HOUSE OF ASSEMBLY

Wednesday 23 November 2005

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

VISITORS TO PARLIAMENT

The SPEAKER: I welcome visitors to the parliament today from Gepps Cross Girls High School (local member, the Deputy Premier), Craigmore High School (local member, the member for Napier), Fernilee Gardens Retirement Village (local member, the member for Mawson), King's Baptist Grammar School (local member, the member for Wright) and Minlaton Lioness Club (local member, the member for Goyder). We welcome the visitors and trust that their visit is informative and enjoyable.

BAROSSA HOSPITAL

A petition signed by 3 612 residents of South Australia, requesting the house to urge the government to honour the commitment of the previous government to begin construction of a new Barossa hospital, was presented by Mr Venning.

Petition received.

MOANA ROUNDHOUSE

A petition signed by 95 residents of South Australia, requesting the house to urge the government to save the Moana Roundhouse from demolition and have the building included on the state heritage list, was presented by the Hon. J.D. Hill.

Petition received.

KANGAROO ISLAND FERRY

A petition signed by 55 residents of South Australia, requesting the house to urge the government to remove the annual $400 000 increase in port charges imposed on ferry services to Kangaroo Island, was presented by the Hon. Dean Brown.

Petition received.

OMBUDSMAN'S REPORT

The SPEAKER: I lay on the table the report of the Ombudsman for 2004-05.

Ordered to be published.

The SPEAKER: I advise that members will get a copy of the report shortly, and from tomorrow there will be copies on the Internet.

QUESTION TIME

MUSLIM COMMUNITY, ALLEGED TERRORIST SUPPORT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Has he contacted ASIO or the federal minister responsible for ASIO regarding claims made public by the Attorney that a small number of people in the community support Osama bin Laden and preach a doctrine of holy war against the west? This morning on local radio the Attorney said:

> There are people in the Muslim community, a small number, even here in South Australia, who condone what Osama bin Laden does.

The opposition shares the concerns of a number of people who have contacted my office that it is inappropriate for the Attorney to have made such claims public.

The Hon. K.O. FOLEY (Minister for Police): Sir, the—

Members interjecting:

The SPEAKER: Order! Members know the rules. Any minister can take the question on behalf of the government as they are all part of the government.

The Hon. K.O. FOLEY: It is obvious that in our community, as has been witnessed in New South Wales and Victoria in recent months, some members of the Islamic community adhere to the doctrines of radical fundamentalist Islamic beliefs. That is obvious, and, for us to assume that none would be evident in our society would also be naive and wrong. Clearly, some issues are of concern. That is why this parliament is debating tonight and why this parliament debated a week ago a very significant, far-reaching, some would say borderline draconian law, to ensure that our community is kept safe from any fundamentalist activities that may occur. The position adopted by the South Australian Bar Association that somehow we should suspend the terror laws that are currently in this place is just bewildering and bizarre, and it shows—

The Hon. R.G. KERIN: On a point of order regarding relevance: the question was whether or not the Attorney had reported it to ASIO or the minister responsible for ASIO.

The SPEAKER: The Treasurer might like to answer.

The Hon. K.O. FOLEY: As police minister I am answering the question, and I intend to be quite specific in that matter. The issues that the Bar Association and others—

Ms CHAPMAN: On a point of order: this is a matter which is before the parliament, which was debated late last night and which will be debated again tonight. The question in relation to what the Bar Association says about current legislation before the house is not the question.

The SPEAKER: Order! The member does not need to give a speech. Members cannot ask a question and then seek to have it—

The Hon. R.G. KERIN: On a point of order, sir: the question was not in relation to legislation: the question was whether or not comments this morning had been reported to the police.

The SPEAKER: It can be argued that it is still germane to the bill, but the Treasurer should answer the question.

The Hon. R.G. KERIN: On a further point of order: it is not germane to the bill at all. It is in relation to statements made by the Attorney on radio this morning.

The SPEAKER: The member will take his seat. We will hear the answer from the Minister for Police, who needs to focus on the specifics of the question.

The Hon. K.O. FOLEY: Sure. I am attempting to give a constructive answer to an important question and—

Ms Chapman: Yes or no would be helpful.

The SPEAKER: It would be helpful if the member for Bragg did not interject.

The Hon. K.O. FOLEY: The member for Bragg who, in my opinion, when debating this bill last night, in reference to Adolf Hitler in the same breath as discussing terror laws—

The SPEAKER: Order! The Treasurer is transgressing now. He should not be referring to the bill. The member for Bragg is not helping matters by interjecting.

The Hon. K.O. FOLEY: Without wanting to defend the sensitivities of the expert of the house, the member for Bragg, the person who is the font of all wisdom and knowledge in this place, can I say this—

The Hon. I.P. Lewis interjecting:

The SPEAKER: Order, the member for Hammond!

The Hon. P.F. Conlon: You mean Bragg of four friends?

The Hon. K.O. FOLEY: Bragg of four friends.

The SPEAKER: Order, the Minister for Transport!

The Hon. K.O. FOLEY: The matter is that the Premier, the Attorney-General and I met with a significant number from the Islamic community only a matter of a few weeks ago.

Mr Williams: What's that got to do with the question?

The Hon. K.O. FOLEY: There is no doubt that there are concerns amongst the Islamic community of South Australia about what is evolving nationally about an element in the Islamic community, albeit a very small minority, that is adhering and attracted to and indulging in practices that are quite destructive to the way we want civil society to be conducted in Australia. Those concerns have been made by way of discussion, as I said, in that forum alone. No doubt the Minister for Multicultural Affairs has an even deeper and closer association with multicultural South Australia than many. But can I say this—

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: The Leader of the Opposition can just hold fire. I am going to get to the specific nub of the question, but it is important that an explanation be given. The Premier and I as police minister are briefed by the Police Commissioner on matters relating to national security when he feels it appropriate for both the Premier and me to be made aware of that.

The South Australian police force has an extremely close working relationship with ASIO, the Australian Federal Police and other national crime bodies such as the Australian Crime Commission. I have no intention of breaching confidence with the Police Commissioner or discussing in a public forum any matters relating to national security and how they may or may not relate to South Australia. The Attorney-General said nothing more than what is being discussed amongst senior members of the Islamic community here in South Australia. Let us not play silly politics by attempting to elevate this into something that it is not. Let us remember this: every South Australian should be concerned about—

The Hon. R.G. KERIN: On a point of order, sir, if we wanted to be lectured, we could go down to the university. The question was simple: whether or not the Attorney has reported this to ASIO or to the minister responsible.

The SPEAKER: Order! When taking points of order, we do not need a lecture. The Treasurer needs to wrap up his answer.

The Hon. K.O. FOLEY: As I have said, the Premier and I—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I'm sorry?

The SPEAKER: Order! The member for Hammond has a point of order.

The Hon. K.O. FOLEY: What was that, member for Bragg?

The SPEAKER: Order! The member for Hammond.

The Hon. I.P. LEWIS: On a point of order, Mr Speaker, members are supposed to address their questions and ministers their answers to and through the chair.

The SPEAKER: That is correct.

The Hon. I.P. LEWIS: Not once since he has been on his feet has the Treasurer faced you, Mr Speaker. He does not walk around like the Minister for Transport, but he is clearly disrespectful to the chair.

The SPEAKER: Order! It is not time for a lecture. The minister should address the chair.

The Hon. K.O. FOLEY: I apologise, sir. Old habits die hard. I used to turn my back often to the member for Hammond when he was in that chair. The Premier and I are briefed, when appropriate, by ASIO. No South Australian should assume that we are immune from the possibility of a terror attack. That is why this parliament and this government want these terror laws passed quickly: to give our police the ability to combat this threat to our community.

The SPEAKER: Order! The member for Torrens.

SCHOOLS, REGIONAL AND RURAL

Mrs GERAGHTY (Torrens): My question is to the Minister for Education and Children's Services.

Members interjecting:

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

Mrs GERAGHTY: What is the government doing to support rural and regional schools? I know this question is of great interest to the member for Giles.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Torrens for her question. She quite rightly highlights the understanding of the Rann government for the need to provide good facilities to all children in all schools and in regional and rural South Australia. We need to make sure—

The Hon. I.P. Lewis interjecting:

The SPEAKER: Order! The member for Hammond is in strife here, and he would be if he were in a classroom behaving the same way. The Minister for Education and Children's Services has the call.

The Hon. J.D. LOMAX-SMITH: Thank you, sir. We need to make sure that every child, no matter where they live, has access to good education and that we can work hard with them and with their parents and teachers to provide the best outcomes in whichever school they attend. In particular, the Rann government has invested heavily in improving the facilities in regional schools.

Mrs REDMOND: On a point of order, Mr Speaker, the minister has thus far, on two occasions, addressed you in terms of the Rann Labor government, instead of the government, which is the point the member for Hammond was trying to make. The minister is not supposed to use the first name of any member.

The SPEAKER: Order! Yes, the minister should talk about the government. However, it is a debatable point.

The Hon. J.D. LOMAX-SMITH: I am sorry, sir; I apologise. What I started to say is that we are in the midst of a building boom in regional and rural South Australia. In fact, we have invested $66 million in improving regional schools, with major developments in nine schools in regional areas worth $24.2 million announced in the 2005-06 state budget. It also adds on to another 13 major projects worth $41.7 million in total that were funded in previous budgets and are continuing.

The state government is also promoting the merits of living and working as a teacher in regional areas, with initiatives such as our $2 million scholarship fund, which gives country students financial help to complete their studies to become teachers, gain a degree and then return to country areas to teach. In addition, to market regional teaching opportunities for those who might not otherwise have experienced the joys of country life, the government has invested $1 million in helping teachers start a career in regional areas by promoting the benefits: how much one is included in community life and how much one is supported and becomes integral in regional areas. We are also helping them to enjoy their teaching with extra mentoring and support networks, orientation and kits to give them an introduction to what is available in the district in which they choose to work. The cash incentives are being offered to teachers who take up work in more than 300 South Australian country schools and pre-schools.

Also, regional students are being helped by our School Pride initiative in buying more country school buses. As you know, 21 000 students every day attend school using school buses, as well as taxis and Access Cabs. As part of the School Pride initiative, we invested $1.32 million in buying 17 new school buses to service country areas and, particularly, provide more comfortable journeys with air conditioning. The 17 buses brought the total to 45 buses bought by the government, with two buses being sent to the Riverland, two to the Mid-North, one to the South-East and 12 to the Eyre Peninsula where, of course, the bus routes are the longest and the heat is often excessive.

In addition, for country areas we have invested $22.8 million in the Educonnect system. This service provides technology to a level in schools that was previously thought impossible. We have expanded bandwidth and made teaching and studying easier for country workers and students, because now we have courses delivered across regional areas. In particular, we also use interactive whiteboards and web conferencing systems, which allow students across regions to access the same teacher, the same class and the same studies simultaneously. For country schools, it is certainly overcoming the tyranny of distance and expanding subject areas that would not previously have been possible. Our government understands that often there is a much higher cost in delivering a quality education in regional areas of the state, and our investment in regional schools reflects our commitment to improving public education for all our children.

Ms CHAPMAN (Bragg): I have a supplementary question for the Minister of Education. If the government is doing so well in relation to regional schools—

The SPEAKER: That is a comment.

Ms CHAPMAN: —why is it that the Treasury has expressed a concern directly to your department in relation to providing initiatives such as the $25 million School Pride program, when your department continues to underspend the capital works budget?

The SPEAKER: It is hardly a supplementary question.

The Hon. J.D. LOMAX-SMITH: The $25 million expenditure was completely new money, which was part of our AAA dividend, and I am proud to say that it was spent on time, and within the calendar year. One of the great advantages of this is that there has been frequent complaint about the central tendering and management of small capital works programs. Whilst we have run all our major capital works and asbestos removal programs centrally, one of the great keys to spending the money on time has been to disseminate the money to the regions and to allow schools to tender out for small jobs, when we would have suffered significant difficulty in getting tradesmen in areas where they are hard to find.

ELECTRICITY SUPPLY

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. Given that the government was aware 18 months ago that the South Australia-Victoria interconnector may become unstable if extra stress is imposed on it by an increase in electricity transfer, what has the government done to ensure that the interconnector does not break down during the coming summer months? Last week the opposition received a response to a freedom of information application seeking access to a report on the performance of the South Australian transmission network. The report was dated 10 March 2004 and prepared by Western Power. The document concludes that imposing extra stress on the system could lead to stability problems. The opposition has been told that there has been no upgrade at all to the Victorian interconnection since the report has been prepared. This means the likelihood of blackouts this summer will be greatly influenced by the South Australian-Victorian connection.

The Hon. P.F. CONLON (Minister for Energy): Sometimes, sir, the gall is just beyond belief. One of the things that might have happened, back in the old days with a transmission system, as a government, when we owned it, is that we might have done things with the transmission system—when we owned it. So why doesn't the member for Bright trott off to his mates in the private sector and ask them what they are doing about the transmission system he sold to them? What absolute shallow hypocrisy!

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: Point of order, Mr Speaker: I did not think that it was orderly for the Leader of Government Business to ask the opposition questions, and I did not think that the member for Bright was responsible for the answer.

The SPEAKER: Order! I think the Minister for Energy was using a form of expression which did not equate to a formal question. The Minister for Energy.

The Hon. P.F. CONLON: But it is true. What we have here is a question, not from the ever-reducing and ever-disappearing opposition front bench, as it loses front bench members as they run away to retirement—

Mr BROKENSHIRE: Point of order, Mr Speaker, under standing order 98—relevance: this is about the minister mucking up the energy system.

Members interjecting:

The SPEAKER: Order! Points of order are not about giving some commentary. Minister for Energy, do you wish to add to your answer, or is that it?

The Hon. P.F. CONLON: No, sir.

The Hon. W.A. MATTHEW (Bright): I have a supplementary question, sir. Given the doubts about the reliability of the Victorian interconnector, will the minister provide an assurance to this house, to South Australian businesses and household electricity consumers that the failure of an interconnector will not lead to any power blackouts or brownouts this summer?

The Hon. P.F. CONLON: Here we go. What utter—

Members interjecting:

The SPEAKER: Order! The minister will resume his seat. The house will come to order.

The Hon. R.G. KERIN: Point of order, sir. Is the Attorney-General permitted to go up and check our question list each day, like he has been?

The SPEAKER: I was distracted for a minute. I am not sure why he came up here. He may have come up to give us some words of wisdom. But the house will come to order. I know members are getting excited because it is getting close to Christmas, but as to the behaviour in here I do not know whether people will be rewarded when it comes to Christmas day; I think they might be very disappointed in what they don't get. The Minister for Energy.

The Hon. P.F. CONLON: Can I explain?

Members interjecting:

The Hon. P.F. CONLON: Twice—

Members interjecting:

The SPEAKER: Order! I think we will move on. The member for Reynell.

CHRISTIE CREEK

Ms THOMPSON (Reynell): My question is to the Minister for Environment and Conservation. Can the minister inform the house of action being taken to tackle the declining health of Christie Creek, and its impact on coastal waters?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Reynell for asking the question and I acknowledge her great interest in this feature in the southern suburbs.

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright knows he is out of order.

The Hon. J.D. HILL: He is very much out of order, sir.

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright will be named if he wants to talk over the chair. The minister.

The Hon. J.D. HILL: This will be tempting for him, I know. Christie Creek flows from the southern Mount Lofty Ranges through Morphett Vale and Lonsdale before spilling out to the sea at Christies Beach—for the benefit of those who do not know this particular creek. The state of Christie Creek has been of concern to me and members of the local community for some time, and there has been a lot of community discussion about it. Much of the catchment area has been cleared and urbanised, with stormwater runoff and large loads of sediment finding its way into the creek and then out to sea. Work is already being done in restoring the creek, with the Onkaparinga Catchment Water Management Board, together with the local council, conducting a number of studies and projects aimed at reducing flow of sediment, and the EPA has been modelling stormwater sediment and nutrient outputs.

However, it is clear that what is required is a coordinated approach to this problem to ensure the overall needs of the waterway are focused upon. What has been happening, of course, is that a lot of money has been spent without that strategy being in place. To achieve this outcome I have established a task force to be chaired by Dr Don Hopgood, a local resident, a former member of this place and somebody who knows a lot about the environment and water flows. That is being set up through the Adelaide and Mount Lofty Ranges Natural Resources Management Board. I have asked that board to coordinate this working group to ensure there is prompt and integrated action to really look at this waterway and come up with solutions to its problems.

I would also like to acknowledge the work of the Friends of Living Christie Creek, and I am keen for one of their members—probably Mr Max Manson—to be a member of that committee. They are a key part of the solution that is required. A marine scientist, Professor Anthony Cheshire, has recently been appointed to the NRM board and he will offer his expertise to the board as well, looking at how we can address some of the concerns about Christie Creek. Professor Cheshire has extensive experience in the areas of coast, estuarine and marine management. The task force will bring together organisations working to improve our environment and to ensure that rehabilitation projects are strategic and integrated, and I look forward to seeing more initiatives like this operating under the auspices of the new NRM boards.

The Hon. I.F. EVANS (Deputy Leader of the Opposition): Why did the minister then oppose the coastal waters study, a work which exposed Christie Creek as having the highest sediment discharge into the ocean? Why did the minister then oppose that study?

The SPEAKER: Order! Members do not have to ask questions twice; otherwise we will be here twice as long, I would assume.

The Hon. J.D. HILL: I was not the minister at the time that study was proposed; I was in opposition at the time.

COUNTRY FIRE SERVICE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Infrastructure, representing the Minister for Emergency Services. Does the minister agree with statements made at yesterday's coronial inquest into the Port Lincoln fires that CFS management did not take seriously the forecast fire conditions for 11 January 2005 on the Lower Eyre Peninsula? The Deputy Coroner, Anthony Schapel, yesterday told the inquest that extreme weather conditions, including a forecast wind change and very high humidity, pushed the fire out of control. He said:

> The CFS was warned about the fire and the forecast deadly conditions but did not take it seriously. It had thought the Weather Bureau had overestimated the fire danger.

The Smith report states:

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

The Hon. P.F. CONLON (Minister for Infrastructure): I point out to the Leader of the Opposition that it is not going to be a matter of great consequence to the coronial inquiry whether I agree with people's opinions or not. The entire point of having a coronial inquiry, one would have thought, is to arrive at some conclusions. If I am asked for my opinion there I will give them, but whether I agree with the statements made yesterday or not is, first, a matter of no consequence and, secondly, something for which I am not responsible to this house. I will, however, say this: I will defend the Country Fire Service in this place because, without the Country Fire Service and without those thousands of volunteers and without confidence in the Country Fire Service, this state would be a much sorrier place. If you want to ask me what I think of the Country Fire Service, I admire them and I consider it a great honour to have been their minister.

FESTIVAL OF ARTS

Ms CICCARELLO (Norwood): My question is to the Premier, as Minister for the Arts: how has the 2006 Adelaide Festival been tracking since its program was launched on 10 October?

The Hon. M.D. RANN (Premier): I thank the honourable member for her question; I know she is a great supporter of the arts.

Mr Brindal interjecting:

The Hon. M.D. RANN (Premier): Yes, I am Minister for the Arts. I am surprised that you did not know. I thought you had an honourable view of these matters. The artistic director, Brett Sheehy's program for the 2006 Adelaide Bank Festival of Arts has been extremely well received. Already David Byrne's performance of *I Love Powerpoint* has sold out and, due to the strong demand for tickets, arrangements have had to be made for an extra screening of Rolf de Heer's new film *Ten Canoes*, which will be the first Australian feature film to be made in an indigenous language. It also has funding from the Adelaide Film Festival. The Adelaide Film Festival, as members know, has the ability, unlike any other film festival that I know, to commission films from the beginning of the creative stage right through to screening. I think, from what I am told, that *Ten Canoes* will be a world event.

The closing night gala presentation of Shostakovich's *Leningrad Symphony* (I know that members opposite will be keen to join me there, because when you think about the timing of the *Leningrad Symphony*, as well as its symbolism, I think everyone would want to be there) and the evening presentation during Writers' Week featuring eminent writers Michael Cunningham from the USA, Margaret Drabble from the UK, Patrick Gale from the UK and Vikram Seth from India—

Members interjecting:

The Hon. M.D. RANN: No, the cricketer I caught out was Krish Srikkanth, former Indian cricketer and opening batsman. The single by the Pat Metheny Trio is also selling very well, with a strong interest from interstate ticket buyers. There has been positive media coverage of the festival program across the nation, as well as strong international media interest in the world premier production of *Here Lies Love*, resulting in press articles in the United Kingdom, South Africa, Singapore and the United States.

As of 18 November, the box office had taken $953 648—and, of course, that does not include WOMAdelaide ticket sales. People will remember that when I signed up WOMADelaide to be a yearly event, rather than every two years, various critics thought—in fact, I am told that some Liberal members of parliament believed—that this would be a disaster; that people would not come and that it was too much. In fact, ticket sales went up massively. To date, about 15 per cent of the tickets have been sold outside the state, reflecting the importance of the festival in terms of tourism.

