administrative detention of foreign terrorist suspects. This, I suppose, is the reason why I think this legislation should be considered by a committee of the parliament without being rushed through. Lord Hoffmann said:

> Terrorist crime, serious as it is, does not threaten our institutions of government or our existence as a civil community. The real threat to the life of the nation in the sense of a people living in accordance with its traditional laws and political values comes not from terrorism but from laws such as these. That is the true measure of what terrorism may achieve. It is for parliament to decide whether to give the terrorists such a victory.

Dr McFETRIDGE (Morphett): If we are terrified then the terrorists have won. That was said just this evening on ABC television and it is quite right. If we are living in terror then the terrorists certainly have won. As the member for Mitchell said, there is a threat of terror out there. There is a significant threat of terror, as we saw on the evening news. We all need to take a deep breath and have a look at the risks of terror compared with the threat of terror. When we formulate legislation that has the potential to have some fairly severe effects on civil liberties, we need to make sure that this legislation is framed in such a way that it will do what everyone wants it to do, that is, to end the war on terror. Premier Rann came into this place with a huge brouhaha and said that he had declared World War II ended. Let us hope that the Premier of this state—whether it is Premier Rann or Premier Kerin—can come in here and say that the war on terror has ended. That is the big problem with terror: because we have decided that it is a war on terror, when will it end? We have to make sure that this legislation is framed in such a way as to bring about a cessation in hostilities.

Over 2½ years ago I raised the issue of terrorism in South Australia, when there was a potential terror threat off our coast. I was discussing the boarding of an oil tanker off Port Stanvac by some Greenpeace demonstrators, who could have been terrorists. In my press release of 4 February 2003 I said that we can no longer consider ourselves to be immune from such incidents as terror. In *Lloyds List* (the reputable shipping newspaper) of 6 February 2003, there appeared an article by Sandy Galbraith, which was headed:

> The speeding rubber inflatable intercepted and boarded the *Stolt Australia* 3.2 miles off Port Stanvac with ease. It was fortunate it did not contain Al Qa'eda operatives with explosives, Sandy Galbraith suggests, finding that South Australia has almost been embarrassed into silence.

In the article he pointed out some of the issues that were raised at that time about the potential for terrorist acts on boats just off South Australia. So, we are not immune. It was the attack on the super tanker *Limburg* off the coast of Yemen that really made us realise that ships could be attacked. I was disappointed to read what Mr Galbraith further stated, which was as follows:

> More than a week after receiving a list of detailed questions on this incident, the SA police minister Patrick Conlon has not yet responded to *Lloyds List DCN*.

I hope we get some faster action on any potential terrorism in South Australia than was happening then.

Last month I hosted in Old Parliament House a documentary called *Beyond Fear*, produced by Pam Ryan, which was a film exploring the psychological impact of terrorism through the eyes of those who have suffered and those whose job it is to help them to manage their every day fear and terror. Pam Ryan is the psychologist and political scientist who organised the South Australian Economic Growth Summit and the Constitutional Convention here in South Australia. She is a very well respected academic. In the white paper produced by Dr Ryan's group, *Issues Deliberation Australia*, there is a section titled 'Facilitate informed public dialogue on alternatives to fear, terror and "war"', which states as follows:

> . . . alternative responses to terror attacks beyond 'war' must be explored and executed. For example, Canada's response 40 years ago to escalating terrorist acts by the Front de Liberation du Quebec (FLQ), including the kidnap and murder of the Minister for Labor, led the Prime Minister, Pierre Trudeau, to invoke the War Measures Act. All civil liberties were suspended. Tanks occupied the streets of Montreal, soldiers in Ottawa patrolled parliament, and 450 people were arrested overnight without warrant, with many held as 'suspected' FLQ members.

This was Canada 40 years ago, in the 1960s. The article continued:

> Protests and vigorous national debate during this 'October crisis' resulted in a reframing of the terrorist acts. That is, the violent acts of the terrorists were not treated as new-order political crimes, but as straight-line crimes under the existing criminal code. When the separatists were captured and brought to trial, they were not charged with 'political assassination' as they had hoped, but for murder. FLQ leaders were imprisoned or exiled and seen as murders not martyrs. The FLQ ceased activity in 1971. A similar 'crime' focus was evident following the terrorist attacks in London during July 2005.

Let us hope that is the approach we can take when looking at terrorism and terrorism laws. It is a heinous crime, and we, as politicians, have to be very careful how we manage the potential for creating further fear and keeping the general public in a state of constant terror.

Who are the terrorists? An interesting article appeared in *The Age* of 1 October, when David Wright-Neville reviewed the book by Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism*. David Wright-Neville is a former senior terrorism analyst for the Office of National Assessment. So, this bloke is not a slouch. He said:

> Our political leaders won't admit it, but the 'war on terror' is going horribly wrong. In the wake of September 11, 2001, governments worldwide have committed billions of dollars to beefing up security against the threat of terrorist violence. Yet small cabals of fanatics from Egypt to Spain still perpetuate politically motivated acts of mass murder with alarming ease.

In his book Pape looks at these terrorists. His analysis is that, between 1980 and 2003, there were 315 suicide terrorist attacks. He was able to logically conclude and quite cogently argue that the suicide terrorists are not motivated by religion. The article states:

> Pape constructs a persuasive case for regarding suicide terrorism as a product of old-fashioned nationalist pride. He argues that to the extent that religion figures in the self-justifications of suicide bombers and terrorist leaders, it does so more as a post facto legitimating device rather than a motivating factor in its own right.

I suggest that some members here may wish to read this abstract, even if they do not read the book. The federal legislation that we are looking at tonight, unfortunately, is necessary legislation, but it should not be rushed through this place. We have seen the fuss that has been played out in the media over the rushing of the federal legislation and, hopefully, there will not be a fuss over this legislation's being rushed through, because after this morning's incidents in Sydney and Melbourne there is an urgent need to make sure that any legislation that is in place will not be subject to some legal eagle's flash argument and let terrorists off.

There was a notice in *The Australian* on the weekend calling for submissions with respect to the Anti-Terrorism Bill 2005. The Senate will be looking at this and reporting back on 28 November 2005. It is good to see that some further consultation on the legislation is being considered. In his ministerial statement today on anti-terrorism laws, Premier Rann said:

> Since the September COAG meeting consultation between the states and territories and the commonwealth has centred on the issues of safeguards and protection of civil liberties.

It did not initially. In fact, on ABC television Premier Rann admitted that he had not seen the draft legislation when he agreed to it, which I thought was rather sad. In his statement, Premier Rann said:

> The so-called 'shoot to kill' policy has been abandoned.

That is correct. The ability under South Australian law to use lethal force is there. I just hope that police are not put under the same amount of pressure as they were in England and innocent people are shot and become victims. The need to review the legislation is evident. Even tonight federal Liberal members were speaking about the 137 pages that is the Anti-Terrorism (No. 2) Bill. They were talking about sedition. Schedule 7 (page 109) of the federal legislation states:

> seditious intention means an intention to effect any of the following purposes:
>
> (a) to bring the Sovereign into hatred or contempt;
> (b) to urge disaffection against the following:
> (i) the constitution
> (ii) the government of the commonwealth;
> (iii) either house of parliament;
> (c) to urge another person to attempt to procure a change, otherwise than by lawful means, to any matter established by the law of the commonwealth; and
> (d) to promote feelings of ill-will or hostility between different groups so as to threaten peace, order and good government of the commonwealth.

That is why we need to look at these bills. Everyone is talking about the particular sedition clause of that legislation. Certainly, it does need to be looked at, and that is why we need to discuss this legislation. I am supporting this legislation, but we do need to discuss it. I will not roll over and sign off on the legislation at the behest of our leaders. I was voted in by the people of Morphett to do a job. I have spoken out on this publicly on a number of occasions. I have received some criticism, but I have received overwhelming support from both Labor and Liberal supporters.

Even one church congregation in my electorate is praying for me to make sure that I stick up for their rights. Talking about sticking up for their rights, the Australian Human Rights and Equal Opportunity Commission issued a press release on 27 September. President of the Human Rights and Equal Opportunity Commission, John Von Doussa QC, said:

> I have always supported the general approach of the government to continually review and update Australia's counter-terrorism legislation to help ensure the safety and security of every citizen in this country. Undoubtedly, the human rights of every individual to be kept safe from violence is fundamental.

That is what the Prime Minister said. The press release further states:

> . . . Mr Von Doussa cautioned that sacrificing basic individual rights for security may seem tough and pragmatic, but is short-sighted and fraught with danger. . . Mr Von Doussa said the five-year review of the proposed terror laws and a 10-year sunset clause is excessively long. . . Invasive laws of these kinds can only be justified by real ongoing risks of the highest order.

At the start I spoke about threats and I spoke about risks. The risks must be of the highest order. The threat is constant, the risks will vary. In his final statement, Mr Von Doussa states:

> I agree with the Prime Minister that these are 'unusual laws' and that 'we live in unusual circumstances', but there needs to be balance, proportionality, open debate and caution when devising far-reaching laws such as these. . .

No-one can argue with that. No-one can argue with the intent: it is just the process. The devil is in the detail in this legislation. The legislation that we are discussing today does fill some gaps in our state law, which has been detailed by the member for Bragg, and I will quickly reiterate. The current state law needs to be addressed in that police do not presently have the power to conduct door-to-door searches. Their only power under a search warrant is to search a particular place. We are changing that. The police do not have the power to stop and search all vehicles of a particular description. The police do not have a general power to detain persons except in defined circumstances. Police do not have power to cordon off a large area. We are changing that. If that allows police to do their job, more power to the police, because I do have a high respect for the South Australian Police Department.

Why do we need this legislation? The Terrorism (Commonwealth Powers) Bill 2002 was brought into this place in November 2002 after the first COAG meeting on terrorism. The meeting took place on 5 April 2002. There are a number of resolutions from that initial COAG meeting, some of which are being reiterated today. It is quite amazing. I am not a lawyer, and I am the first to admit that. If mistakes were made, they need to be corrected. The resolutions provided for include the development of a new counter-terrorist plan and better sharing of intelligence. One of these resolutions concerns terrorism offences. The leaders agreed to take whatever action necessary to ensure that terrorists can be prosecuted under criminal law, and who can disagree with that? Anyone who accuses me of being soft on terrorism is an absolute fool, because they have not read the legislation, they have not read what I said and they are acting like lemmings.

They are not doing their job as a member of parliament. They need to make sure that they read the legislation and that

they know what they are voting for. They can then make sure that the legislation that is being passed will do its job and stop terrorism. The commonwealth package, way back in 2002, amended—

The Hon. M.J. ATKINSON: I rise on a point of order, sir. The member for Morphett referred to members on this side of the house as 'lemmings'. It is always unparliamentary language to refer to other members as animals. I ask him to withdraw the reference to government members as 'lemmings'.

Dr McFETRIDGE: I would hate to insult lemmings, so I withdraw that reference.

The ACTING CHAIRMAN (Mr O'Brien): Could the honourable member clarify whether he made that statement and whether he is prepared to withdraw it?

Dr McFETRIDGE: I cannot recall. I am so engrossed in what I am doing. I withdraw and apologise if I made that comment. The terrorism offences set out in the Terrorism (Commonwealth Powers) Bill 2002 are broad. Reading through the notes on it one can certainly see that they are very broad. The explanation of clauses states:

> The schedule contains the text of the proposed commonwealth legislation that is to be enacted pursuant to the references of power made by the states.

This was back in 2002. The explanation of clauses continues:

> The main offences in proposed new part 5.3 of the Commonwealth Criminal Code are as follows:
> (a) engaging in a terrorist act—

not 'the' terrorist, but 'a' terrorist act—

> or doing any act in preparation of planning for. . . a terrorist act.

It continues about 'a terrorist act' and states:

> possessing things connected with a terrorist act. . . collecting or making documents likely to facilitate a terrorist act. . . providing or receiving training connected with a terrorist act.

Not 'the terrorist act' but 'a terrorist act'.

Proposed section 100.1 defines 'a terrorist act' as 'an action or threat of action done or made with the intention of advancing a political, religious or ideological cause'. It talks about 'a terrorist act'. I am a little concerned, not being a lawyer—as I have said, we want to get this right and ensure it does the job—why the federal Anti-terrorism Bill 2005 has been introduced. As the federal Attorney-General said in his speech, the existing offences contain a subsection that provides that a person commits the offence even if 'the' terrorist act does not occur. The amendments will clarify this. It is not necessary for the prosecution to identify a specific act. It will be sufficient for the prosecution to provide that the particular conduct was related to a terrorist act. I thought that back in 2002 we had that. Whether that was changed later on, I do not know.

In September COAG agreed that these various acts would be reviewed after five years. I understand the Liberal Party agrees that the 10-year sunset clause is too long. We need to ensure that these pieces of legislation are relevant and do their job. After this morning's raids and arrests, I wish our police and security services the very best for their safety and success in their task. I hope that by passing this legislation we will make their job easier and give all our security services—whether they be police, army or whoever needs to take action against terrorists—a much more fruitful job, so that we can not only catch the terrorists after the act but ensure that they are deterred from even coming into Australia and planning and plotting.

As all criminologists will tell members, it is not the penalties—in some cases, they blow themselves up, so no penalty can be inflicted—it is the chance of getting caught in the first place. I hope these raids have today sent a message to potential terrorists in Australia, whether they be home-grown or people coming from overseas. I hope they realise that we are not soft on terrorism in this country. I hope the legislation we are putting through will be thought out, calculated, strategic and ensure that it does the job and deters terrorism, so that, as I said previously, we can end the war on terrorism and people can have their lives back and not live in terror.

The ACTING SPEAKER: The member for Hartley.

Mr SCALZI (Hartley): Thank you, Mr Acting Speaker.

The Hon. M.J. Atkinson: Remember: this is one of your last speeches. Not long to go now.

Mr SCALZI: The Attorney-General can't help himself.

The Hon. M.J. Atkinson: Only 10 more sitting days, Joe.

Mr SCALZI: Rather than respond to the Attorney-General, I would like to talk briefly on this very important bill. I say from the outset that, like the member for Bragg and the member for Mitchell, I support the bill. As the member for Mitchell stated, there has been agreement between the Prime Minister and the premiers, and to enforce that agreement we have to pass this legislation through both houses. I support this measure because it has been introduced by a federal democratic government and democratically elected state governments. When legislation such as this is enacted, there is always a question about how it will affect civil liberties—there is no question that civil liberties come under scrutiny with such legislation—but we are at a time when we have to put the common good ahead of some of our individual rights.

One can support with comfort this legislation, as I said, because it has been introduced by democratically elected governments and because there are safeguards. These safeguards are in five general categories. First, there are the limitations on the circumstances in which the special powers can be evoked. Secondly, there are time limitations on the duration of the special powers. Thirdly, the granting of special powers must be confirmed by both a judge and the Minister for Police. Fourthly, there are recording and reporting requirements. Fifthly, there are legislative review mechanisms and sunset clauses.

The member for Bragg has clearly stated that the opposition will move an amendment in relation to the sunset clause. I support this bill in the knowledge that it will not be a panacea for dealing with all terrorist acts and potential terrorist acts, because nothing can stop people who are willing to sacrifice themselves. If they have no respect for their own life, there is very little chance of being able to prevent someone like that from inflicting pain and suffering on others. Nevertheless, this type of legislation will be coordinated between federal and state governments, as stated today on the news. I listened very carefully to the response of law enforcers when they talked about the raids today and said that the legislation that had been passed had certainly helped. But we must be vigilant and make sure that the rights that we rightly enjoy in a democracy such as Australia are not endangered. I believe that—

The Hon. M.J. Atkinson: What I will miss most are your insights.

Mr SCALZI: Well, as I said, the Attorney goes on. In one of his visits to Hartley—and I should not be distracted, but I cannot help but respond—was it one gentleman who talked to the minister for half an hour in one of the meet and greet—

Ms Chapman: One turned up?

Mr SCALZI: One turned up.

The Hon. M.J. Atkinson: There were two.

Mr SCALZI: There were two; I apologise. Apparently, he turned up out of compassion, and it is good to see. But I want to get back to this serious debate.

The Hon. M.J. Atkinson: Tell us about that bloke, Joe, and what you have done for him.

Mr SCALZI: The Attorney-General can try to distract us, and it is good that my constituents have compassion for him. As I said, this measure will not solve all our problems. I hope that these measures and other bills regarding security that have been enacted by federal and state legislatures will be coupled with education. Unless we develop a culture of democracy and respect for life, no amount of legislation and increase of powers will reduce the risk. As the member for Mitchell rightly put it: we must also look at the causes of terrorism.

I believe that, in a multicultural society such as Australia's, we must also have respect for our multi-faith society. If we do not respect an individual's faith and relationship with his or her God, we are not going to truly be a multicultural society. We must elevate what is of the utmost importance to an individual. We have to be very careful that, as this type of legislation is enacted, there is a corresponding increase in education and promotion of a culture of democracy and a culture of respect for diversity. Unless we do that, no amount of this legislation will give us security. Indeed, we will be kidding ourselves. We must promote community. We must promote the sense that we are—

The Hon. M.J. Atkinson: The Liberals don't believe in community; the Liberals don't believe in society.

Mr SCALZI: Sometimes I wonder what the Attorney really believes in except for interjecting and disrupting others. That is not a worthy objective, but I will go on.

The ACTING SPEAKER (Mr O'Brien): If the Attorney refrains from interjecting the member for Hartley might achieve his objective of actually keeping his comments brief.

Mr SCALZI: I do not want to go on at length. The member for Bragg has clearly stated our position. We support the legislation. I support it in the hope that this legislation will increase that authorisation, because, let's face it, the police in many instances already have the power to stop people for random breath testing, to search them at airports, and all those things, and this is transferred to not quite the same level, but, nevertheless, there is a limitation on a person's liberties in different circumstances. This goes on to give the power of authorisation to the police in order to detect acts of terrorism and potential acts of terrorism. One must commend the federal and state governments for bringing about this legislation. However, we must be vigilant. Let us limit the sunset clause to five years so that we can review its success, but let us increase—

The Hon. M.J. Atkinson: Review, not renew.