Mr Brindal interjecting:

The Hon. M.D. RANN: No, it was the *Ring* cycle, and not *Lord of the Rings*. It is a completely different thing. The festival is on track in terms of its biennial cycle of tasks, with production management staff currently being recruited to oversee the logistics of next year's program. The free festival opening night event, to be presented on the banks of the Torrens on 3 March 2006, promises to be spectacular and truly memorable. I understand that we will see dancers coming down from the air on balloons. I cannot give too much away, and I cannot reveal who also will be up there dangling from one of the balloons. However, I strongly urge all members of parliament to study the festival booklet closely and to make their choices and book their tickets soon if they do not want to miss out. I think that Brett Sheehy's festival will be one of the best we have seen in the last 30 years. I think it will be absolutely a world event, and I am sure that we are all looking forward to March.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Infrastructure. Has the government acted on the recommendation of the Smith report on the Eyre Peninsula bushfires and signed a memorandum of understanding with local government concerning the use, and conditions of use, of the local council's plant and equipment? Analysis shows that there was a major problem with local government equipment being under-utilised in the early stages of the January Eyre Peninsula fires. With the new fire season now upon us, it is vital that we now learn from past lessons and avoid a repeat of what happened in January.

The Hon. P.F. CONLON (Minister for Infrastructure): I will obtain a report from the minister.

WESTWOOD URBAN RENEWAL PROJECT

Mr RAU (Enfield): My question is to the Minister for Housing. What is the status of the Westwood urban renewal project?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for his question, and I also pay tribute to his sustained advocacy on behalf of the communities that comprise The Parks region of this state, which we share as electorates between Enfield and Cheltenham. Today I have great pleasure in announcing the acceleration of the Westwood project, which is in The Parks area of the state. It is a $600 million project. The success of the project in a physical sense has meant that we are now in a position to be able to take steps to negotiate with the developer—

Mr Venning interjecting:

The Hon. J.W. WEATHERILL: Yes, well, it is a long way from the Barossa Valley to The Parks and obviously there is an expert in the Barossa—

The SPEAKER: The minister should ignore interjections, which are out of order.

The Hon. J.W. WEATHERILL: We identified very early on that, while the previous government had committed to one of the largest urban redevelopment projects in Australia in The Parks region, some serious lack of attention was given to the community aspects of The Parks. This community has been seriously disrupted by the redevelopment. Many of them live in suburbs which are at the end point of this project which, indeed, is a 15-year project. They were staring at a 15-year death sentence on their suburb, with no adequate community supports in place to show them a vision for the future of their suburb. Certainly, in the past, these have been very troubled areas of the state, notwithstanding that there is also great community strength and resilience.

One of an enormous number of initiatives in The Parks area, as part of the social inclusion initiative to focus on this part of town, is to accelerate the project. We set aside some funds in the state housing program to assist us to do this. It is my great pleasure to announce that we have been able to secure an agreement with the developer to accelerate the

project by three years, which will assist us in providing certainty to the people who live in these suburbs and who make up The Parks community. The Parks suburb will include plans for a proposal for a much needed aged care complex in the northern region of Angle Park, extra affordable housing in Woodville Gardens and a renewed focus on social inclusion in the entire area. I pay tribute to Monsignor David Cappo and the whole of government project which he heads. This is a great challenge.

While we celebrate the lowest unemployment in many years in this state, unfortunately, pockets of The Parks sadly lag behind the opportunities that exist in other parts of the state. It has been our task to ensure that the benefits of prosperity flow to all our citizens and, in particular, the citizens of The Parks area of the state. Once again, I pay tribute to the advocacy and sustained activity by the member for—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: No; harassment is too strong a word. He has been a fierce advocate on behalf of his community, and it is beginning to pay dividends.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Infrastructure now provide the house with information on why the request for water bombing support made by the Wanilla brigade captain at 6 p.m. on 10 January was not passed on to the State Emergency Operations Centre? The Smith report clearly identifies that a request was made for aerial support under the statewide aerial fire support contract but that it was not passed on. The minister undertook on 20 September to get a report on this matter for the house.

The Hon. P.F. CONLON (Minister for Infrastructure): I think the import of the question is that, between 20 September and now, I have not provided the report. I will check with the minister and find out where that report is. Can I say that, by comparison with some of the delays we endured in this place when we were in opposition from that side, it is hardly remarkable.

TRAM EXTENSION

Mr CAICA (Colton): My question is to the Minister for Transport. Will the minister advise the house whether there have been expressions of support for an extension of the tramline north of Victoria Square?

Ms Chapman: Not many.

The Hon. K.O. Foley: Who supports it? Tell us.

The Hon. P.F. CONLON (Minister for Transport): Sorry, did you say that there had not been? There have not been, according to the member for Bragg. She is an expert on everything. Not only have there been many expressions of support for the extension of the tram over many years, but also they have come from some places that might surprise the member for Bragg. First, let me refer to the 1993 Liberal passenger transport policy—

Members interjecting:

The Hon. P.F. CONLON: No; there is more, don't worry. They proposed to have by the year 2000 a CBD transport hub in North Terrace, accompanying a consideration, amongst other things—

Mr BRINDAL: Mr Speaker, I rise on a point of order. I have two points. The first point is relevance and the second is the minister's accountability to the parliament for the actions of a 1993 policy.

The SPEAKER: The minister has some scope in answering. He can refer to matters that are germane to the issue of the tram.

The Hon. P.F. CONLON: The point is that on many occasions from members opposite there have been questions about the wisdom of seeking to extend the tram north of Victoria Square, so what I am trying to do is flush out those who have supported it. In 1993, the Liberal passenger transport policy for a CBD transport hub included the consideration of an extension of the tramline from Victoria Square down King William Street. But wait: there's more! Having failed to establish their CBD hub—

Mr MEIER: I have a point of order as to relevance. I believe the minister referred to some policy from 12 years ago. I wonder whether the abolition of the upper house is still part of the policy of the Labor Party.

The SPEAKER: That is not a point of order.

The Hon. P.F. CONLON: Given the way members opposite go back to the State Bank like a dog returning to—let us not go there. In 1997, Liberal passenger transport policy, having missed their CBD hub in the first four years, said:

> The Liberal government today named five major projects it wants on the state's long-term public transport agenda, including the extension of the tramline north of Victoria Square.

They were busy for another 4½ years and did not get round to it, but they did put it in their 2002 Liberal passenger transport policy:

> A Liberal government will progress the call for expressions of interest from the private sector to invest in new trams and upgrade both the tram line and all stations between Victoria Square and Adelaide, and develop a case for a tramline extension beyond Victoria Square.

Now move the tape forward to 19 February 2004. Their front bencher the member for Morphett moved in this house a motion urging the Minister for Transport to investigate extending the Glenelg tramline to the Adelaide Railway Station and North Terrace precinct. This is 2004: perhaps that is a little more modern history for members opposite. He said then:

> I would like to see the tramline extended all over Adelaide the way it was in the late 1950s.

Mr Brokenshire: It is a waste of $51 million.

The Hon. P.F. CONLON: $51 million? Robert Brokenshire cannot even tell the truth on this! $51 million, he said. It is actually $21 million, but what is $30 million when you are Robert Brokenshire? If they run short, you can get it from the rescue helicopter sponsorship.

The SPEAKER: I think the minister needs to conclude his answer.

The Hon. P.F. CONLON: There is more, sir. There is more support.

The SPEAKER: The minister needs to wrap up his answer.

The Hon. P.F. CONLON: I will wrap it up, but I turn to the member for Schubert who, in 2004 said:

> Under the previous minister, the Hon. Diana Laidlaw, we always had this grand plan, and I cannot see any reason why we cannot run at least a double tramline for one tram down the middle of King William Street.

Suddenly, their long-held, generationally-held view of the value of the tramline has disappeared. This is an indication

that they really do not have much commitment to anything. When they put themselves—

The SPEAKER: Order! The minister is debating now.

Mr BRINDAL (Unley): As a supplementary question to the Premier, given the Premier's policy attitude towards Roxby Downs at about the same time, can he tell us whether the ALP still holds the same attitude to the Roxby Downs mines?

The SPEAKER: It is hardly a supplementary question.

The Hon. M.D. RANN (Premier): You want to ask me a supplementary? I was in Melbourne last week speaking with Chip Goodyear, the CEO of BHP Billiton, which has taken over Roxby Downs, and we are negotiating to see the development of the biggest open cut mine and the richest multimineral deposit in the world.

Mr BRINDAL: Point of order—

Members interjecting:

The Hon. M.D. RANN: If you want me to answer, I will answer—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. Member for Unley.

Mr BRINDAL: My point of order, sir, is relevance. I simply asked whether the ALP has changed its mind.

Members interjecting:

The SPEAKER: Order! The member for Unley asked a question that was hardly supplementary. He is getting an answer now—which is not what he asked for.

The Hon. M.D. RANN: What we are talking about is that there are 16 rigs, I am told, up there at the moment, drilling and trying to find the perimeter of the mine. It is getting bigger and bigger; and they are looking at a whole range of things such as a desalination plant. To say that this is irrelevant is like saying that it is a 'mirage in the desert', and you are wrong.

NATIVE VEGETATION ACT

Mrs HALL (Morialta): My question is to the Minister for Environment and Conservation. Will the minister advise the house if CFS volunteers could be charged with a criminal offence under the Native Vegetation Act if they light a fire such as a burn-off and the fire accidentally escapes and burns native vegetation covered under the act? The government, through the department for environment and conservation and the CFS, is currently undertaking a fuel reduction management program of burn-offs in the Hills—the Mount Lofty Ranges, specifically—preparing for summer and the 1 December bushfire season. A number of constituents and volunteers have raised this concern with me.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for this important question. We obviously have systems in place in South Australia to do two things: first, to protect native vegetation and, second, to protect the public from the threat of bushfire. Where there is a conflict between those, we seek to sort them out. As I have said to this house in the past, we have worked very closely with the CFS to get arrangements in place. In areas where there are high bushfire possibilities, landholders are encouraged, through councils, collectives or individually, to put in a bushfire management plan. If they do that, they can control burn and manage their property in accordance with that plan, and there is no risk of liability. In urgent situations when there is a fire and the CFS is running the incident, of course, the CFS officers have full authority to make decisions as they go. All of us, including CFS officers, are obliged to follow the law and, if they breach the law in the course of their duties, they could be liable. So, if they were careless or negligent or did not properly go through the processes, there may well be a liability. But I would have thought—and I will get advice on this—that any CFS officer who is diligently going about their duty, operating within the correct parameters that applied at the time—

An honourable member interjecting:

The Hon. J.D. HILL: Well, a volunteer officer. Any CFS officer or volunteer, as you put it, who is operating correctly and in line with procedures, doing things from a point of goodwill and all the best of it, I doubt very much if they would ever be prosecuted. However, I will get a formal response because I would want—

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order! The minister is trying to answer the question.

The Hon. J.D. HILL: What I was trying to—

Mr Venning interjecting:

The Hon. J.D. HILL: Oh, the humour from the member for Schubert! What I was saying to the house is that you cannot have a blanket approval for anybody to do anything. It has to be subject to the law of the land, but if they are doing it in the proper way, they would obviously be secure. I will get a formal response for the member, but we do not obviously want to see CFS officers troubled by the law if they are going about their duty in the normal course of their responsibilities and doing it in the best interests of the community in trying to prevent bushfires.

Mrs HALL: My question again is to the Minister for Environment and Conservation. Given the response to the previous question, will the minister now advise the house if private landholders could be charged with a criminal offence under the Native Vegetation Act if they light such a fire and the fire accidentally escapes and burns native vegetation covered by the act?

The Hon. J.D. HILL: The point I make in relation to this question is the same as I made in relation to the previous question. If they are acting in accordance with a fire management plan which has been approved through the CFS and the Native Vegetation Council, and they are doing it appropriately by taking due care and doing it on appropriate days when there is not a lot of wind and not using accelerants, and all the other kinds of things you would expect a sensible person to be doing, I would imagine—and I will have this checked for the member—that they would be protected. They would have a good defence if they were charged with any offence. However, if they do things which are negligent and careless that a normal person going about their job would not do, they may well have a problem. As I said, I will have it checked.

SCHOOLS, PASTORAL CARE

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. Is the government going to ban the use of the word 'chaplain' for pastoral care counsellors in schools? Employees and volunteers of the Schools Ministries Group, which provide pastoral care to schools, are currently called school chaplains. The minister has advised that it is no longer acceptable for them to be referred to as chaplains and that they will now have to be known as Christian volunteers.

Members interjecting:

The SPEAKER: Order! The congregation will come to order. The Minister for Education and Children's Services.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Thank you, sir. I am happy to respond to the member for Bragg. She refers to a system whereby we fund a process of providing pastoral care to many public schools under the guidance of an agreement that is laid down between the department and the Heads of Christian Churches.

The Heads of Christian Churches administers this process, but there have been concerns for some time about the service agreement, which has been worked on in collaboration with all those involved. The reason that service agreement needed to be updated was to produce child protection requirements and guidelines in relation to volunteers—and these people are indeed volunteers. They are not members of staff; they are not on the payroll of the department; and they are not on the payroll of the school—

Ms Chapman interjecting:

The SPEAKER: Order! The minister will resume her seat. The member for Bragg asks a question and then rudely interrupts. I assume that the minister is trying to answer the question. The minister.

The Hon. J.D. LOMAX-SMITH: The agreement has been worked upon so that we can comply with the stringent requirements that this government has put in place for child protection within our schools, particularly recognising, for instance—

Members interjecting:

The SPEAKER: Order! I do not think members want to hear the answer. I call on the next question.

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! The member for Bright is out of order. Speakers do not enforce answers. Answers are at the discretion of the minister, and the member for Bright knows that. Does the minister want to wrap up her answer?

Mr BRINDAL (Unley): I have a supplementary question. In the light of her previous answer, will the minister investigate whether she and/or her department may be guilty of breaches of the Equal Opportunity Act? It is unlawful in this state to discriminate on the grounds of religious belief. If those volunteers are now called Christina volunteers, what does this say to Muslims, Hindus and other practising religions in South Australia?

The Hon. J.D. LOMAX-SMITH: I was beginning to say that we are producing guidelines that control the capacity of these non-employee people, who provide a very good service for schools, such as whether they should be alone with children or whether they should be in the company of another teacher. In particular, one of the issues is whether we should call them chaplains. The word 'chaplain' has a very precise meaning in the English language, as does the word 'doctor'. Therefore, one would expect the word 'doctor' to mean that someone is medically qualified or has a PhD.

Mr Brindal interjecting:

The Hon. J.D. LOMAX-SMITH: No? Or the word 'pastor' or the word 'chaplain' would be someone who had a qualification. The legal advice is that it is indeed 'passing off' if someone pretends to be qualified in a way when they are not. Having said that—

Members interjecting:

The SPEAKER: Order! It is impossible to hear the answer, so I think we had better move on. Does the minister wish to conclude the answer?

The Hon. J.D. LOMAX-SMITH: I do, sir, because it brings up an important point. I was concerned in an ecumenical sense that we had volunteers who were under an agreement with the head of Christian churches, because that excludes the possibility of having someone from the Baha'i faith, the Jewish faith or the Muslim faith. Having thought that we should have a complexity and a diversity of people giving pastoral care, depending on the views and the beliefs within an individual school, I am very happy to open up these processes now so that we have Christian volunteers, Baha'i volunteers, Muslim volunteers, Jewish volunteers, because—

Members interjecting:

The SPEAKER: Order, members for Mawson and Bright!

The Hon. J.D. LOMAX-SMITH: It is funny that the member should mention numeracy and literacy, because we are the only government in recent times that has cared about them.

CHILD CARE

Mr O'BRIEN (Napier): My question is to the Minister for Employment, Training and Further Education. What initiatives are being pursued to increase the number of trained childcare workers in the Elizabeth-Gawler area?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Napier for his question. The people of Gawler and the northern metropolitan regions will benefit from a significant boost in trained childcare workers as a result of a project which is attracting additional local people into the childcare sector. The project, which is part of the highly successful South Australia Works program, will provide job opportunities for 40 unemployed people in the region, providing them with basic skill training in child care, personal mentoring and on-the-job placements. The government is committing $60 000 towards the project which includes tuition at the TAFE Gawler campus. Gawler, the Barossa, and the northern area of Adelaide are experiencing a considerable level of building development with more families moving into the region. There are new childcare centres being built in the northern area to cope with this demand, and plans are already in place within the Barossa and Light regional councils to build new centres in Gawler and other locations in the region. This will place a greater demand on childcare facilities and childcare workers in the region.

Therefore, it is important that we have more skilled workers becoming available. Last week when we were at the community cabinet in the Light region, it was excellent to be able to talk to people about the needs and concerns that they have with regard to children's services. So, I think this will respond to some of those issues raised with me. We are hoping that this project will commence in February 2006. It will train 20 participants in the Barossa-Light region, with another 20 participants in the northern metropolitan area. This program builds on a program which started earlier this year in Elizabeth and which has seen almost 20 participants go on to win jobs in the industry or progress to higher levels of training. We are hopeful that this new program in the Gawler Light region will be just as successful and provide participants with a kick start into the childcare industry and also open up opportunities for further study. As I mentioned in

this house earlier in the week, the national Trainee of the Year was a childcare worker, and it is great to see that child care as a vocation is being recognised as an important one for many people.

ATTORNEY-GENERAL

Ms CHAPMAN (Bragg): My question is to the Attorney-General. When the Attorney-General went into the Legislative Council lounge on Monday night and alleged that a criminal defamer was there, which MP was he referring to, if not Hon. Sandra Kanck MLC? Members of parliament are the people responsible for the passage of a bill, and the Leader of the Democrats was one of a number of members of parliament who were in the gathering celebrating the passage of the Same Sex Bill in the Legislative Council lounge on Monday evening.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens is out of order and out of his seat.

Ms CHAPMAN: The Attorney-General approached the group and asked in a voice that was loud enough for everyone in the room to hear, 'I suppose you are going to give credit for the passage of this bill to that criminal defamer.'

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I do not think the words that the member for Bragg uses are correct. I had a private conversation with Mr Matthew Loader from the Let's Get Equal Coalition. There is a lot of work to do on the bill. It is a pity that someone was eavesdropping on the conversation.

MURRAY BRIDGE WASTE REPOSITORY

The Hon. I.P. LEWIS (Hammond): My question is to the Minister for the Environment. Does the minister concur with the opinion of the EPA, and in particular its CEO, Dr Paul Vogel, that the Murray Bridge council waste repository should be refused permission for use and required to be quarried because it does not have a membrane of a particular quality in terms of restricting the flow of water installed in the cell into which the waste is being placed, but does have a natural clay layer—six metres, not one metre thick—that has a 10 per cent increase in impervious clay surrounding that waste repository?

The SPEAKER: The minister is not required to give an opinion. The minister.

The Hon. J.D. HILL (Minister for Environment and Conservation) I shall not give an opinion, sir, because the EPA is an independent authority. It makes technical assessments based on best science. I will get a response for the member in relation to the issue he has raised.

FORENSIC SCIENCE SA

Ms RANKINE (Wright): My question is to the Minister for Administrative Services. Can the minister advise what capacity Forensic Science SA has to support Emergency Services in the event of a terrorist attack?

The Hon. M.J. WRIGHT (Minister for Administrative Services): Thank you, sir, and I would like to thank the member for her question. I can advise the member and the house that the investigation of a terrorist incident would generally call on the same chemical and biological expertise that Forensic Science SA uses every day to help solve crimes. For example, members may be aware that staff of Forensic Science SA assisted with pathology and DNA expertise after the first bombing in Bali. We also provided DNA expertise after the devastating tsunami. In fact, a DNA expert from Forensic Science SA has very recently been in Thailand, where tsunami victim identification efforts are still continuing.

However, there is a particular project that will further enhance Forensic Science SA's own expertise, as well as support state and national efforts to combat or investigate terrorist events. Forensic Science SA has accepted an invitation to join a national chemical warfare laboratory network. This is a commonwealth funded program managed through the Defence, Science and Technology Organisation (DSTO) to train forensic scientists in the specific chemistry and analysis of chemical warfare agents.

The goal of the program is to support Australia's counter-terrorism response by developing a network of state and territory based laboratories with the expertise to analyse samples suspected of containing chemical warfare agents from incident scenes or clandestine laboratories. While the analysis techniques involved are often familiar, forensic scientists do not routinely encounter chemical warfare agents. The network therefore provides a valuable opportunity to gain experience in analysing these substances.

The network will also provide a link from state and territorial laboratories to the DSTO in Melbourne to provide expert advice on the handling and analysis of chemical warfare agents. While we hope that is never needed, South Australians can be confident—

Mr Venning: Boring!

The Hon. M.J. WRIGHT: Well, I am very sorry. I am very sorry that the member is bored about terrorism activity and what, of course, Forensic Science SA may be able to do to help the taxpayers of South Australia. I am sure his local electorate will be very interested to know where his priorities are. As I was saying, South Australians can be confident that their forensic service has the expertise to support state and national emergency services in their fight against terrorism.