Mr SCALZI: I never said renew. If the Attorney-General stopped grooming his thesaurus and got on with the work that he is doing, perhaps the rest of us might have the opportunity to talk about the legislation. As I said, there must be a corresponding increase in developing democracy and developing bridges within our region—

The Hon. M.J. Atkinson: You build bridges; you do not develop them.

The ACTING SPEAKER: If the Attorney-General would refrain from interjecting, we might get through this a little quicker.

Mr SCALZI: —in the hope that we develop a climate where the acts of terrorism will diminish, and so that this type of legislation will be limited only to a certain time, and the development of democracy within our region will be enhanced and hopefully, in a small way, build a better Australia and a better world.

Mrs HALL (Morialta): As we know, this bill and the expansion of police powers in prescribed circumstances are the sad reality and the necessity of today's world. We live with the constant threat of a terrorist attack. Sadly, we know only too well that Australians have had to cope with the barbaric horror of two Bali bombings, our embassy in Jakarta being the subject of a bomb blast last year, and many of us can remember where we were when we witnessed the media coverage of the devastating bombs in London and Madrid, and murderous attacks in New York and Washington. Almost on a daily basis we read, see and hear on the television news services the suicide bombings in the Middle East. The world is such a different place now, and the war against terror is fought on battle grounds, at home and abroad. Now, today, we know absolutely that we are in the front line of terrorism, because this morning we woke up to the radio to hear of the chilling news of a police operation in Melbourne and Sydney that had uncovered a planned large scale attack. Nine people were arrested in Melbourne and seven in Sydney.

As we now know, police moved in based on intelligence that a group was arranging a stockpile of chemicals and other materials capable of making explosives. It has proved once and for all, in my view, that Australia is not immune to the curse of terrorism. The very real proposition that Australians could suffer from a terrorist attack in the same way as those in London, Madrid or New York is, indeed, terrifying. However, it re-emphasises the expectation that we, as members of parliament, put into place legislative measures that will protect our community here in South Australia and to protect the rights of constituents, to protect them to feel safe in the streets of Adelaide and across South Australia, and to feel safe when they are standing alongside fellow South Australians.

I was in London about four days after the terrorist bombings in July. I recall the absolute fear of stepping on to the Underground and my then preference to catch a taxi around the city instead of travelling on the Underground or by bus. That, naturally, became far too expensive, so then I went through the trepidation of getting on a bus and having thoughts that really concerned me because I remember my suspicion of anyone who happened to be carrying a backpack. I also recall constantly looking around for the closest exit. It was a dreadful sensation, but it is that very sensation which, along with fear, death and destruction, is a major objective of these terrorists.

Terrorism can be formally defined in many ways. One is the systematic use of intimidation for political purposes, and that comes out of a book on the history of ideas. That same reference book also defines three different forms of terrorism as defined by sociologists. The first one talks about repressive terror, which is usually committed by governments to keep control of the population. The second one it defines is defensive terror, which is mainly practised by vigilantes. The

third one, which I believe we are dealing with, is offensive terror, which is terror based on an attempt to change a political system or government used in the main by mostly underground or illicit groups.

The Terrorism (Commonwealth Powers) Act 2002, as we know, defines terrorism as an action or threat which is done or made with the intention of advancing a political, religious or ideological cause and with the intention of coercing, or influencing by intimidation, a government or intimidating the public or a section of the public and which causes death, serious harm or serious damage to property, creates a serious risk to health or safety or seriously interferes with or disrupts information systems, telecommunications systems, financial systems, essential government services and utilities and transport systems.

We know that terrorism is a crime that has assumed great complexity and which demands a thorough legislative response in kind. Terrorism crosses borders, receives substantial financial backing and involves structured training and recruiting systems. We know and can remember that September 11 provided a most graphic example of the capabilities of these terrorist cells and their fanaticism. I think that we are deluding ourselves if we think a similar attack has not been contemplated against Australia. I am supportive of the bill before the house and the amendments that have been outlined by the member for Bragg on behalf of the Liberal Party. I believe that it is an important mechanism to protect South Australians. Most importantly, though, I support the necessary provisions this complementary legislation will provide for the national enforcement of anti-terrorism laws. I know that the member for Bragg has gone through in great detail the specific measures that are contained in this bill.

I take this opportunity to put on the record and acknowledge the strong leadership that has been shown by Prime Minister John Howard in relation to the legislative reform in the fight against terror. I stress that I believe that it is the Prime Minister who has led the way in this reform for a safer Australia, and he has had that support and unanimous agreement of state premiers to provide this legislation which has been tested so soon after the passage through the federal parliament. In this state, statistics constantly show that we are particularly proud of our police force, and I know and feel sure that under the current cooperative federal/state arrangements, they are going to be very busy in protecting us from aspects of this current situation or any threats that may occur in the future. We do know that the history of the Prime Minister and the government is a very firm one in terms of anti-terrorism activities and measures. Since the Bali bombings, the federal Liberal government has introduced a raft of legislative measures to improve Australia's security. Again, the member for Bragg went through in some detail the list of the commonwealth measures that have already been implemented.

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

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

Motion carried.

Mrs HALL: One of the remarkable aspects of the federal government's resolve on anti-terrorist measures and the public's strong support for those measures is that they both stand firm in the face of loud and, I believe, ill-directed cynicism from a number of political and public commentators. These are the people who choose to live in what I think is a denial of the threat to Australia. I found the distrust which emerged in the wake of the Prime Minister's warning of an imminent terrorist threat last week astonishing and I think people such as Senators Bob Brown and Andrew Bartlett, people who are charged with the responsibility of serving the people of Australia, have been shamed by this morning's events in the wake of their accusations of media beat-ups and deflection of attention from IR reform.

There have also been the usual voices from the so-called civil libertarian groups, and in a recent column the *Australian's* Janet Albrechsten wrote of one of these civil libertarians (and she is specifically referring to Liberty Victoria president Brian Walters), who said that the terrorist threat had been exaggerated by 'hysterical and even absurd mantras' and went so far as to recommend against dividing the terrorism into good and evil. I quote Albrechsten when she said, 'many of us simplistic folk do indeed believe that terrorists are evil and we are against them.' I thought she said it so well when she said:

If we could dismiss these people as members of the harmlessly wacky Left fringe, the column might end here, but these lawyers are regularly treated as non-partisan bastions of civic virtue by an uncritical media keen to present views that coincide with their own.

How true that is. Such people, unlike elected and accountable federal and state governments, would not be answerable in the event of a terrorist attack—and I think those interested ought to read Albrechsten's article because it is quite astonishing when you look at the context in which she writes it.

I have to say that her view is shared not only by those on the right of the political spectrum but also by those on the left of politics, because when I was going through material that I might talk about this evening I found that a federal Labor MP actually made significant sense in his contribution to the debate on the weekend. I would like to quote from his article which was published on 5 November—

The Hon. M.J. Atkinson: Would that be Michael Danby?

Mrs HALL: It would be Michael Danby, the member for Melbourne Ports and the secretary of the caucus National Security Committee. It is actually quite instructive when you read Mr Danby's writings, because he says (and this is a direct quote), 'If Mick Keelty says that after the London bombings the Australian Federal Police needs additional powers to save Australian lives, I support giving them to him.' He then goes on to have a few words about what terrorism activities are involved and how our democratic system is under threat, and has a slice of some of the federal commentators—Alan Ramsey, Phillip Adams and Michael Leunig in particular—saying that they believe all the world's troubles are the fault of the Western democracies, or 'a witches' brew of Zionists and neo-conservatives; terrorism is a myth or a trick by George Bush and Tony Blair to divert our attention while they seize the world's oil.'

He then goes on to say that he believes it is a 'strange disconnect between the people and the intellectual elite', which is 'dangerous and damaging'. He says that 'countries where the majority of the intellectuals are alienated from their societies and think the rest of the population are fools and dupes can drift into serious trouble, as France of the 1930s attests.' He then goes on to justify a number of his views by saying that he represents an electorate 'that knows something about both totalitarianism and terrorism.' He finishes his article (which I recommend to people who are even vaguely interested in this subject) by saying that he believes Australia

is at war, 'at war with a new form of totalitarian ideology as evil as the fascist and communist forms that the democracies fought during the 20th century.' He reminds readers that it began well before Iraq, and he believes that it will continue long after Iraq.

I find it quite remarkable that there is such a consensus across the political spectrum—apart from what I think Ms Albrechsten so articulately talks about, the loony Left. I think it is very shallow of those individuals who continually criticise the Prime Minister for protecting our country, and for those who accept that legislative reform was only done for cynical political purposes. I think they ought to read Michael Danby's article.