SITTINGS AND BUSINESS

The Hon. G.M. GUNN (Stuart): I move:

That question time be extended by five minutes.

Motion negatived.

The SPEAKER: I point out that today there were 10 questions, including the member for Hammond's, plus five supplementaries from the opposition.

An honourable member interjecting:

The SPEAKER: About the same number that usually get answered. The question is that the house note grievances. The member for Mawson.

GRIEVANCE DEBATE

ATTORNEY-GENERAL

Mr BROKENSHIRE (Mawson): Today we saw all government members move away from the Attorney-General and we saw the Attorney shut down from question time. We

know why, Mr Speaker. Today on ABC Radio we witnessed one of the most serious breaches that a minister could ever commit when it comes to his—

Mrs GERAGHTY: On a point of order: the member for Mawson made a comment about members on this side moving away from the Attorney-General. I ask him to withdraw it, because it is not true.

The SPEAKER: That is not a point of order.

Mrs GERAGHTY: He misled the house, sir.

The SPEAKER: It is not a point of order. The member for Mawson.

Mr BROKENSHIRE: We saw one of the most serious breaches you could ever see by a present, sitting, sworn-in Attorney-General. When an Attorney-General is given intelligence and briefings by any agency, ASIO or any of the meetings of the Attorneys-General, or any other briefing, it is paramount as a present Attorney-General that the Attorney-General ensure they never breach that confidentiality and put the community at risk. What we saw today was a situation where a lot of people now have been slandered as a result of the fact that this Attorney-General, addicted to talkback radio, could not help himself in breaching a basic requirement and protocol of an existing Attorney-General. What we also now know is that in the community there are intelligence risks in this state that police, federal police, SAPOL and others were working on, which have now been exposed to the absolute broadest base of the South Australian community. This is a disgrace. This is an Attorney-General who no longer deserves to be the Attorney-General of South Australia.

This also comes on the back of many other serious circumstances. Some of these are: harassment of staff of MPs; harassment of MPs themselves; had a ban placed on his phone to prevent him from making abusive phone calls; has been involved in allegations surrounding government board positions in exchange for settling a defamation action; has read the form guide while attending a meeting with the Chief Justice or the CEO; regularly rings late-night talkback radio to peddle his jaundiced version of events and even rings talkback radio from overseas to tell them about his troubles; rings other talkback callers and threatens them with legal action when they question the Attorney-General's actions; suffers from selective memory and cannot remember meetings and topics discussed—even though he can recite the results from individual boxes at the union ballot, he suffers when serious questions that need answering should be given to the parliament of South Australia; interferes with the union's election processes; and we all know he meddles with local government elections.

He allows his staff to threaten witnesses in proceedings that bring his actions into question. This is an absolute disgrace for someone who has been sworn in as a minister or as an Attorney-General and who has been privileged to confidentiality—and I highlight this. The police minister recently was very careful—very careful indeed—to ensure that he did not expose any confidentiality when he was talking about certain matters with respect to issues of arrest and with respect to potential terrorism threats in Australia. The police minister knew that he had to be incredibly careful. The Attorney-General has gone one step too far this time. He knows that he should never, ever—

Members interjecting:

The Hon. K.O. FOLEY: On a point of order: the Attorney-General did not breach any confidential briefing, sir, because he has not been briefed.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: He was referring to what community leaders had told him.

The SPEAKER: Order! It is not a point of order. The member for Mawson.

The Hon. K.O. FOLEY: It is a political stunt.

Members interjecting:

The SPEAKER: It is not a point of order.

Mr BROKENSHIRE: It does not matter how much the police minister or other members of the government try to protect the Attorney-General. This Attorney-General today went too far on radio, and has now highlighted risks that should never have been highlighted to anyone. That is a basic requirement of the Attorney-General. This Attorney-General—this man—has brought into disrepute the position of the chief law officer of South Australia. This Attorney-General is the first Attorney-General I can ever recall who has, again, breached a fundamental requirement of him as a minister of the crown, that is, never to allow any confidential information they have that could be a risk to this state to go into the public arena. You have had enough, Attorney-General. He has been attacking people. He has been out there mouthing off too often. Today he has finally failed the ultimate test, and that is a breach in confidentiality. He has put the community at risk and embarrassed a lot of other members of the community. Before the Premier does it to him, he should step down today as the Attorney-General. The community will no longer tolerate that sort of situation from an Attorney-General. He has failed a basic test and breached intelligence. It is a disgrace.

The SPEAKER: Order! Before calling the Attorney, I advise members that they need to be very careful about making allegations. If they wish to raise a matter, they should do it in a substantive way, not by way of an allegation, unless they have the facts to make the allegation stand up. The Attorney.

TERRORISM

The Hon. M.J. ATKINSON (Attorney-General): I have not received a briefing from the authorities on Islamic fundamentalism or terrorism. So, not having received a briefing, I cannot breach the terms of it. The second thing to say is that, unlike members opposite, I am close to the Islamic communities of South Australia. I am a life member of the Bosnian Herzegovina Muslim Society, and I have attended Friday prayers at mosques. What I can tell the house is that, although I am multi skilled, I am not fluent in Arabic and, therefore, I am not able to understand, much less translate, homilies by any imam at Friday prayers.

Ms Chapman: That's not what you were saying on the radio this morning.

The Hon. M.J. ATKINSON: I was asked a question by Matthew Abraham on *Radio 891*, and I answered it honestly and to the best of my ability. I breached no confidences whatsoever, nor have I put anyone at risk. Many of my constituents follow the Islamic faith. They are from Somalia, Eritrea, Jordan or Bosnia Herzegovina. Because I mix with them, I am aware of currents within South Australia's Islamic community. The information that I supplied on *Radio 891* this morning should come as no surprise to any adult person, or anyone with any feeling for Islam and its role here in South Australia.

What I said this morning was entirely mundane and based on information supplied to me by Muslim South Australians.

This is just common, after prayers, in coffee shops or wherever Islamic people gather. They are concerned, as good Australian citizens, about any preaching of Wahabism by an imam or by members, often recently arrived, of the Muslim community. The Muslims with whom I mix believe in parliamentary democracy and in the rule of law, and they are proud to be Australian citizens. I am confident that the authorities, whether state or federal, employ people who are fluent in Arabic and the relevant languages who are in a position to read the relevant ethnic newspapers and also to attend any place of worship and listen. It is just common-sense. Wake up, member for Mawson. Mr Speaker, no confidential information—

Ms Chapman interjecting:

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

The Hon. M.J. ATKINSON: —whatsoever has been released.

Mr Meier interjecting:

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

Mrs Geraghty interjecting:

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

The Hon. K.O. Foley: John Howard even called a press conference.

The Hon. M.J. ATKINSON: Yes; the Prime Minister said much the same thing. I have not been briefed by the law enforcement authorities and, therefore, not having been briefed—

Members interjecting:

The SPEAKER: The member for Bragg and the member for Mawson will come to order!

The Hon. M.J. ATKINSON: —how can I breach the terms of the briefing? But, yes, the member for Mawson does accuse me correctly when he says that I participate in talkback radio. That participation, however, was not evident this morning. I was rung and asked to come on as the person in charge of the two anti-terrorism bills before the house and to defend the legislation. I do not believe that there is any cause for alarm in South Australia, but there is no doubt that some people in the Islamic community believe in—

Mr Brokenshire interjecting:

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

The Hon. M.J. ATKINSON: —the subset of Islamic doctrine known as Wahabism. Now that may come as a great surprise to the member for Mawson, but it does not come as surprise to anyone who mixes, as I do, at the mosques and the Islamic college (which is in my electorate) and by doorknocking with Muslim constituents.

Time expired.

TOURISM

Mrs HALL (Morialta): I want to address some issues today specifically relating to the decline of the tourism industry in our state. It is particularly relevant and some would say quite strange that we no longer see images of the Premier at the Adelaide Airport. We all remember the images: the Premier, blueprints in hand, overseeing all the finishing touches in front of the cameras. We have all seen the Premier accosting those weary, unsuspecting travellers who were the first to step out of the customs hall into our new international terminal. We do know that this government likes to give the perception of just being a good news government, which also entails all spin and no action—and I would say no substance.

However, when it comes to one of our most important industries—and I would contend that that is the tourism industry—they seem to put it down there without caring a great deal about where it is going. I believe that some of the members of the government ought to visit the airport and spend a little time perhaps counting and seeing first-hand the international and domestic visitors who are not choosing to visit South Australia. Sadly, the latest statistics tell a story that contrasts dramatically with the feel-good news grabs of the Rann Labor government, because they provide further confirmation that this government simply does not treat the tourism industry as a priority, despite the fact that it generates more than $3.4 billion a year and provides more than 37 000 full-time jobs.

Financial year figures from both the international and national visitor surveys signal serious trouble for the tourism industry in our state. I start with the internationals. In 1999-2000, South Australia welcomed 358 300 internationals. In 2004-05, that figure stands at 326 000. That is a drop of 9 per cent when the rest of Australia is not suffering anywhere near that drop: in fact, most sections of Australia are enjoying significant increases. International nights have crashed by 13 per cent over the past year alone, while international nights at the same time in New South Wales, Queensland, Western Australia, the Northern Territory and Tasmania have all increased dramatically. Members have only to look at the crash in figures that is affecting our regions.

I use the South-East as an example. Internationals have gone from 59 500 in 2001 back to 45 000 last year. The Barossa, one of our premium wine areas, has gone from 26 200 in 2001 down to 19 000 in 2004. The Flinders Ranges has gone from 58 100 in 2001 down to 43 000 in 2004. These figures are quite frightening, and the tourism industry has every reason to be concerned about them. Our biggest international markets are suffering the most dramatic falls. Since Labor came to office, the United States is down by 6 per cent, the United Kingdom is down by 11 per cent and Germany is down by 22 per cent. These figures are dreadful.

The Hon. I.P. Lewis: Korea is up.

Mrs HALL: Yes, but not enough compared with the breakdown in all the other segments. Such drops from our most well-established international markets are sending shivers down the spine of our most important industry sector and we cannot afford to keep sustaining those losses. It is not just the international figures that have gone down: interstate and domestic visitation has slumped under this government. Visitor numbers are down 13 per cent from last year and they are up in Queensland, Western Australia, Tasmania and the Northern Territory. The nights spent by interstate visitors are also down a massive 15 per cent, and they are up in Queensland, New South Wales and the Northern Territory.

Once again, it is our large markets of Victoria, New South Wales and Queensland that have fallen the most in visitation to South Australia. Victoria is down by 18 per cent, New South Wales is down 13 per cent and Queensland by 22 per cent. We cannot afford to sustain this any longer.

Time expired.

MOTORCYCLE SAFETY

Mr O'BRIEN (Napier): Recently, the government launched the Motorcycling Road Safety Strategy 2005-10 as part of the South Australian Road Safety Strategy 2003-10. While crashes involving motorcyclists have generally shown a trend downwards since the 1980s, motorcyclists remain over-represented in fatal and serious crashes. According to the Australian Bureau of Statistics, motorcycles account for less than 1 per cent of all vehicle travel in South Australia but 10 per cent of fatalities and serious casualties. Put in a different manner, on a kilometre-travelled basis, motorcyclists are 30 times more likely to be killed on South Australian roads than other road users. Sadly, motorcyclist fatalities have increased in the past few years.

While motorcycles are inherently more dangerous than cars, these statistics are still unacceptable. Obviously, motorcycles do not afford riders the same level of protection as cars. Also, having only two wheels renders them far more susceptible to obstacles on the road, whether these are potholes, gravel, oil slicks dropped by other motorists or even leaves. Indeed, part of the attraction of motorcycles is the inherent danger of being close to the elements. Nevertheless, certain measures can be taken to improve safety for motorcyclists, and this government has acted. The South Australian Motorcycling Road Safety Strategy 2005-10 was developed in conjunction with the South Australian Road Safety Advisory Council's Motorcycle Task Force, which has representatives from key motorcycle groups as well as government agencies.

One of the key recommendations of the Motorcycle Task Force was to restrict novice riders to bikes with an engine capacity of up to 660 cubic centimetres and with a power-to-weight ratio of 150 kilowatts per tonne. I am pleased to inform the house that this came into effect on 14 November. Previously, novice riders were restricted to bikes with an engine dimension of 250 cubic centimetres. However, since the late 1970s, 250cc race replica-style motor cycles with performance characteristics comparable to much larger machines have become available. The original rationale of restricting performance by restricting volumetric capacity is, therefore, no longer relevant; in fact, it has been irrelevant for quite some time now. During the 1960s and 1970s, 250cc bikes had about 25 to 26 horsepower. However, a lot of research went into producing 250cc motorcycles with approximately the same power output as 750cc motorcycles of previous generations.

Many 250cc bikes today have enormous power on very light frames. The acceleration power on such motorcycles makes them very difficult to ride and very dangerous. On the other hand, you might have a 650cc motorcycle that is an adequate learner bike because it does not make as much power and is simpler to ride. The power to weight restrictions have also enabled bigger-bodied novice riders to learn on bikes that are more appropriate for their size. A 6´6˝, 120 kg man is simply too heavy for a 250cc bike, making it as dangerous for him as an overly heavy bike is for a small-framed rider. The new restrictions are a marked improvement on the older standard and will mean that riders are restricted from riding high-powered machines or overly heavy machines that conflict with the learning process. The prompt action on behalf of this government in meeting one of the key recommendations of the Motorcycle Task Force demonstrates our commitment to reaching the target of a 40 per cent reduction in road fatalities by 2010.

SCHOOLS, GAWLER PRIMARY

The Hon. M.R. BUCKBY (Light): I rise today to congratulate the Gawler Primary School. Last Sunday the new buildings at the Gawler Primary School were finally opened. This was a project that was put on the books in 2001 at the time that I was minister. I was very pleased to see that it finally came to fruition. I congratulate Helen Sands, the Principal of Gawler Primary School, and Adrian Shackley, who was the governing council chairperson for most of the time, as he has only stepped down this year, on their excellent work in achieving the best possible outcome for the students of the school. The school now has a facility that I am sure will be replicated in many areas across the state, because it is a building which provides not only excellent classrooms but also a covered area in the quadrangle of the classrooms where students can either go out to have art lessons or participate in activities which require a wet area or use that area when it is raining so that they can play there on a wet day or a hot days and get respite from the sun.

It is just a fantastic outcome for Gawler Primary School. They had very old transportable buildings there for many years, and the building of these classrooms and the administration area has actually meant that they now have more open space on the site than before. The old building of Gawler Primary School, which was built in the 1800s, has also been refurbished, and this has provided much more useable space and a much better atmosphere within that building for the children of the school than what was there before. It is an excellent outcome. It is one that has been a long time in coming and one that we had to fight for to allow it to continue. I am very pleased to see that all the hard work that has been done in making sure that this project came to fruition has been worth it.

I want to speak about another couple of areas. The Peachey Road area, as many people know, is in dire need of refurbishment. If anybody thinks that what I am saying is not correct, I would suggest that they travel along Featherstone Road and Barrat Street in Smithfield Plains and just have a look at that area. Probably 50 per cent of the area is vacant, because the houses have been demolished by the Housing Trust because of their poor state of repair and the damage done to them by Housing Trust residents over a period of time. It would really be better if a lot of the other houses there were pushed over, and we started again.

On completion of its feasibility study of the Peachey belt area, I urge the government to inject significant funding to ensure that we move on this project as quickly as possible. The faster we can regenerate this area the better the outcomes will be for the Housing Trust and for the people who live in the area and who are having to put up with these conditions. Governments of both persuasions have overlooked this project over the years, but this government now has the money to do it. I urge the government, on receiving the results of the feasibility study, to go ahead and do it.

One of the other issues is the trial of public buses at Angle Vale. I have done a survey of residents of Angle Vale and held a public meeting, and I am calling on the government to instigate a 12-month trial of the public bus service. We trialled it about five or six years ago, but it was not done in a way that was acceptable to residents. I have spoken with Southlink, which has indicated to me that it is up to the government to extend the boundary of the public transport. So, I am asking the government to do just that for a trial period.

Time expired.

SELF-FUNDED RETIREES

Ms CICCARELLO (Norwood): I want to continue my remarks from yesterday about the problem many in my community face on a daily basis—and I am talking about the self-funded poor. Whilst many consider self-funded retirees to be a bunch of 60-somethings who stride around a golf course all day, the truth of the matter is that there is another class of self-funded people in our country, and they are the asset rich and income poor. It is this class of self-funded poor who, in the past several days, have been led on a merry chase by the member for Finniss.

Two days ago, many people were listening to Leon Byner's program and heard the remarks made by the member for Finniss about how outraged he was that the state government had reneged on a commonwealth-state government deal which would see many of those self-funded retirees receive a card which would give them access to discounted government services. Quite rightly, these people were outraged at this suggestion. One such person contacted my electorate office and told me a heartbreaking story. He spoke of his need to have his teeth fixed and that it would be done so much quicker if he were in possession of a card such as the one the member for Finniss had referred to. He spoke of his inability to live week to week on the paltry sum he received in the form of rent from a rental property he owns. Why must these self-funded poor live on so little? It is because, under federal government legislation, they are asset rich and are therefore not entitled to a pension card concession.

The common theme amongst these people is that they have applied for top-up benefits to their income. They are rejected because their assets exceed the limit set by the federal government. Many of those people live off the rental income they may receive on a property. When they ask why Centrelink cannot take into account what they actually get in the hand, these people are told to sell their property, that is, to sell their investment. Many of these people cannot get the market value for their property and, even if they can, the amount they get often excludes them from the very thing they needed in the first place, that is, the concession card.

So, along comes the member for Finniss, who speaks of a deal on which the Labor Party had purportedly reneged. The constituent who rang my office was outraged at the thought that the South Australian Labor government would do such a thing to needy people. I was able to inform the gentleman that the remarks made by the member for Finniss were, in fact, incorrect and were possibly skewed to get the maximum media coverage. I let him know that it was the federal government led by the Liberal Party—the party to which the member for Finniss belongs—that walked out on the deal.

The truth of the matter is that this issue was addressed in parliament earlier this year, and I would be surprised if the member for Finniss was not aware of the circumstances. Minister Weatherill confirmed that he received a letter from the federal government minister, Kay Patterson, dated 13 May 2005. There was a headline in *The Australian Financial Review* 'Libs renege on seniors concession deal' on Friday 20 May 2005. Further to this, Minister Weatherill raised this matter in this parliament. The member for Finniss's assertions on the program, I think, were a cheap attempt to divide our community into haves and have nots, something the Liberals have been doing for years. The Labor Party in South Australia looks to the needs of our community and acts accordingly but we cannot do it alone. We need the federal government to put this issue back on the drawing board. The remarks made by the member for Finniss were uncalled for because there are many people in the community who were unduly upset at the thought that our government was walking away from something that would be beneficial to many in our community. I think that the member for Finniss, as well as other Liberal members, could lobby their federal colleagues to reinstate the deal that South Australia signed up to.

The member for Finniss was quite vocal about the deal when he claimed it was the South Australian government that walked away from it, but has been silent since the truth came out. It would be of great benefit to many in the community if the member for Finniss could lobby the minister to reinstate the deal. It is my understanding that the member for Finniss has not attempted to rectify the angst he caused two days ago with the assertions he made on 5AA. This is not fair to members in the community who were tuned in, and it is not fair to those who did not hear the truth that minister Weatherill was able to state on the same morning. Perhaps the member for Finniss could do that during the next sitting week of the parliament to rectify what he said on 5AA.

ECONOMIC AND FINANCE COMMITTEE: CROWN SOLICITOR'S TRUST ACCOUNT

Ms THOMPSON (Reynell): I move:

That the 57th report of the committee, entitled Crown Solicitor's Trust Account, be noted.

The Economic and Finance Committee has conducted an inquiry into misuse of the Justice Department's Crown Solicitor's Trust Account (CSTA) during the period 2002-04. Specifically, the Auditor-General told parliament in October 2004 that the practice of paying unspent funds into the Crown Solicitor's Trust Account during 2002-04 was done as a deliberate means of circumventing Treasury carryover policy. The committee heard that funds from the CSTA were either spent on items far removed from their original purpose or not at all, the effect of which was that carried over monies held in the CSTA became a discretionary fund for the then chief executive officer, Ms Kate Lennon, to support certain projects.

At the crux of the matter was that transactions of the CSTA during 2002-04 necessitated money to be presented in the financial statements of the department as expended when they had not been. Further, the cash balances held by the department were understated. The committee was told that these false entries were carried out by Mr Kym Pennifold, the department's chief financial officer, either on instructions from, or with the concurrence of, Ms Lennon.

This is a most serious breach of the Public Sector Management Act. Public servants must at all times implement the policies of the government of the day. They cannot abrogate themselves of this responsibility. Mr Pennifold accepted that he had breached the Public Sector Management Act and, in a disciplinary hearing, was demoted. Ms Lennon—when asked to respond to allegations arising from the investigation—resigned. The committee notes, however, that Ms Lennon and Mr Pennifold were not guilty of misappropriation of monies for any direct personal gain as there was no evidence of corruption.

Important to Ms Lennon's defence, and central to the media's intense scrutiny of this matter, was her claim that she had informed the Attorney-General of her use of the CSTA. However—as the committee notes, and as the Attorney-General himself told the house—in her evidence Ms Lennon offered no dates, no agenda items, no minutes, and nothing in writing. When Ms Lennon was asked whether she could supply the names of witnesses to her informing the Attorney-General of the CSTA—its existence or its operation—she nominated Mr Andrew Lamb, the Attorney-General's then chief-of-staff. However, sir, the committee had the sworn testimony of the Attorney-General and the statutory declaration of Andrew Lamb to the contrary.

More importantly, it is noted that Ms Lennon's evidence lacked credibility. Even her claims to have informed the Attorney-General on the use of the CSTA had two versions. On one occasion she told the Auditor-General that she had only advised the Attorney-General of the CSTA in an exit interview. On another occasion she told the committee that the CSTA was raised with the Attorney-General at least six to eight times.

The committee found that Ms Lennon lacked credibility on a range of other fronts, but none more damning than in relation to the Adelaide Police Station demolition project. The committee heard that Ms Lennon had transferred over $1 million of unspent money related to this project into the CSTA. This direction to transfer the money into the CSTA was given despite the fact that a senior official had strongly advised Ms Lennon that this money had been underspent and should be returned to Treasury.

Significant also was the way in which this transaction was undertaken, in that Ms Lennon broke the total amount into two amounts of approximately $0.5 million each. By doing the transaction in this way, it fell within the delegated authority of the chief executive officer. Above this amount, it would have been necessary to obtain the authorisation of the Attorney-General himself. The committee notes that Ms Lennon avoided the need to inform the Attorney-General of the transaction and that this was a deliberate act.

The committee also heard that, having learnt of an investigation, Ms Lennon met with a personal friend, Mr Jerome Maguire, to ask him to use his influence with the new CEO Mr Mark Johns not to refer the matter to the Auditor-General. This meeting called into question her claims that she knew nothing about the investigation until a Treasury official first informed her in October 2004, as her meeting with Mr Maguire occurred in August 2004.

Ms Lennon constantly stated that she relied upon the compliance of the then crown-solicitor, Mike Walter QC, in using the CSTA to deposit unspent carryovers. However, the committee notes that Mr Walter may have said it was okay to deposit money into the account, but he said nothing about expending it. Mr Walter did, though, tell Ms Lennon that, sooner or later, Treasury would get 'pissed off'. Clearly, this warning by Mr Walter was either ignored or dismissed outright by Ms Lennon. In consideration of the evidence, the committee has come to the following conclusions.

The committee found nothing to indicate that the Attorney-General was aware of the CSTA, let alone complicit in its misuse. Ms Lennon's evidence as to whether she informed the Attorney-General could not be relied upon. Ms Lennon and Mr Pennifold knowingly used the CSTA as a means of preserving funds and avoiding Treasury and ministerial control of carried over public moneys.

An analysis of how money deposited into the CSTA was spent does not support Ms Lennon's contention that she was attempting expeditiously to carry out government priorities. Ms Lennon made an approach to a friend to have him influence an inquiry of which she was the subject, and that was grossly improper. Mr Pennifold acknowledged that the reporting of payments into the CSTA as expenses in the Attorney-General's department's financial statements was incorrect from a financial reporting perspective. It is also notable that a minority report was attached to the committee's report, and this was signed by the opposition members of the committee.

It is also important to note that the conduct involved in the fabrication of the use of the CSTA required an extensive network of accounts to be established simply to disguise the actions that were being undertaken and to lessen the chance of their coming to the attention of either the Auditor-General or the Under Treasurer. At one stage, one witness indicated to the committee that she considered that there were two sets of books being kept within the department in relation to the CSTA. This is not the standard that is expected of public servants in this state, and it is not the standard that this government or the committee supports. In light of this the committee intends to forward this report to the South Australian Anti-Corruption Branch, making all correspondence, written submissions and evidence available to the Anti-Corruption Branch for further investigation, if requested.

The committee is aware that considerable action has been taken by a number of government agencies as the result of this inquiry and the actions reported in the Auditor-General's Report, to ensure that no such action is possible again. Nevertheless, the committee recommends the Commissioner for Public Employment brief the chief executives of all departments on breaches of the Public Sector Management Act evident from this inquiry.

There are two other matters I wish to bring to the attention of the house. This was a very contentious reference, and it meant that questioning of witnesses was thorough and, at times, tough as the committee sought to discover the facts of the matter and when several parties had interests and reputations to protect. Nevertheless, in the main, this was done with respect for the witnesses and the positions they held. There was one particularly notable exception to this. On 11 November 2004 the Auditor-General, Mr Ken McPherson, and Mr Simon Marsh, Director of Audits, appeared before the committee. The Auditor sought to appear before the committee in his role of amicus (or friend of the parliament) to provide information that he possessed that he believed to be relevant to the activities of the parliament. On this occasion, members of the opposition on the committee, continually interrupted and spoke over the witnesses, the presiding member and everyone else.

I raised this matter with the Clerk of the House, as there appears to be no viable option for dealing with members of standing committees who do not abide by decisions of the chair or of the committee. This matter was raised by a former select committee into standing orders, but no action has been taken to address the lack of clarity which arises in relation to some aspects of the operation of standing committees. It is my opinion and experience that, in general, the existing provisions are adequate. However, when a situation arises, such as that on 11 November, when opposition members, particularly the member for Waite, spoke so vigorously that any witness, let alone the Auditor-General, was only able to speak for approximately three minutes in a period of nearly

one hour—when this occurs, the matter is unacceptable. It is with regret that I report this behaviour to the parliament.

There is another issue concerning matters that have been raised in this house at different times in relation to this inquiry. The member for Waite also raised his concerns about my actions in an interview with Matthew Abraham and David Bevan on 7 December 2004. In my answers on this occasion I outlined the provisions relating to the appearance of witnesses, and these answers were based on advice I had received from the committee secretary in conjunction with the Clerk of the House. They were in no way issuing a threat to Ms Lennon or any other person, as has been suggested by the member for Waite. They attempted to outline the difficulties faced by standing committees, which have wide powers in theory but no precedence in relation to the exercise of these powers, particularly in relation to witnesses who are unable to appear before a committee because of illness yet who have information crucial to the proceedings of the committee. A review of the transcript of this radio interview demonstrates very clearly—

The Hon. I.P. LEWIS: On a point of order: is the subject matter canvassed by the honourable member for Reynell, chairman of the committee in question, in the report of that committee? If not, surely it is not in order for her to raise matters which attack the conduct of one of the committee members, where that does not form part of the report which the house is noting.

The SPEAKER: I understand that the member for Reynell was alluding to a minority report, not reflecting on the members.

The Hon. I.P. LEWIS: Entirely—and directly reflecting on the members.

The SPEAKER: The member for Reynell should not reflect on the members, but obviously she can comment on the dissenting report.

Ms THOMPSON: Sir, I am commenting on matters relating to my own conduct.

Ms CHAPMAN: Mr Speaker, I rise on a point of order. The member has deliberately made statements, obviously expressing her opinion, as she has indicated, as to the conduct of other members of the committee and their alleged interjections and speaking over witnesses when they gave evidence to this committee. That is her claim. That is a direct reflection on the conduct of other members. It may be a reflection on her incapacity properly to chair the committee—I do not know—but it is clearly not part of the report.

The SPEAKER: Order! It is not a point of order. No member should reflect on others. If it is a statement of fact, then the chairperson could make it—

Ms THOMPSON: I am referring to matters that are clearly indicated in the *Hansard* transcript of the committee dated 11 December 2004, which is available to all members of the parliament and to the public as part of the report of this committee. I also wish to return to matters relating to the minority report.

The Hon. I.P. Lewis: It is a serious precedent that the house is now setting—

The SPEAKER: Order!

Ms THOMPSON: Sir, I seek the protection of the chair from the member for Hammond.

The SPEAKER: The member for Hammond is out of order. The chairperson of the committee, the member for Reynell, can express her view about the operation of the committee, as long as she does not reflect on members. If she is relating fact as reported by *Hansard*, the chair does not have a problem with that. However, she is not to impugn the members of the committee.

Ms THOMPSON: Sir, all matters referred to are contained in *Hansard*. I seek an extension of my period of time.

Ms CHAPMAN: I rise on a point of order. It may well be quite in order for my friend to seek an extension of time. However, I put to you, Mr Speaker, that the member claims that the issues in relation to the conduct of other members of the committee is in *Hansard* and in the report. If that is the case (and we do not agree with that), we would ask for your ruling that the member identify in the report where it reports on or puts any recommendation as to the conduct of members of that committee.

The SPEAKER: Order! In noting a report, a member can make wide-ranging comments. No-one at any time is allowed to reflect on a particular member, but the member can make comments if she was unhappy with the behaviour of members of the committee. That is her view, and other members can respond in due course.

Ms THOMPSON: Sir, in fact, there is some obligation on the chairs of standing committees to report behaviour to the house. I have already stated that all comments made about me, and so on, have been reported in the house, and I am responding to accusations that have been made against me in this place, to which I did not respond at the time, but have chosen to do so at this time. The important thing about this case is not me: it is the accusations that have been made about the Attorney-General as part of the course of this inquiry.

Members interjecting:

The SPEAKER: Order, the member for West Torrens!

Ms THOMPSON: The transcript of the proceedings of the committee show very clearly that there was no connivance, involvement or anything else of the Attorney-General in this matter. The minority report indicates that there was a desire, as I recall, to see further witnesses. In any case, members of the opposition at times sought to see further witnesses. The majority of the members of the committee were entirely satisfied that all inquiries relevant to the terms of reference of this inquiry were pursued.

Some members wished to pursue other matters relating to the operation of the department, and others, but did not attempt to change the terms of reference. At the same time, the committee was aware that there is an upper house select committee with broader terms of reference pursuing other matters. It was quite clear from the deliberations of this committee that members of the staff of the Attorney-General's Department acted in a way that was entirely inappropriate; it was not an acceptable way for members of the Public Service of this great state to behave; and they did so acting entirely on their own and without advising the Attorney-General in any way of their attempts to subvert the carryover policy of the government or of their reporting of incorrect financial records to the parliament.

Mr HAMILTON-SMITH (Waite): What we have just heard is not an account of the findings of the Economic and Finance Committee. What we have heard is a report of the findings of the Labor Party, that is, the government members of the committee. I remind the house that a minority report gave a totally different version of what went on during the proceedings of the committee. I remind the house that this was a term of reference brought on by the government as a political witch-hunt for its own political purposes, with a view to damning Ms Kate Lennon, Mr Kym Pennifold and

others, so as to provide an excuse for the Attorney-General to remain blameless for what has proven to be a tremendous act of mismanagement and ministerial incompetence.

Let me be very clear, Mr Speaker. With regard to this entire term of reference, the Attorney-General—the responsible minister—is at best irresponsible, certainly incompetent and, at worst, simply not telling the truth. The matter of whether or not the Attorney-General knew what was going on is very simply, as the minority report explains, a matter of Kate Lennon's word against the Attorney-General's. What we have heard from the chair is that Mr Andrew Lamb (who was present for some of the meetings) has supposedly substantiated the Attorney's version of events. That is true; we did get a statutory declaration from Mr Lamb. When the opposition members tried to call Mr Lamb to test that statement and when we tried to speak with Mr Lamb (who I note quickly left the Attorney's employ after this incident) to test his evidence, the government members of the committee quickly blocked that measure, as they did, indeed, with the calling of other witnesses such as Mr George Karzis and others.

They blocked a raft of witnesses. This was a complete and total witch-hunt. The bias of the majority report is very clearly reflected to anyone who reads it and demonstrates that this committee was not the most informed and independent device to uncover the truth of what has occurred and to identify remedies. What is needed is an independent judicial review. That is the only way that you will get to the truth of this. Important evidence given during the course of the hearings has been omitted from the government's majority report. Government members called witnesses without adequate notice and, at times, without opposition members even being present. The majority report—

The Hon. M.J. ATKINSON: Mr Speaker, I rise on a point of order. The member for Waite just asserted to the house that it was a distinct possibility that I was not telling the truth. That is unparliamentary and, moreover, he has previously apologised and withdrawn for saying the same thing.

The SPEAKER: It is unparliamentary. The member for Waite should not make an accusation of someone.

Mr HAMILTON-SMITH: I will tell you what I said, Mr Speaker. I did not make that accusation at all. What I said, Mr Speaker, is this.

Mr HANNA: Mr Speaker, I rise on a point of order. Of course references to other members about the possibility of their lying are not normally parliamentary but, in the context of a formal motion before the house, can that not be suggested when it is the subject matter of the debate?

The SPEAKER: An allegation of misleading, misrepresentation, dishonesty—whatever you want to call it—has to be by way of substantive motion. The member for Waite needs to withdraw his reference to the Attorney suggesting that the Attorney may not have told the truth. That is clearly a reflection on the member.

The Hon. I.P. LEWIS: Mr Speaker, with the greatest respect, may I invite you to allow the member for Waite to say exactly what he did say, so that you will know what it is, rather than what the Attorney alleges the member for Waite said?

The SPEAKER: I heard the member for Waite. He had a three-pronged aspect to it and the final part was in relation to maybe not telling the truth. That clearly suggests an inference that the Attorney may not have told the truth. I do not know how you can read it any other way.

Mr HAMILTON-SMITH: If I may seek your guidance, Mr Speaker, we are discussing by way of motion a report during which evidence was given that suggested most clearly and most earnestly a completely different version of the facts from that which the Attorney has given. Surely, the house must be free to debate the evidence that has been given and to debate the report. The facts are that Ms Kate Lennon's version of the truth is totally different from the Attorney's version of the truth. We are speaking to that very motion and it needs to be explored.

The SPEAKER: Order! The honourable member is quite entitled to suggest that the version given by witness X is different from that of witness Y, that is quite appropriate, but it is not appropriate to suggest that someone is not telling the truth. The member for Waite needs to withdraw that. He can deal with the matter by indicating a difference between witnesses. He is quite at liberty to do that.

Mr HAMILTON-SMITH: Mr Speaker, exactly what do you want me to withdraw?

The SPEAKER: The last part of the three-pronged question, which was—

Mr HAMILTON-SMITH: I said that either the Attorney was irresponsible, incompetent or had not been telling the truth.

The SPEAKER: That latter part is not allowed.

Mr HAMILTON-SMITH: That evidence was given that showed that.

The SPEAKER: No, the third part is unparliamentary because it makes clear reference to the suggestion that the Attorney was not telling the truth.

Mr HAMILTON-SMITH: Let me withdraw the words 'not telling the truth'. Let me then say that Ms Lennon's version of the facts is totally different from the Attorney's version of the facts. Let me say that I and opposition members totally prefer the version of the truth that was given by Ms Lennon, not the version of the truth that was given by the Attorney, which is totally in contrast to what was given by the chair. This whole area of the truth seems to be a little bit of a problem for the Attorney. The majority report is peppered with bias, selectively quoted information, and so-called accepted facts and conclusions that are accepted only by government members of the committee.

We have in this house at the moment one of the most incompetent Attorneys-General we have ever had. He has been condemned by the union movement; he was being condemned by the PSA during this very term of reference; he has been condemned by many on his own side; he has been subject to scandal after scandal; and he is in here arguing about whether or not he has told the truth in respect of this matter. We heard some amazing evidence during the committee on that very matter. As I said, from the outset the key issue was: what did the Attorney-General know? We are talking about the truth. Let us just deal with this issue. Let us just deal with the statutory declaration that the Attorney gave to the Auditor-General. The transcript states:

> The CHAIRMAN: Thank you. Now, Michael, are you aware that the Attorney-General's Department maintains an account called the Crown Solicitor's Trust Account?
>
> The Hon. M.J. ATKINSON: Well, I only become aware of that after I recently returned to Australia and the Chief Executive, Mark Johns, mentioned that Deb Contala had inquired into the matter.
>
> The CHAIRMAN: So, before that, you weren't aware such an account was in existence?
>
> The Hon. M.J. ATKINSON: No.

I am afraid that we heard evidence to the contrary. In fact, we heard evidence that said that Mr Atkinson received in 2002

a briefing for incoming government that made specific reference to the Crown Solicitor's Trust Account and that he had presented to parliament two separate annual reports of his own department which had a total of four separate references to the Crown Solicitor's Trust Account; that Mr Atkinson had received two separate Auditor-General's Reports that referred to his department and which had a total of eight separate references to the Crown Solicitor's Trust Account; evidence from the former chief executive of his department that she had specifically referred to the Crown Solicitor's Trust Account on six to eight separate occasions in meetings with him—evidence that they would not allow us to test by calling Andrew Lamb—and that at the end of the year the balance of the Crown Solicitor's Trust Account had exploded from $2 million under the former (Liberal) government to $12 million three years later under Labor.

If we are talking about the truth, if that is correct, how can the Attorney-General claim in a statutory declaration that he had no idea of the existence of the account? What is the truth? If one thing in this statutory declaration is wrong and he is untruthful, what does it say about the rest of the statutory declaration? Not very much, I put to the house. This majority report is nothing but a sham. Let me give members some examples, the first being Mr Pennifold's so-called confession. We heard evidence of bad treatment of Mr Pennifold, which he described as virtual blackmail, which led him to sign an agreement for resolution of disciplinary proceedings against him, which he bitterly and profoundly regrets having been, in his view, forced to make. This is a government that bullies and abuses, a government hell bent on hanging people out to dry to cover up its own incompetence.

Ms Lennon's claims to have told the Attorney-General about the use of the Crown Solicitor's Trust Account six or eight times involved 21 other people in the department. Twenty-one other people in the department had varying degrees of knowledge about what was going on. I hasten to add—and the chair has been graceful enough to acknowledge this—that no money was ever misappropriated. Money was shuffled around. Certainly, highly inappropriate accounting practices were going on, no question, and action certainly needed to be taken. The action the government chose was an absolute political witch-hunt designed to destroy the lives and careers of public servants.

There has been another incident, and I am looking at events in mid-November. We have a transfer between the Department of Water, Land and Biodiversity Conservation and DAIS involving $5 million, where a public servant switched or borrowed $5 million from one department to the other. The Auditor-General has also had something to say about that incompetence, but what happened to that public servant who had 'loaned' the $5 million, another $5 million of stashed cash? The public servant was 'counselled' and had 'a note placed on her file.' However, on this occasion, Kate Lennon and Kym Pennifold are being sent off to the police for prosecution. It is very curious.

It strikes at the very character of the government. A whole stack of issues arose, including Treasurer's Instructions being legally binding. Certainly, it was highly inappropriate and wrong to frustrate the Treasurer's Instructions in this way—no question about that. But the real question is: what did the Attorney-General know, and was it with his complicit agreement? Here is an Attorney-General who reads the form guide during briefings and who gets up and signs a statutory declaration saying that he was not briefed by Kate Lennon. What a load of nonsense! Can the chair and government members guarantee the opposition that this draft majority report was not seen by government ministers? Could somebody get up and tell me that no version of the report was secreted away to government ministers for final vetting? Was it a genuinely independent report of the committee? No, it was not.

This whole committee was nothing but a sham and a witch-hunt. Only a judicial inquiry of an independent nature will get to the truth of what the Attorney-General knew. If you look at the ministerial code of conduct you will see that it puts obligations on ministers in regard to being financially responsible. The government has not, at any time, accepted any responsibility for making sure that ministers are financially responsible. There is a level of responsibility that sheets to the government here. It has been denied. The inquiry has been a sham.

The Hon. K.O. FOLEY (Deputy Premier): With great humour I listened to the tirade from the goose of the parliament—somebody who has made such a complete mess of his political career. He is a laughing stock, not only on his own side. This is the guy who put around to all the TV stations a video of 'Action Colonel Martin Hamilton-Smith'—

The SPEAKER: Order! The Treasurer needs to focus on the motion.

The Hon. K.O. FOLEY: That is how he launches unsuccessful, silly campaigns to become leader of the opposition. But that aside, I want to make just a few comments, because my colleagues who were on the committee are better placed to comment on the activities in the report. Although, as Treasurer, I say that the Attorney-General in this matter acted absolutely correctly. When he was made aware of it, we were made aware of it. When the head of his agency was made aware of it, we were made aware of it. In his evidence, the Auditor-General said it as well as anyone can, as follows:

> Should the Attorney have known? The short answer is probably not, because my experience is that unless a Minister of the Crown has a particular matter drawn to his attention about a particular account, it is unlikely that the Minister would be cognisant and aware of all the transactions with respect to all the amounts that were within his departmental responsibility. . . It is not fair to say that he should have known. . . when he became aware of it he took all the necessary steps to ensure that corrective procedures were undertaken.

We, as a government, acted swiftly to put to an end an unacceptable practice of—

The Hon. I.P. Lewis interjecting:

The Hon. K.O. FOLEY: The member for Hammond should be the last to talk about financial accountability. The financial management techniques put in place by this government have resulted in far better management of our financial accounts. Monthly reporting by agencies, carryover policies, cash alignment policies and end of review processes are all techniques and modern budgetary management tools which, to the best of my understanding, were not put in place by the last treasurer, at least not to any significant degree. He was a treasurer who could never balance a budget.