I would like to reiterate my support for the provisions that are contained in this bill. In an ideal world these powers would never have to be used but, as we know only too well, we do not live in an ideal world. It is a world where the fanatics who follow the ideology of hate must not be allowed to defeat the cherished principles we value—that is, not only our way of life but our democracy and our freedom. I support the bill.

The Hon. M.J. ATKINSON (Attorney-General): I thank members for their contribution. The member for Mitchell is wrong about one point. There is a sunset clause, and it is in clause 30 which provides:

This act expires on the 10th anniversary of its commencement.

Bill read a second time

Mr HANNA (Mitchell): I move:

That the bill be referred to a select committee.

The ACTING SPEAKER (Mr Caica): Is that seconded? There being no seconder, the motion lapses.

Motion lapsed.

In committee.

Clauses 1 and 2 passed.

Clause 3.

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

Page 4—
Line 17—Delete 'satisfied'.
Line 22—Delete 'satisfied'.

The government intended that the special powers authorisations proposed in the bill be subject to effective judicial scrutiny, albeit because of the urgency built into the criteria for the exercise of those powers after the fact by way of review. That is achieved by confirmation by both the police minister and the relevant judicial officer. If that review is to be effective it is important that the test be objective and that the relevant judicial officer be free to form his or her own view on that criteria rather than, for example, simply reviewing whether the issuing authority thought there were sufficient grounds. The Solicitor-General advised that the government's position was sound, but he advised that the test be clarified to achieve the result. After some discussion, it was decided that the deletion of the word 'satisfied' in the test would do the job.

Ms CHAPMAN: The opposition agrees with these amendments, and I thank the Attorney for his explanation, but I cannot be overly confident that that is what it will actually do. I was assuming that it was not absolutely necessary to use the word 'satisfied' rather than to create an objective and not a subjective test, but I note the purpose of the amendments and I agree with the sentiments expressed by the Attorney.

Amendments carried; clause as amended passed.

Clause 4 passed.

Clause 5.

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

Page 5, line 31—Delete paragraph (c) and substitute:
(c) state whether it has been confirmed by the police minister and the relevant judicial officer; and

This amendment aims to ensure that the authorisation contains information on its face about whether the confirmation process has happened and what the result is.

Ms CHAPMAN: The opposition agrees with this amendment. It obviously covers the requisite procedure.

Amendment carried; clause as amended passed.

Clauses 6 to 20 passed.

Clause 21.

Ms CHAPMAN: I have a question in relation to the return of seized things. During the course of the search of a vehicle or a property, personal items can be seized by a police officer. There is an obligation under this clause to return these items, unless they are the subject of a court order referred to in clause 22. In other words, certain things could become the subject of a court order which could make directions about their disposal and therefore they would not be returned to the owner. These things are to be returned if the officer is satisfied that the officer is satisfied that its retention as evidence is not required and it is lawful for the person to have possession of the thing.

Let us assume for the moment it is a kitchen knife and it may not need to be retained as evidence in relation to the act of the proposed or the commission of the terrorist act but may be required in evidence in another offence, for example assault against a spouse or something of that nature. In other words, is the evidence required to be evidence for the purposes of the commission of a prospective act of terrorism, or is it for any proceedings?

The Hon. M.J. ATKINSON: If it were retained by the police for another offence, it would be retained under different authority from this provision.

Ms CHAPMAN: So do I take it then that the proposed clause 22 will deal with that—that is, if it is for the purpose of being retained for another offence—under that power, because I understand what the attorney is saying is that its retention as evidence under the proposed 21(1)(a) is for evidence in relation to the subject commission of an offence.

The Hon. M.J. ATKINSON: No, if we are talking about 21(1)(b), 22 does not come into play because it would not be lawful under another law.

Ms CHAPMAN: In relation to the knife in the example that I used, that would be returned. The provisions of proposed clause 21 would not enable the knife to be retained; it would have to be returned to the person.

The Hon. M.J. ATKINSON: Let us say the offence that was ultimately charged was murder and the knife was retained as evidence for the murder trial, it would be retained under the authority of the murder investigation and the murder charge. It would not be lawful—because of the law against murder, and that someone was charged—for the person to have possession of the thing. It would be required for a different purpose.

Ms CHAPMAN: That is what I am trying to ascertain. I was not suggesting the knife had been used for a murder of another person, say a spouse, as distinct from some act of terrorism. In this case under this temporary power to search and seize the police officer will have collected the knife out of the property and then, under clause 21, would be obliged to return it. The person is able to lawfully own it; it is his knife. It is no longer required for the purposes of this act.

What I am saying is even if, separate to that, there had been a complaint in relation to an alleged assault by a member of the family, by this person, in which the knife was claimed to be the weapon used, then—aside from any other action in relation to the alleged assault with the knife on a domestic member of the family—under this provision, it would be obliged to be returned.

The Hon. M.J. ATKINSON: Yes. In the instance that the member for Bragg used, she made a compelling case to, if I can put it this way, exculpate the knife from any offence and therefore it would not be kept; yes, the member for Bragg is right.

Ms CHAPMAN: Can I just clarify one other matter because it may not be uncommon that in the course of a raid of a whole suburb, goods might be found, for example, in a property, which are unlawfully obtained by a resident—for example, pornographic material or stolen goods—which had nothing to do, in fact, with the alleged act of terrorism but may relate to some other illegal conduct on the part of the party who occupies the property. Do I assume then that the police officer would not be required to return that to the person from whom it had been taken—that is, the owner—on the grounds of clause 21(1)(b)?

The Hon. M.J. ATKINSON: Clause 15 might help. It says:

> A police officer may, in connection with a search under this act, seize and detain all or part of a thing, including a vehicle that the officer suspects on reasonable grounds may provide evidence of the commission of an indictable offence, whether or not related to the terrorist act, that is punishable by imprisonment for life or for a term of five years or more.

Ms CHAPMAN: That is why I asked the question, because clearly they have power to pick up all these things while they are there and that is made very clear by clause 15. What I am saying is that they could deny the return of any of that property on the basis of clause 21(1)(b), because it would be argued that it was not lawful for the person to have possession of that thing—that is, because they were stolen goods or pornographic material—provided they were related to an indictable offence.

The Hon. M.J. ATKINSON: Yes.

The Hon. I.P. LEWIS: Much of what has been said has escaped me, because I cannot hear what is being said in this position in the chamber, Mr Chairman. So, forgive me if I cover old ground: it is not intentional. The first question I have of the Attorney is: what power is presently exercised by police when they seize goods or things, or by whatever other term they are described, and under what authority may they retain those goods or things at present and for what length of time? I ask that because I am aware that police can do that now. It has never been clear to me as to why it is justified that they be able to do that, and for how long they are allowed to keep it when they have taken it, whether they have any need of it or not. They seem to be a power unto themselves in that respect.

The Hon. M.J. ATKINSON: The answer is: the Firearms Act for firearms; the Summary Offences Act for dangerous articles or prohibited weapons; general search warrants for things seized while the police are using a general search warrant; and common law for everything else.

The Hon. I.P. LEWIS: Part of my question was: how long are they allowed to keep those goods or things?

The Hon. M.J. ATKINSON: For as long as required for evidentiary purposes.

The Hon. I.P. LEWIS: That is all very well and good for those of us who believe ourselves to be law-abiding citizens, until suddenly some police officer takes a vindictive view of us and decides that they will seize such things. I cite an actual case in point where a laptop computer was seized by the police and claimed to be the possession of a person, who was wrongfully accused of committing an offence, anyway. It did not belong to that person; it belonged to that person's parent. The computer was not only kept, and the correspondence about it not answered, but it was also mutilated. When asked why, they said, 'Oh, we had to get the hard disk out.' God knows why someone needs to use a screwdriver or a cold chisel on a computer to get the contents of a hard disk. Frankly, I find that to be just straight-out vandalism.

I have since discovered that, if you dare to challenge the police on these matters or attempt to recover your property, it will cost you a hell of a lot more than the property is worth, not only in dollar terms through the court processes but also in grief, because they will go for you. I have seen it happen, and it distresses me now that we give the police even greater powers, for none of which they are accountable. They are not properly called to account for the exercise of those powers now. The wrongful accusation of a person is bad enough but when that happens and, in conjunction with that accusation, they then confiscate property that does not even belong to the person whom they have wrongfully accused and mutilate it just for the hell of it, that is pretty serious. In this case, the laptop had all of the parent's sales data on it and incomplete contracts in real estate. No compensation is available to that person; they just have to wear it.

We are giving the police even greater powers here and making them even less accountable. Frankly, during the course of these last few short years since the last election, the way in which the police have acted or failed to act in relation to matters which I have been touched by or involved in has appalled and frightened the hell out of me, even though I worked with police for a good period of time earlier in my life, but that is of no consequence at this point. The property of mine that they retain is records, quite unrelated to anything they said they were investigating at the outset. They have copies of all my records, going back several years.

The way in which they treat the material they confiscate is another thing that disturbs me, because when you get it back it is jumbled. It is just a deliberate bloody mess, and it takes you longer to sort it out than it did to create it and put it into an orderly form in the first place. Again, the police do not have to answer to anyone about that, and, frankly, they do not want to be bothered. They do not have time.

It may be that they feel justified in their attitude on the basis of limited resources that have been given to them by government over the years but, frankly, in my judgment, that is not a tenable excuse or a valid and legitimate reason. Again, it is frightening in its unbridled exercise when there is no way that a citizen of ordinary means can redress it. Indeed, no citizen of any means whatsoever can address it in a way that is cognisant of the cost that will be incurred in attempting to do so.

It just ain't Australian now as things stand, yet to provide even greater powers with less accountability for their exercise is something which disturbs me immensely. I ask the Attorney: who amongst the ministers can be held to account for this? One thing is for sure, the Deputy Premier will not be, is not ever and does not care for any legitimate inquiry put to him about the way in which police have exercised powers.

That is the police minister I am talking about. I understand that the Attorney is not accountable.

I say to the Attorney-General that this legislation is sought by him as the minister responsible for it from the house, yet the citizen will not get much of a fair go in approaching him to discover why these things were done, and they can be done on false testimony. That is the worst part of it—where the police decide to act against the interests and against any reasonable attempt on their part to discover whether or not the things said to them by someone about another person are, in fact, true. They do not bother to do that if it does not suit them to do that. I wonder how the Attorney believes that it is legitimate to proceed to give them further powers without their being proper accountability for their exercise.

The Hon. M.J. ATKINSON: The bill before us requires that the Attorney report on aspects of the administration of the act and the Minister for Police report on aspects of the administration of the act. In cases of alleged police misconduct, the matter goes to the Police Complaints Authority.

The Hon. I.P. LEWIS: That is a joke, too. I know what the law says about that. The Attorney tells us that it goes to the Police Complaints Authority. In every instance now that I have been involved with the Police Complaints Authority, what that does is simply enable the police themselves to find out what might ultimately be revelations of the evidence against them of an offence that has been committed by them against a citizen. The Police Complaints Authority is a surefire way to make sure that you have no other redress anywhere, any way. You must tell the offending officers (who committed the offences in the course of what they said was their work) what it is through the Police Complaints Authority.

The moment the Police Complaints Authority gets it, it goes straight to the police. I wonder why the hell it does not work in the opposite direction so that the police can satisfy themselves before they jump that the person or parties about whom the allegations have been made (or the suspicions are held) are given some opportunity perchance to put to the police what actually happened, rather than for the police to rush in and confiscate their property and offend them, and, indeed, in some instances, I believe, break the law.

I put to the Attorney that the Police Complaints Authority in my judgment is therefore not functioning in a satisfactory fashion. If it is not functioning in that fashion now why would we expect it to function any better in these circumstances? I doubt it. I am not talking about protecting terrorists: I am talking about protecting citizens who are targeted on the grounds that it is alleged that they are terrorists when in fact they are not.

It does not say that there must be any greater measure of evidence supporting the view that they are, and it is too bad if a mistake is made. The Police Complaints Authority does not seem to mind.

Clause passed.

Clause 22.

Ms CHAPMAN: In relation to the matters raised by the member for Hammond, is it fair to say that clause 22(1)(a) is the remedy available for the purposes of obtaining the return of property to the lawful owner, that is, they may apply to the court for release of that piece of property to them?

The Hon. M.J. ATKINSON: Yes.

Ms CHAPMAN: I have another matter in relation to the miscellaneous safeguards. I cannot find it in the miscellaneous section now, but my understanding was that there was provision for a police officer, if requested, to provide within 12 months written confirmation of the search. I could not find it in the miscellaneous section. My understanding was that they had to provide it, in addition to the obligation of the Attorney-General, the Police Commissioner and so forth to provide a report and lay it before the parliament. A person who is searched or detained, I think, is entitled not only to call upon the police officer to identify their name, rank and number but within 12 months they can also ask for a written report. Do I have that wrong? I cannot find it now, that is all.

The Hon. M.J. ATKINSON: The member for Bragg will find the answer at clause 20(2).

The Hon. I.P. LEWIS: Pursuing the same concerns that I have expressed under the previous clause, if a citizen's property is confiscated—and I am talking about ordinary people who just have ordinary wages at their disposal to live their ordinary lives—can they get it back and get restitution of damage caused by the police officers in the course of whatever it is they decided to do with it from the moment they took possession of it to the time that it is offered back to the member of the public? How on earth does the public go about getting restitution, even in circumstances where the police admit that they mutilated the property or damaged it beyond any usefulness whatever?

The Hon. M.J. ATKINSON: Clause 22 brings the courts into the matter and that will be adjudicated by our courts, which consist of judges who accept the principle that the police must obey the law and who are independent from the executive arm of government and who will make their adjudication on the property held by the police according to the law.

The Hon. I.P. LEWIS: With the greatest respect, that is not what clause 22 does. Clause 22 does not enable the citizen to get restitution of their property and recover the costs of damages at all. There is nothing in clause 22 that would enable the person about whom I have spoken to have appropriate recompense of the cost involved in restoring their records, even after, if the provision were there, to restore the hardware of that laptop computer. It is just not in clause 22. What the Attorney tells the chamber is misinformation. I think that is the word I am allowed to use. I cannot use the word 'misleading', but it is misinformation. Clause 22 does not address that matter at all. I ask him again why does the legislation not address that matter?

The CHAIRMAN: Do you want to respond, Attorney?

The Hon. I.P. LEWIS: I think that is very unsatisfactory, Mr Chairman, for the Attorney simply to say clause 22 does something that it does not do and nowhere else in the bill that is before us is there provision for restitution to be made, or any manner of care to be exercised by police officers—and God knows when it suits them, they exercise little enough now. It strikes me that that is just a one-eyed view of the situation. I am not at all distressed by the belief that this legislation in principle is needed, but I am distressed by the implications of where the powers provided are improperly exercised in circumstances where there was no terrorism threat or it is found that there was none afterwards. I will not say that the police in every and each instance act in bad faith or necessarily in any instance, but I do say that, if they have acted improperly, the provisions of this legislation do not enable the citizen to recover their property—and their property is not just a lump of hardware.

I gave the example—and I am prepared to swear an affidavit as to the truth of that, if that is what the Attorney requires—and it illustrates the inadequacy of the legislation.

Although civil libertarians have not mentioned this aspect of the proposed legislation in their rantings about it, nonetheless they have expressed their concerns about the consequences for citizens who, in their opinion, are improperly pursued or that there is too much risk to personal liberty involved. Maybe they did have this in mind, but they have not spelt it out. If the Attorney and the government is of a mind to do that, well, I will stay here as long as it takes, clause by clause, because I am seriously concerned about the consequences for citizens.

I invite all members to contemplate the circumstances in which their personal property is raided by police on someone else's say so and that the things they have which belong to them and their family are taken away and mutilated and their records destroyed, if not destroyed in perpetuity, then at least in any orderly sense destroyed. They do not get them back, or, if they do get them back, they have to sort it out from the mess that the police have left it in—and some police officers are particularly spiteful. The evidence which I have given as example tonight (without naming the parties involved) is real and it is no wonder to me.

Indeed, there is another instance where we lost an outstanding postgraduate student from this state because of improper conduct of police officers who did nothing about it when they discovered their mistake. They destroyed the work that young man had done, both in terms of the records that they confiscated and the property (again computer equipment) that was destroyed. He left the state in fear of his life, as quickly as he could go, with a very bad impression of South Australia. I knew him. He was accused falsely by other people for their own reasons, quite improperly. I do not think it is any laughing matter that we have such things happening. Why is it that members cannot see that the powers they are giving might be exercised in abuse of their purpose rather than in compliance with them and that, in consequence of the exercise in abuse, there is no redress and no means of obtaining recompense for the losses incurred?

If the Attorney thinks that it is legitimate to do that, then I am amazed, yet that seems to be the case. I know that the Minister for Infrastructure finds it amusing. The Minister for the River Murray finds it equally amusing that I should stand here and be saying that.

The Hon. P.F. Conlon: No, I find nothing interesting or amusing about this.

The Hon. I.P. LEWIS: At least you are sober tonight.

The Hon. P.F. Conlon: I beg your pardon.

The Hon. I.P. LEWIS: Why is it that we cannot come to understand that there is nothing between the law, as we would make it, and the way it might be implied improperly to ourselves? Why is it, for instance, that my records came back to me in a hell of a mess and cost me a hell of a lot more to sort out than they cost me to create? There is no recompense available to me because I do not know who it was that muddled them. Who scrambled them? Who messed them up? Or, for that matter, some of them may have been discarded in, I believe, the reasonable hope that the taxation office will not require me to ever refer to them again even though they are still within the statutory period. They are simply not worth trying to sort out until and unless some explicit inquiry is made. Yet I lament the fact that I cannot refer to them readily, easily and in an orderly manner, because that is the way that they were provided to police, but they were not returned to me in that manner. If that happened to any of the honourable members opposite or any of the honourable members in the opposition, I am sure that they would not take it lightly; they would see it as very serious indeed.