The behaviour of Kate Lennon was unacceptable and worthy of dismissal, as were the actions of Kym Pennifold, in my view. They deliberately and knowingly sought to deceive the Treasurer of the state, their minister and the parliament. I have just a lay lawyer's opinion but, if that conduct had been undertaken by a CEO of a public corporation and that CEO allowed the annual report of that organisation to be released with knowingly falsified financial records and documentation, that CEO would almost certainly

be up before the federal authorities—ASIC and/or others—facing very serious criminal charges.

Under Corporations Law in this nation, it is a criminal offence to knowingly falsify financial documents of a public corporation. In my opinion, as Treasurer of this state, that is exactly what happened in respect of this particular agency. The Attorney-General, when made aware of it, made me aware of it. When the head of his department was made aware of it, I was made aware of it. The Auditor-General was informed, investigations were put into place, actions followed, a CEO was dismissed, and I make no apology for that. It is a message to any CEO under this government's administration that, if they want to fiddle the books, if they want to falsify accounts, if they want to shift money around, they will be dismissed.

What is more, that type of behaviour was condoned by the former Liberal government. You had ministers fully aware of money being switched around. Let us remember the health minister switching money within his health portfolio into housing. Let us remember the high and mighty minister for police who, from memory, made sure that the donation from the Adelaide Bank for the rescue helicopter somehow found its way into one of his agencies without being properly accounted for. They were practices tolerated by the last government but not tolerated by this government. I make absolutely no apology whatsoever for the action that this government took to dismiss Kate Lennon for her inappropriate behaviour.

Members opposite, including the shadow minister, the shadow treasurer, the member for Waite and others, who clearly condone the behaviour of Kate Lennon because it suits their political purpose, should hang their heads in shame. This is exactly the type of behaviour that they were comfortable with in government. That is exactly what they allowed to prosper under their government. That is why Kate Lennon and others, in my opinion, thought they could get away with it under this government. Well, no; they could not. They did not, nor will any executive.

The truth is that we have a $10 million budget and, as members opposite know full well, even the most forensic and detailed of government ministers could not even begin to track every dollar in their agency, and nor should they. They rely on their chief executive officer, who in turn relies upon financial control within that agency to properly manage money.

It was an unfortunate incident in public administration in this state. The Attorney-General acted absolutely correctly and absolutely appropriately. There was no attempt by the Attorney-General to cover it up from Treasury; there was no attempt by the Attorney-General to keep it from Treasury; there was no attempt by the Attorney-General to keep it from the Auditor-General; and there was no attempt by the Attorney-General to be complicit with his CEO to hide it from government. It was absolutely correct, proper and decent behaviour by a minister of the Crown.

Contrast that with ministers opposite. Contrast that with the former deputy leader (the member for Finniss) and his complicit behaviour with the then CEO, Christine Charles, of his department, when they shifted money around between housing and turned a blind eye to money going into families and communities affairs—money that was spent; shadow budgets. Contrast that with the behaviour of the member for Mawson, with his sneaky little tricks to take cheques from donations and channel that into his departments. Contrast that with the minister for education—

The Hon. I.P. LEWIS: On a point of order, Mr Speaker. Is it parliamentary to go outside the terms of reference of this committee to say that the member for Mawson, in particular, engages in sneaky activity? I wonder what that means to you. I know what it means to me, in colloquial terms, as a statement—

The SPEAKER: I believe the word 'sneaky' is unparliamentary; it implies less than ethical behaviour. I ask the Treasurer to withdraw that.

The Hon. K.O. FOLEY: Okay, sir. I will replace it with 'less than ethical behaviour'. Is that appropriate? In my opinion, it is less than ethical behaviour as to the standards of public administration and ministerial accountability.

In conclusion, the action taken by this government was appropriate. It maintained the highest standards of public administration and the highest standards of ministerial accountability. The government ensured that a practice like this was stopped, and stopped as quickly as we could manage. Of course, everything becomes a political football in this place, but to be lectured by members opposite, who partook and participated in the worst elements of shonky behaviour when it came to public accounts, I find a bloody joke, quite frankly.

The Hon. I.P. LEWIS (Hammond): I wonder whether the Treasurer, in his contribution, needed to be reminded that it takes two to tango and that were it not for the fact that there were CEOs of many government departments wanting to subvert the intention of the Treasurer's legitimate policy there would not have been a problem. I wonder whether the Treasurer needs reminding that his own department—the Commissioner of Police no less—parked money in the Crown Solicitor's Trust Account with impunity. I wonder what it was that motivated the government to sack the person or people who were supervising the account into which the deposits were made but not sack those who made the deposits, if those deposits were unlawfully made. It strikes me that it takes two to tango. In this instance, the opposition and the government wanted to tango, but they wanted it on their own terms. The tune that each sought to dance to was and is different.

Sadly, the public are no better informed about the truth. They certainly know what the government wants the public—that is, the people to whom it is addressing itself—to believe, and they certainly know what the opposition wants the public to believe, but they do not know the truth. All of the money, time and resources that otherwise had been spent on these specious inquiries have not produced satisfaction for the public whatever. Sadly, what that illustrates is the necessity for parliamentary reform so that such processes can provide satisfaction in the public interest.

It is not about providing entertainment for the public that is interesting to the public. For the people, it is a matter of addressing those aspects of behaviour of senior public servants that have adverse impacts on the public of South Australia; that is what the public interest is. No-one has attempted or bothered to do that.

The Treasurer, the Chairman of the committee, the Attorney-General and all members of the government have simply sought to justify the opinions they have about what happened—who did what, and who did not do what they might otherwise have done and who otherwise did things they should not have done—but they were all subjective. The Auditor-General himself does not come out of this with very clean hands in that respect, because he made no remark to the

committee which indicated why, if the crime was committed by the CEO of the Attorney-General's Department, in public administration, resulting in her being sacked, those people who sought to park the funds from their departments in that trust account were not equally, justly, fairly and squarely dealt with on the same basis. This report is deficient—

Mrs GERAGHTY: On a point of order, Mr Speaker. While the member refers to the report from time to time, I am not sure that his contribution is strictly to the report of the committee. Rather, it is more about his opinion of how the world operates. I ask that the member be relevant to the committee report.

The SPEAKER: That is not really a point of order. There has to be some flexibility in members making a contribution, otherwise parliament would be all over in about five minutes, which may not be a bad thing! The member for Hammond is talking about trust accounts in a general sense. The member for Hammond.

The Hon. I.P. LEWIS: Indeed, sir. Thank you. I am talking about trust accounts in this specific context and what happened, and why one rule was applied to some public servants but not to others, and why the focus was on that. I wonder whether there was a witch-hunt involved. I do not know, and we do not know, because the report has not addressed that. It has addressed the things which the government felt needed to be addressed for its own agenda, and it did not do them very objectively in the majority case. I do not know whether it was done any more objectively in the minority case either. It reinforces my sincere belief that no review of anything done by the executive of government or the ministry in directing the administration can be reviewed by people who support the same tribe—I mean, party—as the executive belongs to. On the other side of the question are those who belong to the different tribe—or party—saying the opposite. So, it is internecine war. It is not about discovering what happened: it is about justifying a position. If there were a house in which there were no ministers and in which constitutionally the responsibility was properly placed for review, then this kind of review would be more efficient.

How can it be that the very person who preceded me in the remarks in this place can castigate one public servant for doing something on behalf of the head of the department of which he is the minister and not say anything about the actions of the Police Commissioner in this case? How can he do that? Equally, how can he come out publicly at the time that he did, while the Premier was overseas, and make these remarks which resulted in this furore, this kerfuffle? It is a nonsense. Not one dollar of taxpayers' money went missing. Not one dollar was misappropriated. It might have been mislocated, but it was not misappropriated. No-one has brought any evidence forward that shows that the money has been otherwise spent on things it was not authorised to be spent upon.

The Hon. P.L. White: It was.

The Hon. I.P. LEWIS: No-one has said that. The report does not say that. The Treasurer never said that. No money went missing. No money was used for gambling. No money was used for any purpose that was not stated in the reports of expenditure made by the departments that spent the money. It is not as if they said, 'We got this money and we spent it differently than the way in which we were authorised to do it.' They simply deferred the time over which they were able to spend it to suit their purposes. Whether that is a good practice or not is a matter of opinion. I share the view of the Treasurer and not the view of the former government. It is not a good practice, but to pretend that it is a major crime and to sack public servants who are engaging in it, without having first said, 'This is over. You may not do this any longer. You are mistaken,' strikes me that there was some other part to the agenda in dealing with Ms Lennon and the other public servants who were either disciplined or fired. I seek to have these kinds of inquiries done by elected representatives of the people but not members of either the government or the opposition in the House of Assembly. It would be better done in another chamber, independent in its purpose in doing so.

The Hon. P.L. WHITE (Taylor): It is apparent that the opposition members of this committee are pretty sore about the outcome of this inquiry, because they did not find what they were hoping to find. They were hoping to nail the Attorney-General to a misappropriation and an unlawful act that happened here, and they failed to do that, because the evidence was not there to be found. So, what are they doing? They are calling for a judicial inquiry and they want to have another go.

The whole reason why this issue came about in the first place is that our government does things a lot differently when it comes to financial management than did the previous government. This would not have happened, and this inquiry would not have come about under the previous government, because it did not have the financial management policies that our government has put in place, and that is what members opposite are sore about. In fact, if members refer to page 77 of the minority report by opposition members, they will see that it clearly states that they find a fundamental problem with the carryover policy. So, they see the policy as being wrong, and this was quite evident in their term of government because year after year they allowed departments to carry over funds without the scrutiny that is necessary.

When the Labor Party came into government, the Treasurer instigated a change straight away that any unspent funds must go into the melting pot again to be considered. It does not mean that they will not be granted, but those carryovers must be considered against all other priorities, and that is only financially responsible, given the priorities that come up for the next financial year. So, that is the problem that opposition members have with what has happened. They have a problem also, because our government has been able to cut the waste that was occurring through the carryover policy of the previous government and spend some of those moneys on reprioritised programs in health, schools, education, law and order and the rest.

So, that is why this inquiry is important. The member for Hammond stated that there was no misappropriation; not one dollar, he said, was spent for purposes other than what it was appropriated for. That is just plainly incorrect, and I refer members to our report to see that that is the case. In fact, it was found that there was expenditure on purposes other than those for which moneys had been appropriated from Treasury.

There were expenditures on administrative internal matters. You will recall the Palazzo Versace, the 6 star hotel on the Gold Coast where moneys were expended. That was not one of the purposes for which that money had been appropriated. In fact, it was found, during this investigation, that unspent moneys were deposited into a special account—the Crown Solicitor's Trust Account—or it could have, for that purpose, be in any other account. But they were deposited into an account as a mechanism to avoid the Treasury carryover policy of the new government. That is why they

were put there, and that was clearly not disputed by the evidence put before the committee.

It was also found that the then chief executive of the Justice Department, Ms Kate Lennon, and the Director of Strategic and Financial Services, Mr Kim Pennifold, were the architects of the misuse of that special account. It was also found that the Attorney-General did not initiate that misuse, nor was he a co-conspirator in the scheme to do so; that was very, very clear. The opposition made much of the claim that those two particular individuals were not guilty of misappropriation of money for any direct personal gain. So be it, but the fact is that moneys were used sneakily for purposes other than for which they were appropriated. That is not in dispute.

Also, those people knowingly partook in false accounting practices that they said were necessary in order to avoid the scrutiny of Treasury. So, a very deliberate scheme was undertaken in order to be sneaky and in order to avoid government policy in a way that the Auditor-General of this state says was unlawful. There can be very little more serious a charge against an officer of the Public Service than partaking in unlawful conduct. So, for the opposition to defend that conduct is quite inappropriate and says something about the standards that it and the former government undertook when in government.

This government has cleaned up those practices in the Public Service. It has led to increased expenditure in areas of government priority rather than being squirrelled away in departments without review; and that is a good thing. And that is what comes out of this report: that the policy is right, and that to get around that policy, the strict oversight by Treasury, it was necessary for those wishing to do so to be deceitful and to engage in false accounting practices. I do not think any member can condone those practices, because they are inappropriate, and anybody in our Public Service who partakes in them does not deserve to be supported in their positions of high office.

Mr SNELLING (Playford): In the outset, I want to respond to some specific comments by the member for Hammond which, if I understand what he was trying to say, are materially incorrect. The honourable member alleged that the Police Commissioner had had some involvement in depositing unspent funds into the Crown Solicitor's Trust Account. The only involvement of the police department of which I was aware was the surplus money from the building of the Adelaide Police Station. I presume that that is what the member for Hammond was referring to. The building of the new police station was undertaken by DAIS. It had no involvement of the police department, let alone the Police Commissioner. For the member for Hammond to allege that the Police Commissioner had some involvement in this whole affair is blatantly false. There was no evidence to suggest that the Police Commissioner was involved. The surplus funds left over from the building of the Adelaide Police Station in no way involved the Police Commissioner.

The member for Hammond likes to get up in this place and lecture us all about our behaviour, about how we present to the public and about how the public deserves high standards, yet he scurrilously gets up and alleges involvement in this affair—

The Hon. I.P. Lewis interjecting:

Mr SNELLING: He doesn't like it. He doesn't like to hear it.

The Hon. I.P. Lewis: No; I do not mind if the fat little nerd wants to carry on; I will let him go on.

Mr SNELLING: I ask that that be withdrawn, sir.

The SPEAKER: I did not hear the comment.

Ms Rankine: He called him a little nerd.

The SPEAKER: If the member for Hammond did use those words, he should withdraw them.

The Hon. I.P. LEWIS: Sir, I would be happy to withdraw on the condition that the member for Playford withdraw.

The SPEAKER: There is no trade-off, but if the member for Playford said anything scurrilous (I think that was the word)—

Mr SNELLING: I am happy to withdraw 'scurrilous'. However, it is clear that the member for Hammond did not know what he was talking about, had not read the report, had not considered the evidence, waltzed in here pretending to know a lot about things he really knows nothing about and made allegations against the Police Commissioner which are demonstrably false.

The sad part of this inquiry was that, in desperately trying to pin something on the Attorney-General, the opposition members of the committee largely missed the point. And the point which became evident very early on in the inquiry was that here was a scheme the purpose of which was to avoid ministerial control and provide the then CEO of the Department of Justice, Kate Lennon, with discretionary funds to prop up her own pet projects.

I think everyone has accepted, and I certainly accept, that there was no corruption involved. The funds were not spent for any personal benefit of Ms Lennon or anyone else involved. What they were about was giving the CEO a discretionary fund, moneys that she could spend that did not have to go through the normal ministerial and political controls. I would have thought that everyone here would be interested in that and would think it is an important thing. Not only was there no evidence of ministerial involvement, there was no motive for the minister to be involved. The scheme's purpose was to sideline the minister in deciding how public moneys were to be spent. The opposition's assertion that the Attorney-General was complicit in the scheme to remove from his control the spending of public money just defies all logic.

Why do they continue with this nonsense? The reason is because they are so desperate to pin something—anything—on the Attorney-General that it blinds them to all reason and all logic and all evidence that was presented to the committee. The member for Waite has had a bit to say about the questioning of witnesses before the committee and I make no apologies for my robust questioning of Ms Lennon. I do not think any fair-minded person would say that I was in any way discourteous to her, even when I found her out to be misleading the committee. Contrast this with the remarks of the member for Waite in questioning Mr Jerome Maguire. The member for Waite rather facetiously said, and I am quoting from the *Hansard*—this was to Mr Maguire, who was not accused of anything. He was accused of nothing and was just coming before the committee to provide evidence, to provide assistance to the committee. He was accused of nothing, but what rubbish does he get from the member for Waite, and I quote:

> It is nice being the Deputy CEO of the department now.

Then further on he says:

> I see that you and Mr Johns have done quite well out of Ms Lennon's departure, along with a couple of other people, haven't you?

Then again:

Yes, it is—a nice big salary increase.

These facetious remarks and this discourtesy demonstrated to Mr Maguire really makes a mockery of the member for Waite getting up here and bleating, and putting out press releases about how government members of the committee behaved. It is absolute nonsense, and in contrast to the behaviour of the member for Waite on the committee and what he had to say, not to anyone who was accused of anything, not to Mr Pennifold or Ms Lennon, who had been accused of highly improper conduct, but simply to public servants who had come along to the committee at its request to provide assistance to the committee. To get that sort of rubbish from the member for Waite is just absolutely disgraceful. Further, he implied that Ms Deb Contala—another public servant simply doing her job—had been requested to conduct an inquiry into the use of the Crown Solicitor's Trust Account, implied that somehow she would allow the new CEO, Mark Johns, to vet her report before it was handed up. This was the sort of rubbish we got from the member for Waite.

Putting aside the bluster of the opposition, the committee came to the same conclusion as the Auditor-General: that Ms Lennon and Mr Pennifold knowingly used the Crown Solicitor's Trust Account as a means of preserving funds and shirking Treasury and ministerial controls of carried-over public moneys. That is what all the evidence that was presented to the committee demonstrated. To try and pretend that there was any evidence that showed anything else is just an absolute nonsense.

My final point is this, and it is an important one. The accounts that were presented to the parliament were falsified. In the budget papers, in the financial statements the department handed over to the parliament, those accounts were falsified. They presented money as having been expended when it had not been and misrepresented the funds held by the department. This was a misleading of the parliament, an important misleading of the parliament. I just find it, frankly, unbelievable that the member for Hammond and members of the opposition and in particular the member for Waite sit back and just pretend that this was of no importance or of no consequence.

Mr Pennifold, the financial controller for the Department of Justice, was presenting false accounts and the then CEO Kate Lennon was signing off on them saying, 'These are true and correct, this is an accurate reflection of the financial status of my department,' handing those over to the parliament when both of them knew that they were incorrect, that they misrepresented the financial status of their department. Members here should treat this seriously. I am just flabbergasted that some members seem to think that this is of no importance when it is quite obvious that this is what had happened. This is the nub of it. This is why Kate Lennon, when asked to respond, resigned. Mr Pennifold signed off and said, 'Yes, I 'fess up, this is what happened,' and to pretend that this is of no consequence, that this does not count, is just an absolute nonsense. I commend the report to the house.

Mr RAU (Enfield): I want to make a brief contribution on account of the fact that I was privileged enough to sit through most of these hearings. It occurs to me that the detail is very interesting, and I think other speakers, in particular the member for Playford, have canvassed the detail in a very thorough way and I do not wish to repeat what they have had to say. But let us not see this for anything other than what it actually is, or was, or has been. This has been a political exercise designed on the part of the opposition to single out a minister, pin on that minister a charge of misbehaviour and, in their optimistic moments no doubt, hope that charge might stick and some calamity might befall the minister on account of it.

If we want to see it in terms of a political charge (which is what it is), even in the jurisdiction of this parliament there is some burden of proof. It is certainly not beyond reasonable doubt—in my observation, it is seldom on the balance of probabilities—but there is at least in this venue some notion of an onus of proof and, if one was to try to lift something from the legal world, one might say at least a prima facie case, which suggests that it is something that warrants at least further inquiry.

In any event, subjecting the array of material that was brought before the committee to those tests, we do not approach beyond reasonable doubt for anything in terms of the Attorney-General's conduct, nor do we approach the balance of probabilities. Even if we are looking at a prima facie case, what evidence was presented to the committee of any misbehaviour on the part of the Attorney-General and, in particular, what evidence was presented to the committee that the Attorney-General at any time had anything to do with the authorisation, the condoning, the acceptance, the acquiescence, or any other word one wishes to apply to the situation, in this behaviour? The answer is that, even on that flimsy standard of a prima facie case, there was not one scrap of evidence which pointed in the direction of the Attorney-General.

This should be seen for what it is, namely, a politically inspired exercise. Of course, I do not complain about that because, after all, we are in a parliament and parliament does involve the theatre of politics, which we observe here every day—sometimes, lamentably, for very long periods of time. However, the fact of the matter is that it is nothing more or less than a bit of political theatre, in this case, without much substance—in fact, on the evidence, no substance at all. When I go through the way in which the matter proceeded, I understand that previous speakers had some views about the fact that government members on the committee behaved in an unacceptable way. I can bring to mind—

The Hon. I.F. Evans interjecting:

Mr RAU: I have to get used to calling the deputy leader that, and I congratulate him on his appointment. Well done; and I do lament that he is no longer on our committee, although I am sure his replacement will do an excellent job. His first meeting today was first class, and I think his next meeting will be even better. If one is talking about the theatre of the absurd, a video of the Auditor-General's attendance at our committee on one particular day—11 November, was it—

Ms Thompson: 11 November.