Why they cannot understand that it has happened to other citizens and that they now, by the passage of this legislation, without putting provisions in it to protect those rights and interests of citizens who might be improperly affected by it, I cannot understand, and the Attorney must have the reason for not bothering to do that, and I wish he would explain it.

The Hon. M.J. ATKINSON: Mr Chairman, I meant no disrespect to the member for Hammond when I did not reply to his second question, because I think even he would concede he was asking the same question over again because he did not like the first answer. I gave a clear answer to the first question of the member for Hammond. I stand by that answer. I respectfully disagree with him about the effect of the clause. I know from my association with the member for Hammond that he has grievances against some police. He has grievances against aspects of the legal system in South Australia. I make no comment about the merits of those grievances, but a debate on terrorism in the circumstances in which this country finds itself is just not the occasion to quarrel about what police did to a personal computer of a constituent of the member for Hammond.

Ms CHAPMAN: In view of the issue of the question of compensation which was raised, I wish to indicate that the opposition has considered this matter, in particular the question of whether compensation should be available for someone who may be aggrieved, who has suffered loss or damage to personal poverty arising out of one of these authorisations or declarations, in particular the execution thereof by a police officer. Most notable, of course, is a situation where someone may have very severe damage to their house or property when police do a door-to-door search or make an attempt to detain someone for the purposes of their investigation in these emergency situations.

Whilst there is some diversity of view as to whether that should be available, I think it is fair to say that we have taken some comfort in the fact that the powers that are being made available to police officers under this bill are tempered by the proposed clause 16 which refers to the power to use reasonable force. It makes it quite clear in that section—and I place this on the record in the event that anyone might have to look at this matter at a later date—that it is lawful for a police officer exercising a power under this act to use such force as is reasonably necessary to exercise the power necessary to break into premises or vehicle or anything in or on premises, etc. There is a clear qualification on what a police officer is allowed to do.

It may well be that at the end of one of these shutdowns of the whole suburb there may be extensive damage, particularly to property, in the course of that. It also goes on to state that, however, a police officer must take steps to ensure that any harm to a person or damage to a thing or premises arising from the exercise of a power, etc, is limited to that which is reasonably necessary to enable the effective exercise of the power. In some ways the opposition is comforted by the fact that it is a clause that is proposed in this bill. It gives a clear statutory obligation to police officers who will be exercising any powers under this legislation, that they have the power to do certain things but that there are limits to it and, obviously, consequences can follow if they exceed those and, for example, in any subsequent hearing in relation to any unreasonable damage or extended damage, that that may be the subject of some subsequent proceedings. On balance, in the circumstances, it is accepted by the opposition that, if a

person is injured or property is damaged in the course of what is reasonably necessary to exercise the power by a police officer, that is not compensated.

Clause passed.

Clauses 23 and 24 passed.

Clause 25.

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

Page 12, lines 21 and 22—
Delete the passage in brackets

The government remains of the view that a full appellate or judicial review structure is not right for the kind of in extremis or urgent situations contemplated by the authorisations proposed in the bill, and it stands by the thrust of clause 25 which precludes those remedies. However, there was a drafting inconsistency arising from the use of the New South Wales corresponding law as a model but that did not take into account the judicial and ministerial confirmation process built into the South Australian bill. We think this amendment corrects that anomaly.

Ms CHAPMAN: We note the Attorney's advice as to the drafting and the reasons why. The opposition accepts the amendment.

The Hon. I.P. LEWIS: I do not understand what the Attorney has just told us about the current provisions and how he proposes to change them and why.

The Hon. M.J. ATKINSON: Under clause 25, the removal of the words in parentheses means that the decision or authorisation of the police minister cannot be challenged in court.

The Hon. I.P. LEWIS: I guess it is the acoustics. I am trying to understand why we need to delete the words '(and any decision of the Police Minister with respect to the authorisation or declaration)'. Does that mean that if a police minister made such a declaration, or if executive council made any such decision, that may be challenged, reviewed or quashed in a court? As it stands, clause 25(1) provides:

A special powers authorisation or special area declaration (and any decision of the Police Minister with respect to the authorisation or declaration) may not be challenged, reviewed, quashed or called into question on any grounds whatsoever before any court, tribunal, body or person in any legal proceedings, or restrained, removed or otherwise affected by proceedings in the nature of prohibition or mandamus.

If you delete from that 'any decision of the police minister with respect to the authorisation or declaration', one assumes that such authorisations or declarations can be the subject of legal proceedings. Is that what the minister intends?

The Hon. M.J. ATKINSON: The core powers of the bill are invoked by the police and then confirmed, or not confirmed, by the police minister—that is, a minister having the confidence of parliament—and a judicial officer. That is the safeguard. It is not appropriate for those confirmations, in our view, in an emergency, to have to be reviewed by a court.

The Hon. I.P. LEWIS: If you delete the bit about the minister involved with respect to the authorisation or declaration, it means that whatever the minister has dabbled in or done can be reviewed, because this clause says that none of those things may be challenged in a court in any way, shape or form. The minister is saying to me that by deleting this, as I understand it, he is making it possible. He is saying that it does not make it possible, but by deleting it it does make it possible for anything the minister does to be called into question in proceedings.

The Hon. M.J. ATKINSON: With the greatest humility, sir, I am right and the member for Hammond is wrong. The deletion of the words in parentheses has the effect of which I have told the committee.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27.

Ms CHAPMAN: I move:

Page 13—
After line 12—After paragraph (d) insert:
(e) describing generally any inconvenience to, or adverse impact on, the community, sections of the community, businesses and individuals (other than individuals who were targets of the authorisation) arising out of the exercise of those powers.
After line 16—delete 'within 6 months after receiving a report' and substitute 'within six sitting days or 3 months after receiving a report, whichever is the shorter period'.
Line 20—After 'Attorney-General' insert 'and the Ombudsman'.

I am happy to indicate that I addressed these matters during the second reading debate. In summary, these amendments ensure that there is proper content in the report given to the parliament and full disclosure to the parliament and that it be provided to the parliament within six sittings days or three months rather than the six-month rule and that any deletion of any editing process goes with—

The Hon. M.J. Atkinson: Are you moving them all together?

Ms CHAPMAN: Yes; are you happy with that?

The Hon. M.J. Atkinson: No; we will support one but not the rest.

The CHAIRMAN: I am advised that the member for Bragg can, if she wants, move them en bloc and I can put them separately.

Ms CHAPMAN: The third one is in relation to any editing role which, of course, is there to ensure that any security-sensitive material can be deleted. That is done with the Ombudsman's approval as well.

In my second reading contribution I indicated that I would be moving an amendment in relation to the sunset clause being taken from 10 years to five years. That has not been published in the amendments circulated so I indicate that that will be a matter for consideration in the other place. Again, it is for the reasons I indicated.

The Hon. M.J. ATKINSON: The member for Bragg proposes to add to clause 27(1):

describing generally any inconvenience to, or adverse impact on, the community, sections of the community, businesses and individuals (other than individuals who were targets of the authorisation) arising out of the exercise of those powers.

The government does not quibble with that amendment—it is inherent in what is already there—and we will be accepting it. However, I will just say to the member for Bragg that 'adverse impact on' could be contracted to 'harm or harms'. By 'the community' she presumably means 'the public', and by 'sections of the community' she presumably means 'communities, being a subsection of the public'. On top of that, all night we have heard the member for Bragg use the expression 'in relation to' when she could use the preposition 'for'. With those remarks I accept the amendment.

However, I oppose amendment Nos 2 and 3. Regarding amendment No. 2, I concede that six months—or indeed any period—is arbitrary but if a bomb happens to go off and parliament is sitting then, frankly the Police Commissioner and the government will have better and more urgent things to do. I can see why the honourable member might think that six months might be too long and one might concede three

months, for instance, but six sitting days takes the matter too far the other way.

As to the last amendment, we will be opposing that. The editing of the report requires expertise in public interest immunity law and the interests of national and state security and legal privilege. One would expect that advice to be given by the Solicitor-General, the Crown Solicitor or both to the Attorney-General and the government; they report to the Attorney-General. This is not a function of the Ombudsman, excellent fellow though he is; the Ombudsman's statutory functions are quite different.

Amendment No. 1 carried; amendments Nos 2 and 3 negatived; clause as amended passed.

Clauses 28 to 30 passed.

Schedule.

The Hon. I.P. LEWIS: I want to ask a question about the reason the sunset provision extends for 10 years.

The CHAIRMAN: We have already dealt with that clause, but I will indulge the member for Hammond.

The Hon. M.J. ATKINSON: That was the COAG agreement.

The Hon. I.P. LEWIS: I do not understand what the Attorney said.

The Hon. M.J. ATKINSON: The Council of Australian Governments agree on 10 years.

Schedule and title passed.

Bill reported with amendments.

Bill read a third time and passed.

MILE END UNDERPASS BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 3780.)

Mr MEIER (Goyder): Obviously this bill is very necessary in replacing the Mile End bridge. It is quite an interesting proposition that we should be having an underpass rather than a bridge. Certainly from seeing examples interstate I do not see a problem in going down that track.

Ms Chapman: What about the Britannia roundabout?