Mr RAU: On 11 November 2004—I should have remembered that: Armistice Day. What an important day. I missed the 11th hour of the 11th day of the 11th month, because I was treated to the incredibly exciting spectacle of the Auditor-General's attempting to say a couple of words and then the member for Waite bursting to his feet, I guess, in the hope of attracting the attention of the television cameras, which were festooned around the room, and saying 'I object' and various other things. There was this 'up, down, up, down, up, down'. It was very theatrical. What he succeeded in doing was to prevent the Auditor-General from saying anything for about half an hour—nothing. We then wound up, having run out of time: the Auditor-General had

to go and we had to go. The whole thing just turned into a farce. That was really the highlight of the theatre.

It ill behoves members of the opposition to say that the government, as this was being played out, was behaving in an unseemly fashion. The only evidence that the committee was finally left with was basically this. A clique of departmental officers, serving their own purposes (perhaps for the best of reasons, as far as they saw it), well intentioned though they may have been, were deliberately flouting the law. They kept it quiet, because they knew they were doing the wrong thing. The last thing they wanted to do was bell the cat and tell the Attorney-General. All they wanted to do was get on with it, save their little bits of money and continue with their pet projects.

I can understand, in a sense, anyone who has a dream. Remember the Martin Luther King speech, 'I have a dream.' Perhaps these people had a dream. However, the fact is that not all means are appropriately applied to achieving laudable ends. In this case, they chose the wrong means, and they have now suffered the consequences. Chasing the Attorney-General for their misbehaviour, in the vain hope of securing, in his person, a casualty, has all the sense, all the charm and all the dignity of a dog chasing a parked car. That is basically what we have been watching for the last year and a half.

The other interesting thing about this is that, again, in this theatre of the absurd in which this whole report finds itself generated, there is one message that I think members of the Opposition should take on board, that is, that wishing for something really, really, really hard does not make it happen unless there is some evidence to support it. I know they wished really, really hard. I could tell that the member for Waite, in particular, was wishing really, really hard that day the Auditor-General was there. He was wishing so hard.

I remember seeing a while ago a movie about Peter Pan which had Johnny Depp in it. It was about how people sat down and wished really, really hard, and Neverland turned up. The movie was called *Return to Neverland*. It is quite a good movie, if anyone wants to see it; it is not a bad film—it is a bit of a tear jerker, but not a bad film. *Return to Neverland* involved grown men wishing really, really hard, and suddenly the backyard turns into a series of fairies and people flying about on strings, and all that sort of stuff. I think the member for Waite was seeking Neverland—and he almost got there. It was tangible: he could almost touch it. But then it all turned out to be an illusion, an illusion like one of those things you see when you are driving down the road: it looks like there is water a couple of miles ahead of you but it turns out to be nothing. Let us not dignify this thing by saying that it was an inquiry about anything of substance, at least to the extent that it concerned the Attorney-General. The Auditor-General sorted it out perfectly well in the beginning. There was nothing of a political nature to this, other than the fact that the bureaucracy had gone off the rails and needed to be corrected. That has been done: end of story.

The Hon. M.J. ATKINSON (Attorney-General): I want to address the report under some headings. The first is that the 'stashed cash' was never raised with me as an issue. I refer to the evidence from the select committee on 23 December 2004 in which Ms Lennon says:

> It is important to note that the Crown Solicitor's Trust Account was never raised as an issue [with the Attorney-General]. . . The question of its legality or lawfulness was never raised by me with the Attorney-General. It was simply not an issue for me to raise. I did not link the matter to the carryover policy, as I saw it as a legitimate means of preserving funds for government and portfolio priorities.

Kym Pennifold told the committee on 28 January this year:

> The issue regarding the use of the Crown Solicitor's Trust Account and who knew about it was done on a need-to-know basis.

The Auditor-General told the Economic and Finance Committee:

> It would be a very unusual and rare minister who would get down to the detail of the accounts. In fact, I do not know of any.

Indeed, the Auditor-General used the member for Davenport as an example. Had Kate Lennon mentioned the misuse of the Crown Solicitor's Trust Account to me, the game would have been up. I would have referred the matter to the Treasurer or the Auditor-General, or both. Ms Lennon would no longer have had a $6 million discretionary fund. As *The Adelaide Review* remarked: 'If you were hiding it from the Under Treasurer and the Auditor-General, why would you tell the minister?' Telling the minister that money is being taken out of the Attorney-General's Department operating accounts and placed in the Crown Solicitor's Trust Account is like telling the minister the money is stashed in one or more of the 28 other administered items in the portfolio, such as the second-hand motor vehicles compensation fund or the bodies in the barrels case account. The very mention of it would illuminate in flashing neon the word 'rort' in the listener's mind.

From all the evidence before both houses, there are no dates—no dates for mentioning the stashed cash and no place on the agenda. I refer to evidence presented on 23 December last year, which is as follows:

> The CHAIRMAN: You gave evidence before the break about occasions when you claim you told the Attorney-General about the Crown Solicitor's Trust Account. Can you give any dates as to when that happened?'
>
> Ms LENNON: Any dates?
>
> The CHAIRMAN: As to when it was mentioned.
>
> Ms LENNON: No, I can't. It was never listed as an item on its own.

Ms Lennon and her small circle of helpers shift $6 million in taxpayers' money in 30 deposits beyond Treasury's Hyperion system and then, in the next financial year, make more than 600 withdrawals for projects she deems to be vitally important and not once does she list this as an item on the agenda for her weekly meeting with me, yet she lists matters as trivial as whether the department should make a small donation to the World Peace Highland Dancers.

Not once does Ms Lennon write a minute to me or my staff about the Crown Solicitor's Trust Account. In September 2002, Ms Lennon sets up the CSTA system to treat money without carryover permission as so-called expenses because of the new government's carryover policy but, even on her own disputed version, does not allude to it in conversation with me until the end of the financial year or even later. Even on her own disputed story, she does not link, in conversation with me, her use of the CSTA with the carryover policy it is designed to circumvent.

There is nothing in writing. Ms Lennon drafted and photocopied the agendas for every meeting with me. She wrote them. Ms Lennon wrote notes of the meetings in her handwriting on these agendas. We have those agendas and notes. None of those agendas or notes for the entire period mentions the Crown Solicitor's Trust Account, or even the expression 'preserved funds'. There are no corroborating witnesses. Here is more from the committee on 23 December. The transcript states:

> The CHAIRMAN: These [namely occasions Kate Lennon alleges she mentioned the Crown Solicitor's Trust Account to me] were at your weekly meetings with the Attorney-General?
>
> Ms LENNON: Yes.

The CHAIRMAN: Who also attended?

Ms LENNON: Andrew Lamb, generally, most of the time, about 90 per cent of the time, but sometimes he would be called out. Kym Kelly, not every time, but sometimes, and Terry Evans. They were both deputy chief executives at the time.

Mr Speaker, there were always four of us in the room. Ms Lennon has not one corroborating witness. The transcript further states:

The CHAIRMAN: You cannot give the committee any dates at all?

Ms LENNON: No.

The CHAIRMAN: You cannot give us any evidence of any witness to corroborate this?

Ms LENNON: Only Andrew Lamb. I would be very surprised if Andrew Lamb, when questioned again about the child protection money, did not recall that. I would be really surprised.

Well, I am afraid Ms Lennon has been surprised. Mr Andrew Lamb, a legal practitioner, has sworn a statutory declaration that it was never mentioned and, indeed, given that he is a legal practitioner, the consequences of his being incorrect about that are dire. Andrew Lamb has sworn an oath that the Crown Solicitor's Trust Account was not mentioned at any meeting he attended between Kate Lennon and me, nor at meetings between him and Kate Lennon. Moreover, he remembers the meeting about child protection in Kate Lennon's office vividly and is certain that the CSTA was not mentioned. Terry Evans says that he has no recollection of the CSTA being mentioned at any meeting he attended with me, or with Ms Lennon and me. Here is more from the committee of 28 January:

The CHAIRMAN: Did you attend any financial meetings where the Attorney-General was present?

Mr PENNIFOLD: The meetings I attended in the presence of the Attorney-General were generally in relation to the bilateral meetings and meetings leading up to bilateral discussions.

The CHAIRMAN: The meetings you attended, was the Crown Solicitor's Trust Account ever mentioned?

Mr PENNIFOLD: No.

Not only was the CSTA not mentioned to me by Kym Pennifold, who was director of finance in the Attorney-General's Department, but also he says that it was not mentioned at any one of the meetings with me that he attended. Of course, Ms Lennon had a euphemism for the Crown Solicitor's Trust Account. It was 'the account that dared not speak its name'. I quote from 23 December, as follows:

The PRESIDING MEMBER: Was 'preserved funds' how those funds in the Crown Solicitor's Trust Account were usually referred to?

Ms LENNON: Yes. They were committed and preserved for specific projects that we had approved, and for which agencies had already started a process of either implementing the project or incurring expenses.

The PRESIDING MEMBER: So, that was the general way they were described? They were not described as 'the Crown Solicitor's funds' but as 'the preserved funds'?

Ms LENNON: Yes.

Then there is the question of sotto voce, the difference between being told and knowing. The 23 December transcript states:

The PRESIDING MEMBER: To paraphrase, he [the Auditor-General] said that you told the Attorney-General on exit [March 2004] but he didn't understand. The Attorney didn't understand.

Ms LENNON: My view is that the Attorney did not know in detail what was in the accounts.

Further on that same day, the transcript reads:

The PRESIDING MEMBER: So, it would not have been in lights and underlined but just a casual reference. Given that it was your belief that it was lawful, you would not have been in any way referring to them in a way that would have given the Attorney the twitches.

Ms LENNON: No, I said that this morning. It was just a normal financial tool that was never emphasised with the Attorney as it was not a big issue until it blew up.

The member for Enfield asked:

My question is: given at the time that it was not the main point of your conversation, as I understand your evidence, it is the case, isn't it, that you do not really have an explicit memory?

Ms Lennon replied:

I do not have a date or a time for you. It would have been under budget or something like that. It was never an issue in itself that became an agenda item. As I said to the upper house, I could not give you specific dates or time. I am taking a guess that we did it at some time based on some paper I was given by the Director of Finance.

Who was the other person in the pronoun 'we'? Ms Lennon has been asked for a witness and nominates only Andrew Lamb, who has sworn an oath that the Crown Solicitor's Trust Account was not mentioned in any meeting that he attended. Ms Lennon may be referring to the Director of Finance, but Mr Pennifold tells the select committee that the CSTA was not mentioned at any meeting he attended with the Attorney-General. Deputy Chief Executive Terry Evans says he has no recollection of the CSTA being mentioned.

Time expired.

Mr O'BRIEN (Napier): In other states of Australia there is a direct relationship between the public accounts committees of the parliaments and the Auditor-General in that the public accounts committees have a formal role in reviewing all reports emanating from the office of the Auditor-General. In South Australia that function has been subsumed in the wider function given to our Economic and Finance Committee, but the function remains. Central to the report is the rejection by the Auditor-General of the Department of Justice accounts for the year ended 2004 and the preparation by the Auditor-General of a supplementary report that was submitted to the parliament at a later date.

That is the reason why the Economic and Finance Committee went into the process of reviewing both the initial accounts that had been rejected by the Auditor-General and also the reasons why a supplementary report had to be prepared. What the committee found was that, within the Department of Justice, a small number of individuals had cleverly constructed a structure to avoid the carry-over policy. The carry-over policy is an initiative of this government and has been put in place to ensure smooth spending from year to year, and to prevent the accumulation of large cash reserves in departments. What the carry-over policy calls for is the alerting by the department to Treasury of large, unspent amounts of money at the end of the year, the return of those moneys to Treasury and, in instances where the department is midway through a program and requires those funds to complete the program, a request for the return of the funds for completion of the program.

Within the Department of Justice a very cleverly constructed scheme was put in place with the specific purpose of deceiving the Auditor-General, the Treasurer and, ultimately, the parliament as to the financial position of that department. What they used was the Crown Solicitor's Trust Account, as a safe harbour in which to park these funds. The function of the Crown Solicitor's Trust Account is to hold money for other departments and it is specifically precluded from holding moneys on behalf of the Attorney-General's Department or the Department of Justice. What happened in this instance was that that specific advice that had been given a

decade or two earlier by a previous Treasurer precluding the use of the Crown Solicitor's Trust Account by the Department of Justice was not so much ignored as violated.

One would ask: why the Crown Solicitor's Trust Account? For the very reason that the Treasurer some decade or two ago precluded the department from using it. The Crown Solicitor's Trust Account is basically there to hold money on behalf of other departments, generally to settle transactions involving either the purchase or the sale of land. It is held there for a very short period of time, either to settle a purchase of land by the government or to accept money from outside government into government for the sale of land.

It also performs a number of other functions, but they are in line with the role of either the holding or disbursement of money on behalf of the departments. The Justice Department has no right to be putting money into that particular account. It was chosen for that very reason, because the audit function carried out by the Auditor-General pays very little attention to the Crown Solicitor's Trust Account, because the lodgment of funds in that account by other departments is recognised in the accounts of the other departments. So, there is a recognition that the Crown Solicitor's Trust Account would be recognised in the accounts of other departments as something akin to a bank account, and all that the Auditor-General would have to do in ensuring the validity of other departmental accounts would be to get into the Crown Solicitor's Trust Account to certify that they are actually held in that account. So, it was a very clever scheme done by individuals who were extremely professional in their understanding of accounting procedure.

I think that some individuals felt this was just a series of errors but, having an accounting background myself, I can say that it was a very well thought out scheme designed to deceive. It selected the Crown Solicitor's Trust Account as the holding account, knowing that it was virtually impossible to audit it or that no-one would bother to audit it. The moneys that were run into and out of the account were recognised when moneys went in as expenditure and, when they came out, they was recognised as revenue. Again, in pure accounting terms, this would have just been treated as the transfer of assets rather than expenditure or revenue movements. The choice of the accounting procedure to basically shift the funds around was fraudulent and, again, extremely clever.

We then get to the point where these movements into and out of the Crown Solicitor's Trust Account had to be recognised in the end of year accounts. Within the end of year accounts, the chief executive officer had to sign off, and in the body of those accounts there were statements saying that she recognised that these accounts were a true and accurate record of the financial transactions for the year and also that they were constructed in accordance with a whole range of accounting procedures, including the recognition of revenue and expenditure. Those accounts were prepared in the full knowledge that they did not comply with commonly accepted accounting procedures and flew in the face of a whole range of accounting standards, so they were fraudulently prepared. They were part of a scheme to defraud and they were signed off in the full knowledge that they were a scheme to deceive.

There was discussion in the other place about a second set of books. I do not think anybody has seriously suggested that Mr Pennifold constructed a full chart of accounts. It did not need to be as elaborate as that. A list was kept of moneys that went into that account and a list of the withdrawals from that account so that they could basically keep track of the amount of money that they were shifting around the place. Whether or not you want to call that a second set of books, the fact of the matter is that they achieved that very effect. There was a second set of accounting records that was used basically to keep track of fraudulent transactions within that particular department.

The Auditor-General said when he presented evidence to the committee that he thought a number of issues ought to be looked at. One was a situation as uncovered by Audit, and I have covered that. Audit found that there was a scheme in operation, which was effectively a web of deception—a situation in which a whole range of innocent individuals were basically drawn in to lie and deceive to ensure that this scheme was able to operate. I think that that was an appalling situation in which to place hard-working and honest public servants. The second thing that the Auditor-General wanted the committee to look at was whether Audit and the Department of Treasury and Finance were aware of the operations within the trust account. They were not for the reasons that I gave.

The Hon. I.F. EVANS (Deputy Leader of the Opposition): I will not keep the house long, because I know that members have other business to attend to. I want to make some comments in relation to the report. I had the pleasure of working with Kate Lennon and Kym Pennifold during my time as minister. I do not for one minute think that Kate Lennon and Kym Pennifold deliberately set out to commit a crime. I also do not think that they deliberately set out to break accounting standards. However, I think that they did set out to try to administer funds to achieve projects that they believed were in the purview of the department. It is clear from the Auditor-General's comments that the administrative procedures that they attempted to put in place had gone too far, and they would pay a price for that.

The issue that I wish to raise—and I generally support the comments by the member for Waite—is the issue that I have always argued on this point. In my view, a full judicial inquiry into the matter is required. There are holes in what the Attorney-General has advised the house today, but I will not go into the full debate on it. It is crystal clear that Kate Lennon has advised the Auditor-General that she believes she told the Attorney-General six to eight times about the existence of the account.

The Attorney-General says that he did not know about the existence of the account. It is clear that there is a conflict of evidence, which is a matter that the member for Waite referred to earlier. So, put all the politics aside. There is so much conflicting evidence between what the evidence the government wished to trot out and the evidence the opposition wished to trot out that, in my view, the only way in which you are going to resolve it is to have a full judicial inquiry. We all know in this place that this is chapter 1 of this inquiry. Chapter 2 is still happening in the upper house, and I will be interested to see the report.

Ms THOMPSON (Reynell): Particularly with due regard to the deputy leader, I will be brief. Other members on this side have raised many of the matters I was unable to cover in my reports, and they have made the matter quite clear. However, there are a couple of matters, one being the statement made by the member for Hammond relating to the lack of personal gain. Ms Contala addressed this matter in her evidence. The committee was very explicit in saying that there was no evidence of direct personal gain. Ms Contala

was able to indicate that the funds from the CSTA were directed to projects that had not been properly authorised.

It was put to Ms Contala that the real purpose appeared to have been to allow the CEO to embark upon projects for which she had no formal approvals through the cabinet process. It was then put to Ms Contala:

It is fair to say that a large part of the expenditure was used to address particular projects for which there was no authorisation—projects which were basically the hobby horse of the CEO and which had never been run through the process of cabinet authorisation.

Ms Contala replied, as follows:

Yes, that would be true, because we have not been able to find any evidence of higher than CEO approvals for any of expenditure.

The other point is that it is important for the house to be aware of the fact that, when other witnesses provided evidence to the committee that conflicted with that put by Ms Lennon, Ms Lennon was provided with copies of the transcript and invited to make any further submissions she wished to the committee. There was no further contact from Ms Lennon, despite the fact that, at her appearance on 23 December, she indicated that she would attempt to check her diary in relation to some of the questions the committee had. Ms Lennon had every opportunity to do that, as she was still a public servant at that time. There is no report of her being denied access to records that would support her claim. I think it is very important for the house to note that Ms Lennon was afforded very generous opportunity to rebut claims made by other witnesses that contradicted her claims, and she did not avail herself of that opportunity. I commend the report to the house.

Motion carried.

BOTANIC GARDENS AND STATE HERBARIUM (LIGHTING OF FIRES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 3686.)

The Hon. J.D. HILL (Minister for Health): I advise the house that the government supports the alternative amendment to be moved by the opposition. The proposition put by the member for Davenport was considered by the Botanic Gardens Board, and the board saw no problems with the general intention of the member for Davenport's amendment. However, concerns were expressed at a departmental level in relation to the language in the original amendment, which would have had an unforeseen consequence, as I understand it, which would have meant that certain things that are now allowed would need permission to be sought. Anyway, that is not what the member for Davenport intended.

We have worked on an agreed amendment between the member for Davenport moving his amendment and today. I understand that the amendment the member for Davenport is now moving is satisfactory from the Botanic Gardens point of view and that it achieves the goal that he was to achieve, so I am very happy to support it.

The Hon. I.F. EVANS (Deputy Leader of the Opposition): I thank the government for its support of the bill and also for the procedure to get the vote to this point.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

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

Page 2—

Line 13—Delete 'without the authorisation of the Director' and substitute 'except as authorised'

After line 16—Insert:

Expiation fee: Division 7 fee.

(1a) Subsection (1) does not apply to—

(a) the Director or any other staff appointed or assigned to assist in the administration of this act under section 20 when acting in the course of official functions or duties; or

(b) a person employed or engaged to perform services on behalf of the board when performing those services; or

(c) a person carrying out functions in accordance with a lease or licence issued by the board.

(1b) The Director may, by signs placed from time to time on any prescribed land, authorise the lighting of fires in a barbecue, stove or other receptacle on the land, subject to any conditions specified in the sign.

Line 19—Delete 'in a barbecue, stove or other receptacle on prescribed land' and substitute 'on prescribed land in circumstances not authorised by the Director under subsection (1b)

Line 20—Delete 'this section' and substitute 'subsection (2)'

Amendments carried; clause as amended passed.

Clause 4 and title passed.

Bill reported with amendments.

Bill read a third time and passed.

PUBLIC WORKS COMMITTEE: CITY CENTRAL TOWER 1 OFFICE ACCOMMODATION FIT-OUT

Mr CAICA (Colton): I move:

That the 229th report of the committee, on the City Central Tower 1 office accommodation fit-out, be noted.

The City Central Tower 1 is located at 11-29 Waymouth Street and forms part of the city central development being constructed by Caversham Property Developments Pty Ltd. The boundary is King William, Waymouth, Bentham and Franklin Streets. The Minister for Administrative Services entered into a deed of agreement to lease 11 039m² in the City Central Tower 1. The lease will be for a 10-year period plus two five-year options. City Central Tower 1 is the first stage of a development and is intended to transform the precinct into a campus style office development. Landscaped open plazas will link the refurbished GPO building to a second office tower and a series of lower level commercial, cultural and retail entities.

The development will link with *The Advertiser* building, which will also be upgraded and refurbished to complement the City Central Towers. A five star hotel and multi-storey apartment complex are also planned as part of the overall site development. The coordinated development will also upgrade a number of heritage buildings and introduce a mix of commercial and residential uses with integrated links to a central plaza and public thoroughfares. The Department of Further Education, Employment Science and Technology will relocate from several CBD sites into six levels in City Central Tower 1. The energy division of the Department of Transport, Energy and Infrastructure and a small component from the transport function will relocate to level 8 in City Central Tower 1.

The government is working collaboratively with the design and construction team to ensure that the fit-out is integrated into the delivery of these base building works. The gross rent is $375 per square metre plus GST, which equates to $4.14 million per annum plus GST with a 4 per cent per annum increase and a market review at lease renewal. The government has also entered into an integrated fit-out deed

that requires Caversham to design and construct the fit-out for an estimated total of $11.591 million, excluding GST. The developer will contribute $350 per square metre. That is $3.8633 million towards the fit-out costs. The estimated government capital cost contribution for the fit-out is $7.7273 million.

The building is designed to be one of South Australia's first five-star green energy developments and is only the second commercial building of its type in Australia. It will feature cutting edge ESD technology. Key design features include chilled beams for cooling and heating, efficient re-use of water and a healthier environment with increased utilisation of fresh air. The fit-out will complement the green initiatives incorporated into the base building. In keeping with the green mandate,and in order to achieve the most cost-effective approach, the fit-out will be fully integrated into the base building construction process. This tenancy supports the Greening of Government operations framework; Green City initiatives; the Zero Waste policy; and the South Australian Strategic Plan to reduce energy consumption in government buildings by 25 per cent within 10 years. The committee was told that the energy achievements will be of the order of 60-70 per cent on best practice in other government working environments.

The Department of Education and Children's Services will consolidate from four sites into the education centre tenancy being vacated by the Department of Further Education, Employment, Science and Technology. This will significantly improve productivity and organisational arrangements and is consistent with each agency's strategic accommodation plans. The primary objective of this proposal is to act as a catalyst to achieve a major city block redevelopment. It is a major CBD initiative that offers significant social, economic and environmental benefits. For example, it will create employment opportunities, increase private sector confidence, improve city pride, cause private sector investment multiplier effects and be the catalyst for other similar developments and promote ecologically sustainable design principles for office accommodation in the CBD.

Mrs Geraghty: It sounds fantastic.

Mr CAICA: It is a fantastic fit-out. In addition, the proposal will assist in the timely and coordinated development of four prime acres in the CBD that otherwise could be broken up and sold off as individual lots; reflect an improvement in the CBD office market which has been somewhat stagnant for almost a decade; revitalise a tired and under-utilised city block with a blend of commercial and residential uses linked by public spaces; assist government to fulfil one of its key ESD targets in the South Australian Strategic Plan; and facilitate other market sectors to tenant a new five star green and energy related landmark building. The Public Works Committee is particularly impressed by the degree to which this project incorporates EDS initiatives as a primary design requirement. I take this opportunity to congratulate the project proponents for embracing these design criteria. Pursuant to the requirements of the Parliamentary Committees Act, the Public Works Committee recommends this proposal to the parliament.

Motion carried.

PUBLIC WORKS COMMITTEE: QUEEN ELIZABETH HOSPITAL REDEVELOPMENT, STAGE 2

Mr CAICA (Colton): I move:

That the 230th report of the committee, on the Queen Elizabeth Hospital Redevelopment Stage 2, be noted.

I declare an interest in this, obviously, because I am a local member within the area. Not only that, I was born at the Queen Elizabeth Hospital, and I serve on the Queen Elizabeth Hospital Research Foundation. So, I thought I would declare that. The Queen Elizabeth Hospital is one of South Australia's major acute referral and teaching centres and provides a comprehensive range of specialist and diagnostic treatment services to approximately 250 000 people living primarily in the western suburbs of Adelaide. It also provides services in the community which incorporate community based services such as mental health, pregnancy advisory, diabetic outreach and satellite renal dialysis services.

A master plan developed as the basis of developing stages 2 and 3 is particularly concerned to ensure that services are integrated into the community and into the broader, statewide hospital network rather than comprising stand-alone hospital services for the western suburbs that replicate facilities available within the region.

Stage 2 of the QEH redevelopment project comprises:

- Construction of a new three level in-patient building linked to the north of the stage 1 in-patient building;
- Refurbishment of the maternity wing to accommodate non-clinical education and administration functions;
- Construction of a new multilevel car park, and associated relocation of the childcare centre;
- Site services infrastructure upgrade;
- Critical asset sustainment works;
- Construction of a new research building with undercroft car parking;
- Demolition of the Basil Hetzel Building; and
- Partial site redevelopment, including access, parking and landscaping.

The project will replace aged and outdated facilities, and is consistent with the government's vision for health service reform. The redevelopment will enable service synergies and enhanced collaboration between health functions across the region. It will also achieve national benchmark standards for service provision and service planning.

The redevelopment facility is intended to meet the needs of patients and staff for at least the next 20 years. It will also allow the consolidation of research activities and thereby improve collaboration and efficiency by optimising resources and the sharing of equipment. The Public Works Committee is told that the existing facility is unable to achieve a balanced operating budget. Without significant change to existing infrastructure, the ability to reduce annual operating costs is minimal due to the high costs associated with running old and outdated facilities and inefficient work practices. The condition of the older assets at the QEH is extremely poor, and the annual maintenance program cannot address the significant infrastructure and engineering issues that currently exist across the site.

The committee was told that failure to address the facility's deficiencies and operational problems will result in significant disruption to services and the possible closure of the hospital due to failure of critical infrastructure and support systems. The estimated cost of the project is $120 million, and it is expected to be completed by July 2011. Based on the completion of stage 3 in 2014, it is estimated that the hospital's net operating costs will be reduced by an estimated $6 million per annum. It is planned to reduce energy use at the hospital by 25 per cent. As it

currently accounts for 5.3 per cent of government energy use, this will reduce energy use in government buildings by approximately 1.3 per cent.

The redevelopment has significantly changed since the first stage was presented for consideration. The committee has been concerned to ensure that expenditure upon this project will not be made redundant by future service changes and models. The committee has been given assurances that the proposed facility has design flexibility to enable changes to the internal fabric to be relatively easily made to accommodate service changes over time.

The committee has noted that some significant service improvements will not occur until stage 3 of the redevelopment. During its inquiry, the committee has taken care to ensure that the order of work has not been determined in order to give precedence to components that provide benefits to staff rather than hospital clients. The committee is assured that countless permutations have been assessed to avoid this. The order of facility delivery is driven by the need to maintain service provision at the hospital, and is constrained by the need to undertake the work on the existing site.

Therefore, areas and functions that will replace existing ones cannot be developed before the displaced ones have been catered for. For example, the in-patient building will replace some car parks, so there is a need to bring the car park component of the project forward before the in-patient facility is constructed. Based upon the evidence and pursuant to section 12(C) of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work. As I said, as the local member I am extremely proud of this project.

Mr MEIER (Goyder): I want to note that the report has been put before us, but I think the person who was on the committee has a much better ability than I to speak on this item, namely the member for Schubert, who, as members would be aware, has been pushing unsuccessfully, ever since this government got into office, for his hospital in the Barossa to be built. It is an absolute travesty of justice that it has been canned. In fact, I can understand his total and complete annoyance.

Members interjecting:

Mr MEIER: I am not taking anything away from the Queen Elizabeth Hospital, but I think it needs to be pointed out again that the Barossa has lost out very badly. Anyway, I will let the member for Schubert begin his remarks.

Mr VENNING (Schubert): I am amazed at the outburst, particularly from the member for Torrens. I agree with everything the member for has just Goyder said, and thank him very much for his support. Yes, he does introduce an interesting part of the subject. We have a massive amount of money here. Stage 3 was $197 million, and the Barossa requires, I think, $12 million to build its new hospital.

Mrs Geraghty interjecting:

Mr VENNING: The member for Torrens interjects—which is against standing orders, Mr Deputy Speaker, if you did not know—asking why did we not do it when we were in government. I have proof from letters from the cabinet saying that it had agreed that we would build a new hospital in the Barossa. We had begun the process; it was on the cards and, yes, the first moneys had been spent. If we had been returned to government in February 2002, that building would be being built now. As all members know—and the Chairman of the Public Works Committee will well and truly know—that a hospital is not built in the next year: it takes four or five years to go through the process of finding out what is required, what the people in the community actually want and whether it can be delivered. We have done all that. We had a local survey, and the local community up there agreed to close two hospitals—the one at Angaston, which is way past its use-by date and the much better hospital in Tanunda—and to have one joint medical campus at Nuriootpa.

If members knew that community up there, they would realise that it was a pretty rare feat to have that agreement, because you know what those three towns are like: they are pretty competitive, and to take it away from Angaston and put it in Nuriootpa was a big feat in itself. And we achieved that. Irrespective of that, I support the report. It involves a lot of money.

Debate adjourned.

TERRORISM (PREVENTATIVE DETENTION) BILL

In committee.

(Continued from 22 November. Page 4069.)

Clause 4.

The CHAIRMAN: As I understand it the member for Mitchell has moved his amendment No. 2 to clause 4. I will put the question.

The committee divided on the amendment:

AYES (2)

Hanna, K.(teller)	Lewis, I. P.

NOES (39)

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

PAIR(S)

Majority of 37 for the noes.

Amendment thus negatived; clause passed.

Clause 5 passed.

Clause 6.

Mr HANNA: I have a question about the wording of the test for the issuing of one of these preventative detention orders. The test is for the issuing authority to be satisfied on reasonable grounds that certain things occur. Is there any difference between that and requiring that there be reasonable grounds for making the order? Will there be any difference between that and believing, on reasonable grounds, that certain circumstances set out in the section prevail?

The Hon. M.J. ATKINSON: There is a hierarchy of thresholds. The highest threshold is that there are reasonable grounds, the middle threshold is 'believe' that there are reasonable grounds and the lowest threshold is 'suspects' that there are reasonable grounds. The South Australian criminal law and procedure operates almost exclusively on the lowest threshold.

Clause passed.

Clause 7.

Mr HANNA: I move:

Page 6, line 25—
Delete '16' and substitute:
18

This amendment would mean that preventative detention orders would not be able to apply to people under 18 years of age. I suggest to the committee that people of 16 and 17 years are still of too tender an age to be whisked off for two weeks and held without being able to speak freely with their parents and the people from whom they derive emotional support. We have a cut off (which, at the end of the day, must be seen as arbitrary) of 18 years of age for adulthood in a wide range of legal scenarios, and I am suggesting that that would be an appropriate benchmark for this legislation also, especially when one considers the potentially crushing emotional impact of being grabbed and held without being able to make adequate contact with family and friends for two weeks.

The Hon. M.J. ATKINSON: This and other amendments seem to be designed to make the child category move from 16 to 18. This will be opposed. No other jurisdiction is taking this position. This is an important matter on which states and territories cannot be out of step. To be inconsistent on this will mean that suspect A cannot be detained in South Australia but can be detained in the commonwealth jurisdiction or, say, in New South Wales. We will not allow that to happen: we will not be supporting the amendment.

Ms CHAPMAN: The Liberal Opposition will not be supporting the amendment—although not for the somewhat trite reason, I think, that the Attorney-General has indicated. What always seems to be the answer from the government is that, if it is out of step with this agreement, therefore, that cannot be acceptable. Of course, that can produce inconsistency, but that in itself ought not be the reason for it. It completely removes any role of this parliament to have a say in relation to this matter.

The reason this parliament is having to do it first and in a hurry (which has attracted some criticism, and rightly so) is that this parliament will not be sitting after 1 December. So, the opportunity to have some extra time to consult with other important bodies in the community, including the Bar Association of South Australia, is one that befalls us here and we are stuck with having to deal with this bill in a hurry. I think it is rather crude and dismissive of the Attorney to continue to bat away any proposal that is put forward in relation to sensible consideration of the matter simply because we will be out of step with the rest of the country. I do not accept that and I want that on the record.

However, the Liberal Party has considered this question whether we quarantine from exposure to or liability for prosecution or detention under this provision under 18 year olds. In relation to under 16 year olds, which is a matter that we also considered, I have already raised with the committee that it is not beyond the wit of those involved in any kind of criminal or terrorist activity to have all those who are involved in the direct act, who are likely to be apprehended or whose remains are likely to be discovered carry with them identification cards—the simplest of which would be student identification cards (forged or fraudulently obtained)—for the purposes of claiming that they are 15½ years of age. We will need to ask some questions about a police officer having a reasonable suspicion of someone who is under 16 and who is apprehended under one of these detention arrangements being let go.

Apart from the fact that we might be exposing children to this, the question is: under this legislation, are 16 to 18 year olds to be placed in the category where they do have some extra protection; and should they be quarantined? The opposition takes the view that tragically the terrorist acts which we have seen to date do involve youth at the front line. Tragically, they are often the ones who carry weapons or bombs, or who undertake the principal act in relation to that terrorist activity. They are in that category not because it is exclusive to terrorism but, as some members of the chamber might appreciate, because most of our crime is committed by people under the age of 25 years; and, sadly, much of that is done in the upper teenage years. It is the view of the opposition that there should be no detention under the age of 16 years, but that there be a power to detain, with the extra provision of advising relatives and the like, as well as proper protection, for those aged between 16 and 18 years.

Mr HANNA: The Attorney-General's response underlines how outrageous it is for the Prime Minister and the premiers to sit down in a room together and decide what the law will be around the whole of Australia. It is a sad day when such a limited number of people can decide such momentous laws for the Australian people. It is a method of achieving the imposition of extraordinary legislation which any fascist would welcome and about which any democrat would feel great concern.

The Hon. M.J. ATKINSON: The last two contributions are nauseating—

Ms Chapman: Get used to it.

The Hon. M.J. ATKINSON: Thank you, member for Bragg. You are one of the few people I know who has a serious superiority complex, but it is treatable. The member for Mitchell was so outraged that he was looked over for the ministry in favour of the member for Cheltenham that he left the Australian Labor Party. That is how much he wanted to be a minister. The member for Bragg's desire to become a minister is incandescent—

Mr HANNA: Mr Chairman, I rise on a point of order. You know very well, sir, that this is irrelevant.

The Hon. M.J. Atkinson: No, it is not. I am going to join it up.

Mr HANNA: These personal attacks are nothing to do with the amendment or the issue of democracy which I raised.

The CHAIRMAN: Order! I will listen to what the Attorney is saying.

The Hon. M.J. ATKINSON: The member for Bragg and the member for Mitchell are highly ambitious people. I do not criticise them for that, but they are tremendously ambitious. They both wish to be ministers, and in the case of the member for Mitchell it has fallen away a bit since he joined the minor party. However, the point is this: that is, if either of them became a minister—

Mr HANNA: Mr Chairman, I rise on a point of order. My point of order is the same as before. I presume that you have been listening, Mr Chairman. This is an argument ad personum.

The CHAIRMAN: I uphold the point of order.

Ms Chapman interjecting:

The CHAIRMAN: Order! I do uphold the point of order. The minister needs to address the amendment standing in the name of the member for Mitchell and stick to that.

The Hon. M.J. ATKINSON: First, not only are there good grounds on principle for the clause because we know that 16 year olds and 17 year olds can be terrorists; but, secondly, anyone who is a minister in a state government or in the federal government would, once their cabinet has decided to endorse what is essentially a code agreed on by the Council of Australian Governments, come into this chamber and carry out the agreement to which they have signed up. The member for Mitchell and the member for Bragg, if they were ministers, would do exactly as I am doing. However, as it turns out, there are good reasons of principle to support the clause and reject the amendment. The member for Bragg has made those points.

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

Ms CHAPMAN: In respect of clause 7(2), reference is made to a purported preventative detention order and its subsequent reference in that clause is to a purported order. As there is no definition of what a purported order is, what is it?

Mr HANNA: I draw your attention, sir, and the Attorney-General's attention to the fact that, although the amendment has not been voted on, the member for Bragg's question was clearly to the proponent of the bill, namely, the Attorney himself.

The CHAIRMAN: It is up to the Attorney to respond. I cannot make him.

The committee divided on the amendment:

While the division was being held:

The CHAIRMAN: There being only one member for the ayes, the amendment is negatived.

Ms CHAPMAN: Clause 7(2) makes reference to a police officer having an obligation to release someone who has been taken into custody and who must be released as soon as practicable if there is reasonable ground to believe that that person is under the age of 16 years. It refers to a detention under an order or a purported order. As there is no definition in the bill as to what a purported order is, will the Attorney explain what that means.

The Hon. M.J. ATKINSON: 'Purported' is a plain English word. It does not need to be defined in the act. Even family lawyers can understand it. If the order is about someone under the age of 16, the order does not apply to them according to law. Therefore the order is not an order, it is a purported order.

Ms CHAPMAN: The circumstance is such that if an order is granted it is an order unless it is declared to be void or voidable in the sense that it has not actually been lawfully made in some way. But if the order is made, and the Attorney-General is saying that as a result of its being made by someone who ultimately is declared to be an under 16 year old, there could be grounds to have that order declared to be unenforceable and/or invalid. However, while the order exists, there is a specific obligation under this clause for a police officer to let them go if, on reasonable grounds, he is satisfied that they are actually under the age of 16 years. It does not mean that they are, but a determination is made by the police officer that they are obliged to let them go if they form that view on reasonable grounds. So, it would seem to me that the reference to 'purported order' is actually completely superfluous but, if the Attorney-General is indicating that it is purported only by fact, that it may be unenforceable because the subject person named in it is actually under the age of 16 years, I will accept that it is within the limitation of which 'purported order' is being made. My second question in relation to this issue is—

The Hon. M.J. Atkinson: So, we've answered that?

Ms CHAPMAN: On the basis that that is your entire answer. Do you want to say anything more?

The Hon. M.J. Atkinson: No.

Ms CHAPMAN: In relation to the aspect of release on being satisfied on reasonable grounds, would the presentation of a student identification card which, for example would have, on the face of it, the name and a photograph of the subject person, irrespective of whether it had been fraudulently obtained or was a forgery, be sufficient under the test of being satisfied on reasonable grounds that the mere production of that identification card would suffice as being the basis upon which the detainee is released, whether or not they were 16 or under 16?

The Hon. M.J. ATKINSON: It is a matter of the police being satisfied for the purposes of the act. Under this proposal, and under the bill before another place, the police can (and probably will) ask for lots of other information in the course of satisfying themselves that this person is 16 years or above.

Ms CHAPMAN: Is the satisfactory clause that is qualified by reasonable grounds an objective or subjective test?

The Hon. M.J. ATKINSON: Objective.

Ms CHAPMAN: In the light of that answer, it being an objective test, and therefore not with something that is exclusively within what the police officer thinks, is it the Attorney's understanding that the production of a student identification card, which purports to display the name and photograph of a detainee, would be sufficient on the objective test to require the police officer to release the detained person?

The Hon. M.J. ATKINSON: I am not going to answer for every copper in the state.

Ms CHAPMAN: Perhaps I have some understanding. Attorney, you have answered the question that it is an objective test, so it is not a question of what each and every copper in the state, as you have described it, actually thinks. It is an objective test of what a reasonable person would do in relation to those circumstances. I am asking you, Mr Attorney, who is presenting this bill for our approval here in relation to this clause, which on the face of it seems sensible, in the circumstances that I have put to you, whether it is your understanding that if an identity card was produced it would be sufficient to satisfy the reasonable grounds rule?

The Hon. M.J. ATKINSON: One would have to know all the circumstances of the case to say whether an ID card would be conclusive. I am not the general manager of the universe: I am just the Attorney-General.

Clause passed.

Clause 8 passed.

Clause 9.

Mr HANNA: I move:

Page 8, lines 17 to 20—

Delete subclause (3) and substitute:

(3) The information in the application must be sworn or affirmed by the police officer.

This amendment would have the effect of insisting that the information in the application for a preventative detention order would be sworn or affirmed by the police officer

bringing the application. In my view, the preventative detention orders raise such grave concerns because of their impingement upon a citizen's liberty that the information upon which an application is based needs to be treated especially gravely, although in the common population there may not seem to be all that much magic these days in the ritual of swearing or affirming affidavits, etc., or statutory declarations. One would think that for police officers it would be a very serious matter to be required to swear or affirm the document in which the information is contained. I say that that should be insisted upon to bring home to any particular police officer concerned that it is a serious matter and that the information needs to be treated with care to ensure that it is reliable, as much as can be expected at that particular stage of an investigation.

The purpose of the legislation as it is drafted is to provide a way out, if it is not immediately possible, in an urgent case for the document to be sworn or affirmed. In a sense, I am saying that that is not good enough. There should always be available to the officers who might be dealing with these matters someone who can swear or affirm these documents. After all, one would expect that facility to be available to the police force fairly readily. Bear in mind also that it is likely that it will be a fairly select band of police officers who investigates these particular types of crimes or threats of crimes. So, the necessary facility needs to be provided for those officers. It is because of the gravity of the extension of the law in terms of liberty being deprived that we need to take special care in the application process. The information upon which the application is based needs to be treated especially carefully. Therefore, I say that we ought to insist that it be the subject of swearing or affirming by the police officer making the application.