Mr MEIER: As the member for Bragg interjects: what about the Britannia roundabout? That is another story in itself, but because of the lateness of the hour and because the shadow minister for transport is here, I do not want to delay the house unnecessarily, other than to say I hope that perhaps the attention being given to some of these transport matters in the city area is going to be reflected in due course in regional areas as well.

Mr BROKENSHIRE (Mawson): Due to the lateness of the evening and the fact that members are required to work again all day tomorrow and tomorrow night, I will be brief with the Mile End Underpass Bill 2005. I am satisfied with the briefing I had from the department. I have put a briefing paper to our party recommending that the Liberal Party supports the bill, and the Liberal Party will be supporting the bill. There are a few points I would like to say briefly for the public record. I could talk all night about infrastructure and the lack of it in this state, but clearly the Bakewell Bridge has passed its use-by date. We are well aware of the fact that with bigger freight containers and the like coming through these days that the bridge is inadequate and we are well aware of the fact that there has been, on one or two occasions, a couple of accidents that could have been even more serious when it comes to rail, for a start.

Obviously the work that has been done by both governments on things like the mid-west connector, and other planning for road improvement to the western suburbs does need further infrastructure such as this. Personally I prefer to see an underpass there than a bridge. I think it makes sense. There will be some logistical problems when it comes to the building of this underpass to ensure that the freight can still traverse the area, as it is currently doing, and I understand that there has been discussion with the Australian Rail and Track Corporation and also TransAdelaide with respect to that. I am advised that there will be minimum interference with respect to the Parklands, something that the Liberal Party is always concerned about. For all intents and purposes there will not be any massive changes to open space areas and the like, other than perhaps some slight realigning of the existing carriageway to straighten it.

The two things I would say in conclusion are that this underpass, frankly, whilst not a cheap project and one that we will be watching closely to see that it comes in on budget, probably will achieve much more than the $83 million, as an example, to put an underpass underneath the Anzac Highway on the South Road because you will not actually have to stop at a tramline within 1 000 metres to the south of the proposed underpass on Anzac Highway and South Road. The point is that if you are going to do proper planning when it comes to infrastructure then you really need to spend your dollars wisely. The community will see what I have been on about when finally the underpass is built on Anzac Highway when they get stopped by an archaic form of technology, namely a crossing with wigwags on South Road.

With respect to this particular bill we are happy to see it come through. It is only the second infrastructure project, when it comes to roads, that this government has put forward in its term entirely of its own doing—that is, it is not a continuation of something that was already planned. As I said, we will watch the project with interest. We will watch the budget. We do support it and the sooner it is done, for all of those people living in the western and the south-western suburbs, the better it will be for everybody. In conclusion, there will have to be some very careful management of the project or there are going to be a lot of pretty frustrated people, as well as problems with compensation for the rail and the freight from the point of view of the ARTC. Given the hour of the day, as I said, the Liberal Party will be supporting this bill.

Mr KOUTSANTONIS (West Torrens): I extend my thanks to the member for Mawson and the opposition for supporting this bill. At least some Liberals support the Bakewell Bridge being redeveloped and stopped from being a death trap. My community is horrified that the Liberal candidate in the western suburbs in the seat of Ashford is opposed to the redevelopment of this bridge and wants it heritage listed. We are outraged that the Liberal Party could possibly endorse such a person in our community who wants this bridge to remain. I will take up only two minutes of the time of the house.

We are concerned about the parklands, the safety of the bridge and the amenity of the area. The government has dealt with all three admirably. This is the first major piece of road infrastructure we have had in the western suburbs by any government in 30 years.

The Hon. I.P. Lewis interjecting:

Mr KOUTSANTONIS: Can the member for Hammond name another? I cannot think of another. We are to spend

$34 million on an underpass on a death trap. It is the most dangerous bridge in South Australia, if not Australia, and the Liberal Party has a candidate in the western suburbs saying that this bridge should be heritage listed and that the deaths on that bridge were incidental. I have had victims' families come to my office outraged at what the Liberal candidate has said. I am glad the member for Mawson has the sense, the foresight and the compassion to do the right thing and not delay the passage of the bill and pass it unamended so that we can get on with it. It is a good piece of public policy and, with the investment in the South Road underpasses, the western suburbs are being transformed by this government. We do a great job and I applaud the Premier, the Minister for Transport and the Parliamentary Secretary to the Minister for Transport on the excellent job they are doing on this piece of infrastructure. I do not know how Rob Kerin steps into the western suburbs knowing that he has a candidate who thinks that the deaths on that bridge were incidental.

Mr BRINDAL (Unley): I was not going to contribute until I heard the piffle that dribbled out of the mouth of the member for Torrens.

Mrs Geraghty: I beg your pardon?

Mr BRINDAL: West Torrens—I do apologise.

Mrs Geraghty: And I'm sure he's offended as well.

Mr BRINDAL: Well, let him say he's offended if he wants to. Most of us on this side of the house do not represent the western suburbs, but we do not turn it into some sort of class war. I am sure that were we in government and were this infrastructure needed—

Ms Rankine: You ignored the western suburbs.

Mr BRINDAL: My grandmother lived in the western suburbs, for your information, and I spent most of my life growing up in the western suburbs.

Ms Rankine: You ignored the western suburbs.

Mr BRINDAL: No, we didn't.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order!

Mr BRINDAL: Whoever sits to the right of the Speaker's chair is the duly elected government of South Australia, and it has an obligation to look after the interests of all South Australians. The shadow minister is not opposing this because, were we in government, I presume it is his opinion that he would support this project as well. As to whether the bridge is directly responsible for road deaths, I find it very curious that the member for West Torrens can sit there and blame a bridge, an inanimate object—

The Hon. I.P. Lewis interjecting:

Mr BRINDAL: Yes; will we remove all the trees along country roads in case they deliberately pop out and kill people? I will not delay the house any longer, other than to say that the member for West Torrens close to an election clearly talks drivel. He should guard more the western suburbs and the problems he has with some of his electors in the western suburbs—those fractious people who have caused all those problems I had to help him with over the road near Bunnings. That nasty man who runs your party behind the back doors—Kym Davey I think is his name—tries to coerce the member for West Torrens and makes the most appalling decisions on behalf of government. I commend the government for this initiative, I commend our party for supporting it and I exhort the member for West Torrens to be more worried by the interests of his own electorate and less swayed by fools like Kym Davey.

The Hon. I.P. LEWIS (Hammond): My remarks relate not specifically and only to the aspects of safety but also to the features of design as they were put before the Public Works Committee—or the lack of them that were put before the committee—on the proposition. No-one has attempted to discover what quantity of water would accumulate in the underpass in the event of there being an intense storm. In logarithmic terms, we can have a one in 100-year return event, which means that, in all probability, there will be 10 such storms in any thousand years. Just because we had one last year does not mean that we will not have one this year, and just because we have not had one for 400 years does not mean that there could not be one tomorrow.

The simple fact is that we know that the probabilities can be calculated, and the quantities of water that will accumulate in the underpass area have not been calculated in the event of an intense storm event of that kind; and the capacity of the pumps to remove that stormwater, if there are any pumps, has not been contemplated by anyone. I defy the member for West Torrens to say that, therefore, the underpass to be constructed, at great expense, is in any sense safer than the level of safety that he claims the bridge will have. And, equally, the member for Unley and the member for Mawson are mistaken in making such assertions. They have not thought about the consequences of flooding in the underpass and the risk of drowning.

It is not just the risk of drowning that may appear melodramatic: it is the risk of what will happen to traffic. How will it make its way from the city to Henley Beach Road, where it is truncated by a flooded underpass that has a whole plethora of debris washed into it? Unless the design features are checked carefully, it will cause the sump and the grille around the valves in the sump to become clogged and the pumps dysfunctional if not fused. That simply is not contemplated or addressed in the legislation, and nor has it been contemplated or addressed in the proposition and the report provided by the Public Works Committee. 'Where is it?' is a question that we all should be asking. And why is it that the government thinks it unimportant to do that—to leave the transport boffins to do things according to whatever constraint they can get away with, rather than make a proper job of it to start with? The next thing we know, the state will be up for a whole bunch of compensation claims against it for negligence for not contemplating what would have happened and what will happen.

One only has to look at what happens in such storms of that intensity—and they will not be 100-year storms; they are more frequent than that in some Queensland and northern New South Wales towns. With storms of that intensity on this kind of terrain in these circumstances, unless the pump's capacity and the manner in which it can cope with solids in the run-off is matched to the scale of the run-off, the road system will become dysfunctional and, in that case, in adverse weather conditions, put even heavier loads of traffic on the other arterial roads to the west and cause the risk of greater collision and injury on those roads, quite apart from what might happen on this road.

That is the decision the house ought to be debating and discussing. If we are to have an underpass, what care has been taken? No remark was made about that by the minister in his second reading speech. No attention was paid to it by the member for Mawson in his contribution, and the member

for West Torrens simply does not even think about it, but rather makes the rhetorical jibe that the Liberal Party did not care. Well, I know the Liberal Party did care; I was a part of the Liberal Party.

If the member for West Torrens thinks the Liberal Party did not care, why did he stand by and allow the State Bank to cost the state so much money as would have enabled all this infrastructure and more to have been dealt with long ago? They were the problems of the Labor Party, and the member for West Torrens was a significant member of the Labor Party in those days. So, he ought not to bellow and bleat about it. Worse still, the member for West Torrens says that the western suburbs have not had any infrastructure expenditure on roads of any consequence over the last 30 years. Whether or not that is true is beside the point. The simple fact is that all the roads in the western suburbs are sealed, and not all the roads in a good many other places are sealed. In fact, they still follow the path that was followed by drays and bullock wagons.

If the member for West Torrens had as much wit as I know he is capable of exercising, what he ought to be bearing in mind is that some of the transport infrastructure still being constructed by orders of the highways department, as determined from time to time by budgetary provisions, are grossly unsafe—far more unsafe than the Bakewell Bridge. The one that has just been constructed just outside of Murray Bridge is a T-junction where there should have been a roundabout, and there should have been a roundabout at Flagstaff Road, not just the one at Karoonda Road. They have left a ruddy great ditch so that, if a truck or vehicle, for any inadvertent reason, overshoots that road from Karoonda, they will go straight into a ditch and roll over—and that will happen. It is a very unsafe redesign of the junction. No attention whatever was paid to the opinions of council, myself or the pleas of the residents in the area of the Mallee who have to use that T-junction. It is very unsafe in its present form and far more likely to cause road deaths through poor design than the Bakewell Bridge ever was through inattentive driving being improperly or inadequately protected if someone goes over the edge of the bridge.

I said by way of interjection—and I repeat in the context of these remarks—that, if the Bakewell Bridge is unsafe and causing death, we ought to have mass clearance of native vegetation anywhere within three metres at the side of any road anywhere in the country that represents an object requiring a force greater than can be sustained by the panels of a car travelling along that carriageway and inadvertently leaving it at speeds that are unlawful.

We have this culture of hugging trees, and it is inane and ridiculous. It is dangerous because it has gone way out of control. It costs us hundreds of millions of dollars each year in the damage it does to infrastructure and to public property. If the trees were to be replaced with more energy-absorbing vegetation close to the roadside verge which, whilst it might cause damage to a vehicle leaving the carriageway, it certainly would not cause the vehicle or its occupants so much damage as to result in either or both being written off.

Altogether, it is commendable that the Bakewell Bridge is at last to be dealt with as a traffic hazard, but it is deplorable that the oversight of what will happen in the course of flooding the underpass has not been addressed and has not been contemplated.

No-one has asked any questions about it. It is as ridiculous as the Minister for Infrastructure's advocacy of the tram instead of a busway between Victoria Square and Glenelg. No-one attempted to discover what the passenger cost per kilometre was of the two alternative technologies leave alone the inconvenience of one compared to the other. Why don't we do these things? Just because we want to be fashionable, it strikes me, rather than practical and realistic. It is fashionable to have underpasses now. It is ridiculous to suggest a roundabout. It gets interesting with trains on a roundabout—it does not quite fit.

That was never going to fit in place of whatever there is at the crossing requiring the original construction of the bridge called Bakewell Bridge. The replacement of it by a bridge is something that I would have thought quite sensible. We do not need an opening bridge there because no yachties go up and down the train line. We are going to have an opening bridge at Port Adelaide, and their masts will get caught on it if we cannot open the bloody bridge when they want to go through. In this case we are going to have a subway, and it will be a subway that will get filled in, not by dirt so much as by water, and that is my worry. That has not been properly addressed.

Whilst I thank the house for its attention, I wish the legislation a swift passage and comfort for the people in the western suburbs who have felt that they have been in some way or other disadvantaged by having to cross a bridge which, if they are not careful, they might fall off.

The Hon. P.F. CONLON (Minister for Transport): I thank the opposition spokesperson for the support of the bill. I note that he supports it. I note that he opposes the government's creating an underpass on Anzac Highway.

Mr Brokenshire: I am going to oppose having an overpass on the tram line.

The Hon. P.F. CONLON: I am sorry. We are not allowed to do it unless we put another overpass on the tramline. Can I say that, in opposing that, the honourable member runs headlong into the RAA, the Freight Council and SARTA, but so be it, that is his decision. I am not quite sure what to do with the contribution of the member for Hammond.

The Hon. I.P. Lewis: Read it.

The Hon. P.F. CONLON: No, I listened to it. The contribution of the member for Hammond took 10 minutes even though he did not have too much to say, as far as I can ascertain. He alleges that the member for West Torrens was a leading member of the Labor Party that caused, I think he said, the State Bank issue. As I understand it, the member for West Torrens was 18 years old at the time, and I think that describes a capacity to an 18-year old that might be somewhat unrealistic. I can assure the member for Hammond that people have successfully built underpasses without their flooding for quite some time now.

The Hon. I.P. Lewis: You realise that Goodwood has been flooded in recent times?

The Hon. P.F. CONLON: I think that Goodwood was built a little earlier than this one. I can assure the member for Hammond that people around Australia and the world have managed to build very large underpasses without their becoming flooded when it rains. I am confident that the very able companies in this state who may build this will be capable of building one that does not flood when it rains. It is a tremendous step forward for the people of the western suburbs. It is long overdue, and I commend the bill to the house.

Bill read a second time.

The SPEAKER: Is it the wish of the house to proceed to the third reading?

The Hon. I.P. LEWIS: No.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. I.P. LEWIS: Given that this is the clause in which the concern that I raised is first dealt with in terms of who is responsible for what, and it contains, if you like, a definition or interpretation of the underpass project per se (which is said to mean the construction of a underpass to replace the Bakewell Bridge at Mile End), and paragraph (b) is drainage or infrastructure works undertaken for the purpose of that construction, I ask the minister: what studies were done on the quantity of water that would run into the underpass in the event that there is a precipitation of 100 to 120 millimetres in less than 40 minutes?

The Hon. P.F. CONLON: I am struggling to understand how it is relevant to the clause. I will say what I said in my second reading contribution that underpasses have been designed not only here but everywhere to cope with rain. The system here is to go to an early contracting arrangement, an early involvement arrangement, with the contractor who will be required to build an underpass capable of operating in heavy rains.

The Hon. I.P. LEWIS: Will the minister tell us what the estimated cost of the sumps and pumps would be to deal with the storm event to which I have just referred, as part of the total cost of the construction of the underpass? Presumably, the minister has ordered that work to be done by officers of his department so that he can know what the costs will be; or does he just accept that there will be a cost bleed and it does not matter a damn what they tell the public upfront? They will just do what suits them later on down the track. It is not anything he has to worry about. He will just say, 'We'll do this,' and take the money later.

The Hon. P.F. CONLON: It is disappointing that the member for Hammond is such a cynic. That is not the case. It is not a remarkable undertaking to design and build an underpass to resist rain. It is regrettable that the member for Hammond believes to the contrary, but I simply assure him there are many concrete facts around Australia that will contradict him.

The Hon. I.P. LEWIS: I take it then that, quite frankly, the minister is acknowledging to the committee that he has not been interested in the matter up until now. It has not occurred to him to take any interest in it and he has no figures to give the committee about the cost of that sump and drainage on such a large, if you like, entrance and egress on the carriageway, which is below ground level, round about. Where and what size will the pumps and sumps have to be and how they will be able to cope with the quantity of solids that will come into the underpass with the run-off water when such an event does occur? It is not a matter of if, but when. If the minister has not done it, then it is testimony to the kind of sincerity of the minister's interest in the detail of items of considerable expenditure and the way in which that might be best judged suitable or otherwise in the public interest.

The Hon. P.F. CONLON: The member for Hammond can doubt my sincerity all he likes. I have very little regard for the opinion of the member for Hammond, having spent a lot of time with him. I can tell him that, as a matter of detailed design work, there is no stress. It is something that contractors are capable of doing. They have exhibited that they can do it all around this country and they will do it here. I regret that I cannot cater for the world beliefs of the member for Hammond. All I can say is that he is wrong.

Clause passed.

Remaining clauses (4 to 10), schedules and title passed.

Bill reported without amendment.

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

That this bill be now read a third time.

The Hon. I.P. LEWIS (Hammond): May I say in simple terms that, if the minister does not care, as indicated by the remarks that he made during the course of the second reading speech to examine details of such consequence as those to which I referred, then who will?

The Hon. P.F. CONLON (Minister for Transport): I will respond to the member for Hammond by saying, as is his wont, when he cannot get his way he puts words into the mouth of others and ridicules them. I do care about this project. I know it is very difficult for the member for Hammond over there in Lewisworld to accept, but he is wrong and I do not accept what he says. It is as simple as that. I care mightily about this project. The fact is though, if I can explain to the member for Hammond, that when he is wrong, I cannot do anything about it and I will not lose any sleep over it at all.

Bill read a third time and passed.

ADJOURNMENT

At 11.39 p.m. the house adjourned until Wednesday 9 November at 2 p.m.