Ms CHAPMAN: I indicate that the opposition opposes this amendment. The circumstance in which a police officer is unable to reasonably and practicably obtain someone for the purpose of attesting on oath or by affirmation would probably be rare. But the circumstances we could envisage is that, when a terrorist act has occurred—remembering that within the 28-day period thereafter is the circumstance also in which a preventative order can be made—there may be a level of general chaos or incapacity to readily obtain an authorised person for the purpose of taking the affirmation or swearing on oath. So, there are circumstances where that may need to apply, and the opposition accepts that that is a reasonable provision and therefore opposes the amendment.

The Hon. M.J. ATKINSON: We have heard the Greens and the Democrats essentially blame the victims for terrorist outrages. We have heard the Greens and the Democrats be morally neutral towards terrorism. We have heard the Democrats deny the holocaust at Halabja and say that it was not Saddam Hussein's fault or that of the Iraqi government. I guess the member for Mitcham says to the Kurdish community, 'Oh, no, you don't want to be independent; it's not good for you.' We remember his attempts to try to get them involved in the peace march, which rather went down in flames when they explained to him that they did like an independent homeland. The reasons to oppose this amendment are compelling. The member for Mitchell is saying, in effect, that one must always do the documentation before one does the preventative detention. He makes no allowance for an emergency. If we were to accept his amendment, we would stand condemned before the people of South Australia.

Mr HANNA: As the election draws closer, one would have thought that the leading lights of the Labor government would have approached the parliament and the people of South Australia with some caution and some small degree of humility, but the Attorney-General seems to become more arrogant as the days go by. He might have beaten a bullying charge recently, but he is providing fresh grounds for a further charge. I suggest that, in the remainder of the debate, we stick to the issues—

The Hon. M.J. ATKINSON: On a point of order, Mr Chairman, there is no bullying charge against me by anyone I am aware of.

The CHAIRMAN: There is no point of order. The Attorney can make a personal explanation. The member for Mitchell.

Mr HANNA: I suggest that we stick to the issues and leave personal smears and false information about other members to one side.

The CHAIRMAN: I heartily agree.

Ms CHAPMAN: When the application for a preventative detention order has been made and implemented, I take it that it is logical that the detained person will be taken to a prison or correctional facility. I wonder whether there is any capacity for the police officers who will be carrying out the effect of this preventative detention order to hold the detainee in a dwelling, commercial building, factory, shop or some other premises—in fact, out in the yard, as long as they are held in custody, I suppose—or does the time of their detention start from the time they are taken to an authorised prison or correctional facility?

The Hon. M.J. ATKINSON: The period of detention runs from the very moment the police officer detains the person and asks the person to accompany him to the station—the point at which it is clear that the person has lost his or her liberty. There was some discussion about whether the legislation should prescribe where the person is held and, if the person was to go into the prison system, whether they would communicate with a terrorist cell through a network of other prisoners. It was decided to leave this matter to the authorities.

The CHAIRMAN: Are the member for Bragg's questions on the amendment, or is she speaking to the original clause?

Ms CHAPMAN: I am speaking to the original clause.

The CHAIRMAN: I want to deal with the amendment first and get that out of the way.

Amendment negatived.

Ms CHAPMAN: In respect of clause 9 and the taking of the detainee into custody, that not being prescribed as to where they are to be held, is it the Attorney's understanding that the detainee who can be held in a place other than a prison or correctional facility can be held in any place, and that it is intended that they will be held in isolation from any other persons other than their captors as such?

The Hon. M.J. ATKINSON: That is the idea.

Clause passed.

Clause 10.

Mr HANNA: I indicate that my amendments six to nine inclusive are consequential and I will not be proceeding with them.

Ms CHAPMAN: Having taken the detainee into custody to some place or places during this period, and holding them in isolation, what action would be taken to protect another civilian from entering a premises in which they may be held, forming a reasonable belief that somebody is being held captive in the premises, and communicating that to others? I raise here the example of neighbours (or friends) of an abandoned property in which the detainee may be held,

perhaps for good security reasons. The innocent neighbour or person who is passing by may observe that there are police vehicles in the vicinity or the like. What protection is there against that civilian publishing the fact that they may have formed the view that there is someone in there, possibly under a preventative detention order? Also, how might they be then protected against fairly strong provisions, including those which cover considerable penalty as provided later in the proposed legislation, for those who might publish that information?

The Hon. M.J. ATKINSON: The member for Bragg's question is a good one, and we have thought about it. The range of people who are punished for wrongful disclosure is contained in proposed new section 41, that is, the detainee himself, the detainee's lawyer, the detainee's parent or guardian, the detainee's interpreter, the person who monitors telephone conversations that include the detainee, and anyone to whom those people transmit the information. We thought it was over the top to punish a passer-by who stumbles upon the fact of detention.

Ms CHAPMAN: I think on that point, Attorney, there is provision under clause 6 of the proposed section 41 which captures a whole lot of other people apart from the guardian, the lawyer, the mum and dad, etc., because they are what is called the discloser recipient. They do not have any qualification. These are people who actually have the information, whatever their relationship, but who intentionally pass that on. That is the concern that I have, and it may be that there is no answer to that. However, it is something that needs to have some consideration, so that we do not inadvertently capture people and punish them in that circumstance.

I refer to clause 10(7). This is the special provision for what happens if the detainee is under 18, or is incapable of managing his or her affairs—and I am assuming that that refers to someone who is in some way intellectually impaired or physically under some impediment, and that they are unable to communicate their intent or have a capacity to do so. That may only be temporary, but people in this category can have a person with them for essentially two hours a day. They are specified, of course, and there are limited categories of those. Again, it is mum, dad, and so on. It cannot be a member of ASIO, and it cannot be lawyers, police officers, or various other people. However, someone can sit with these people for two hours.

Is it intended that, in this category, the information that is disclosed by the detainee to the person of comfort or company is only able to be told that they are safe and that they will be home at some later date, or is the content of their conversation able to be much broader? If it is not, it seems that in the first minute or so they have conveyed what is lawfully able to be disclosed, and the other one hour 59 minutes would be spent in silence.

The Hon. M.J. ATKINSON: The answer is in clause 39(3)(b), which provides:

> (b) the detainee is entitled to disclose the following to a person with whom the detainee has contact under subsection (2):
>
> (i) the fact that the preventative detention order has been made in relation to the detainee;
>
> (ii) the fact that the detainee is being detained;
>
> (iii)the period for which the detainee is being detained.

Ms CHAPMAN: Again, Attorney, that then means, does it not, that unless they are very slow speakers they will have one hour and 59 minutes on the first day and effectively two hours for each day thereafter? This person who has been given the opportunity to have someone with them for two hours a day because they are in some way infirm or they are under the age of 18 years cannot speak to them.

The Hon. M.J. ATKINSON: What we are trying to do by this provision is prevent the discussion of the application of the act to the person. They can talk about anything else.

Ms CHAPMAN: I just want to be clear about that. As the Attorney-General said, a person being detained, etc., as you have referred to in subclause (3)(b)—the only thing that they are able to disclose is the fact that the preventative order has been made. This is the same as the telephone call, 'I'm safe, but I won't be home for four days, 6 days, 14 days, or whatever.' I understand what the Attorney is saying: this is designed to say that these are the things that they are able to say, because they do not want them to be able to blurt out the particulars of the alleged activity that they are suspected of being involved in. I understand that, but it seems that the way it is drafted prohibits them from having any other discussion. But, if the Attorney-General is saying, 'No; they can discuss any issues with the person who is with them, save and except, "How's the family; has my boss been informed? Is everything all right there? Can you make sure that I'm not sacked because I'm going to be away for a few days? Have you paid the gas bill? Did Johnny finish up winning the local sports day?"' it is a different matter—whatever.

The Hon. M.J. Atkinson: How did my footy tips go?

Ms CHAPMAN: Very much the football tips, or the day-to-day discussions—all the innocuous things. Again, there is the question of making sure that they do not disclose the information, assuming, of course, that these people are not so well organised that they do not have the wit to be able confirm in some coded information that they do want to impart to this other party, who might be a family member or a person approved by the police. It seems that the Attorney is saying that his understanding of this is that they can really say anything they like unless they traverse into comment about the alleged activity, in which case, it is anticipated that the officer in charge of detention will intervene because they are monitoring it anyway and will cease that time with the person, interrupt them, or advise them that they cannot continue that conversation. Is that your understanding?

The Hon. M.J. ATKINSON: The subclause to which the member for Bragg referred is headed to avoid doubt. It is not prescriptive.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Well, no, it is not prescriptive. The general principle of the criminal law is that things that are not explicitly forbidden are permitted. That applies here, too.

Before we finish on that clause, I want to respond to some of the remarks of the member for Mitchell. He responded by launching a smear against me for which there is nothing but hearsay upon hearsay upon false innuendo covered up by parliamentary privilege. The second thing I want to say is that I put certain matters to the house about the relationship of the member for Mitchell with the Kurdish community, and he did not even seek to reply.

Ms CHAPMAN: I rise on a point of order. The Attorney-General is clearly responding to material raised by the member for Mitchell which was quite possibly irrelevant, but he ought be allowed to respond to it and then defend himself in relation to this current allegation.

The CHAIRMAN: I entirely agree with the member for Bragg.

Clause passed.

Clause 11.

Ms CHAPMAN: May I ask a question in relation to clause 11. There is a notation which seems to be quite common through this clause and which effectively provides that an order does not cease to have effect just because the person gets released during the course of it. Presumably that means that, if they are taken into detention and after four days it appears they might be under the age of 16 years, they have presented some evidence and they are released, but then they are found in fact to have given misinformation in relation to that, the order remains in effect and they can be re-detained. Does it have that effect, and is that its purpose?

The Hon. M.J. ATKINSON: The example the member for Bragg gives is one fair example, but another is that we were careful to ensure that the authorities could not indefinitely extend the time by shuttling between preventative and investigative detention, so time would continue to run even though the category of detention had changed.

Clause passed.

Clauses 12 to 34 passed.

Clause 35.

Ms CHAPMAN: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

Mr HANNA: I move:

Page 22, lines 31 to 33—

Delete 'but solely for the purposes of letting the person contacted know that the person being detained is safe but is not able to be contacted for the time being'

I move this amendment in my name out of concern that those who are detained under preventative detention orders will not be able to adequately reassure their family or work colleagues that they are, in fact, safe. The law as proposed allows a person detained to contact one of his or her family members and possibly someone else they live with, his or her employer or employees and, if they choose to make contact, it can be by telephone, fax or email. But here is the crunching point: the law as it is proposed provides that the contact must be made solely for the purposes of letting the person contacted know that the person being detained is safe but is not able to be contacted for the time being.

There is something ludicrous about that because, if the intention is not to disclose to the outside world that the person is actually held under a preventative detention order, this rubric—this permissible message—namely, that the person is safe but is not able to be contacted for the time being, is going to become a code to indicate to anyone contacted under these circumstances that the person is in preventative detention. In fact, to give that message to loved ones, or work colleagues for that matter, is likely to induce a high degree of anxiety, I believe. So, I move this amendment to remove that restriction on the communication between the detained person and the person they choose to contact so that there can be a free and reassuring dialogue between them, out of concern for the persons detained. We should not forget that the persons detained have not had charges brought against them. According to our system they are not guilty people: they are people about whom there is a suspicion. In my submission that is not enough to disqualify them from the right to communicate with those they care about and those who care about them.

The Hon. I.P. LEWIS: I understand, I believe, what it is the member for Mitchell draws to our attention and the concern he expresses about the consequences of the provisions in the legislation here. However, I have to tell him that the best interests of the safety of the majority, otherwise protected elsewhere in the bill for the rights of the individual (and we are not addressing that here), is nonetheless provided by being even more proscriptive of what may be said, to the extent that I believe a recorded message made just before it is sent to the person concerned should be of a specific statement, so that in no way is it possible that the person making the statement to their friend or family member (or whomever it is to whom they choose to ring or to send a message to reassure them that everything is okay) can carry an encoded message with it; the words they may say ought to be scripted, and they can read those words, record them and then send them to the person who answers, and say no more than that.

I understand what the member for Mitchell is saying—there will be anxiety—and if you allow the freedom to the person who has been arrested on suspicion and put into custody for the prescribed time to say what they will, that could easily send the message of alarm to the rest of their confréres involved in the same nefarious activity—by saying, in an encoded way, in the choice of words that are used to express it, and any cough or non cough at any point to do it, what they want to say, thereby warning the rest of the gang that is involved that they are under surveillance and that, in this case, other things come through with the encrypted message in the code of words chosen and the sequence in which they are delivered and any other sounds that are made.

I am sensitive to what the member for Mitchell is talking about, and he drew attention to the way in which it might result with respect to those people whom the arrested person chooses to contact. I am alert to that, and I am further alert to the consequences of their being able to hand out that message for the success of the operation of apprehending the people who are choosing to do this heinous mischief. As much as I understand what the member is saying, I am more strongly of the opposite view, and I have not sought to amend it accordingly.

I am astonished that in the advice the federal government has received, and therefore been given first-hand in the briefings of the state heads of government involved in the process, that they have not been told that this law needs to require a recorded proscriptive message that contains only those words in a form that the custodians of the person arrested agree is neutral, and that those words are not published, so that inflection in accent or anything else in the way in which they are expressed can possibly communicate anything.

I say that, if you are arrested and held on suspicion, you should be able to let someone know that you are safe and okay according to the use of explicit words that you will not otherwise know until you are invited to record them to make that call, and you will be satisfied that the call has gone through. However, you will not, in fact, say that into the ear of the person you are calling, if I have any say in it. That would be my way of proceeding. That is the only way you can make sure that you do not alert the rest of the outfit, if there is one, to what is going on—that you have been sprung.

I cannot support the wish of the member for Mitchell to remove this provision in law. I think it is inadequate in the ways he suggests, for the reasons I suggest. I will leave it as is for no other reason than that I do not think I would obtain the support of the rest of the members here, given that this legislation—similar, if not identical—is being passed elsewhere in Australia in the states and territories. I accept it. We all must accept it. It is a sad and sorry day.

The security that we can give to our constituents about the safety of the process is to be found in other clauses, not this one. I will not go into that debate so that I do not muddy the waters of the point that I have made, I hope, clear enough for anyone to understand.

Ms CHAPMAN: Mr Chairman, I think recently in our debate I referred to you as 'Your Honour'. I did not mean to do that, and I apologise. The matter raised by the member for Mitchell has merit. The problem with this whole clause is that it started out in a drafting manner that prohibited any disclosure, for the reasons that have been identified, namely, to stop someone who is suspected of being involved in terrorism that either has occurred or is about to occur, to allow that information to get out so that they could dispose of the evidence, or hide, and so on. We understand how it started and all the concern about that sort of thing, which starts with the whole concept of people disappearing in the middle of the night and our not knowing where they have disappeared to; and we have then seen attached to this provision the capacity for them to be able to first contact someone—and now it is a whole range of people whom they can contact.

In a way, we have butchered the whole process of keeping it secure in the interest of trying to achieve this balance. As I said in my second reading contribution (and I will not repeat all the examples I gave), in the course of doing this we have probably created a situation which will be more frightening for those receiving the message and which will make them more anxious, whether it is under a strictly agreed fax form or a prerecorded form (as mentioned by the member for Hammond) to try to stop people sending out some code word, action, cough, sniff, or whatever. Clearly, at least one of the six in these circumstances who is given a brief message—'I am safe and I will not be home for four days'—will be concerned, suspicious, distraught, angry, or whatever. I do think we will create a lot of difficulty in relation to this.

One option is to allow them to communicate a message through another party; namely, the police officer, who has an obligation to notify the employer, the spouse, the de facto, the girlfriend, etc. However, I am assuming—and the Attorney may be able to correct this in due course when we are dealing with the clause—that the whole idea of being able to speak to these people, if they do not want to use the fax or email facility, is to enable that person to hear their voice. Presumably, albeit its being a short message, it will give them some assurance that they are alive, safe, etc. What we have ended up with is a pretty butchered process, but it may be that, through the course of working out how it operates, it will be able to be refined. Will the Attorney indicate in due course whether this is the same process that operates for someone who is detained in the United Kingdom?

Mr HANNA: Of course, I appreciate the concerns raised by the member for Hammond, but that would take us into a situation which is even worse from the point of view of preserving people's liberties. There are people in Australia who have known people who live under the dictatorial regimes in South Africa or Chile and who have disappeared, and it gives rise to a terrible anguish to family members of those who have disappeared from public eye at the hands of security forces. If the member for Hammond had his way, that is the situation we would have here, albeit for limited periods of disappearance, and that is completely unacceptable. I simply put forward the amendment as it is.

The Hon. M.J. ATKINSON: The amendment is designed by the Greens party to allow a suspected tourist to communicate information to other possible terrorists or terrorist informants. The grounds for opposing this were set out in my second reading speech. I can only repeat that the amendment is not compatible with either the state or national scheme, and we will be opposing it.

The CHAIRMAN: The question is that the amendment standing in the name of the member for Mitchell be agreed to. Those in favour say 'aye'.

Mr HANNA: Aye.

The CHAIRMAN: Those against, 'no'. I think the noes have it.

Mr HANNA: Divide!

While the division was being held:

The CHAIRMAN: There being only one for the ayes, the amendment is not agreed to.

Amendment thus negatived; clause passed.

Clause 36.

Mr HANNA: If the person detained is entitled to contact the people specified in clause 35 (and there seems to be no restriction in relation to contacting the Police Complaints Authority pursuant to clause 36), is it then the case that the person will be provided with assistance, either by means of the use of a computer or provision of a hard copy of a Police Complaints Authority complaint form, to allow a complaint to be directed to the PCA while the person is in detention?

The Hon. M.J. ATKINSON: The person detained has a legal right to approach the Police Complaints Authority and it is the duty of the police reasonably to assist the person, and the police are expected to obey the law.

Mr HANNA: Is it the case, then, that there are no restrictions on what the person may communicate to the Police Complaints Authority, and will the Attorney make abundantly clear that the complaint can be made while the person is in detention and they do not have to wait until they get out of detention, and they do not have to expect a person other than themselves to make the complaint if they are in detention?

The Hon. M.J. ATKINSON: The bill places no restrictions on what the detained person can say to the Police Complaints Authority and the detainee can communicate with the PCA while in detention.

Clause passed.

Clause 37.

Ms CHAPMAN: This is the proposed procedure that is to operate in relation to the entitlement of the detained person to have contact with and capacity to instruct a solicitor. Obviously, this is an important safeguard in the process, but what we have heard tonight is that this is a process whereby an order is made, it is put into effect and, usually, what happens with an arrest in any other situation of a person being taken into custody is that they are taken to a police station and/or prison or correctional facility. In some ways, that in itself is a safeguard that people just do not just disappear. They are going to turn up somewhere and that is going to be recorded so that there is some period from which they have been taken into custody and they turn up in one of these facilities. But the procedure we have heard tonight is one whereby the police are not under any obligation to take the detained person to a police station, correctional facility or prison.

They could be taken to a deserted home, for example, and there may be very good reason why they think it necessary to do that, but nobody will know where they are, sight them, fingerprint them, photograph them, record that they are alive, test that they are actually medically well, and the like. This

is an important clause, because there needs to be some protection in at least having the contact. There are other clauses that provide certain obligations so that a person has to be shown the order, given the grounds upon which it has been made, it all has to be in writing, etc. This is one of the other requirements, that they be able to contact the lawyer, select them and so on.

There just does not seem to me to be any requirement on the police as to the timing of this. Arguably, it could take days from the person having even got their order, which is supposed to be fairly prompt and which has notice that they can have a lawyer and go to the Police Complaints Authority and lodge their application in that regard. What protection is there, in a time sense, to require that person to have access to the lawyer in question, other than the obligation for the detained person to be brought before a judge in which we have this sort of confirmation procedure?

The Hon. M.J. ATKINSON: A person detained has a statutory right to access to a lawyer and, if a police officer unreasonably obstructed that access, the police officer would be in breach of the law.

Ms CHAPMAN: Where is that statutory obligation in terms of time for that to be done? The worst possible scenario here is that, you are taken into custody in some remote place where there is an opportunity to do all sorts of things, including to interrogate the detained person, etc. before any of this process takes place. It is quite easy for the police officers in that situation to be able to say, 'I know that you wanted to have John Smith as your lawyer, but he is not actually on our approved security list, so you have to pick out somebody else.' They can then easily delay that if there is no time requirement in relation to the provision of that information, because remember that we are dealing with approved lawyers here. When I say approved I refer to those who have qualified under the security clearance provisions.

The Hon. M.J. ATKINSON: The bill preserves common law rights whereby a detained person could bring an action in tort against the police officer for abuse of public office or misfeasance in public office. That right is preserved explicitly by the bill. That is one of the remedies.

Ms CHAPMAN: I thank the Attorney for the indication of that but, of course, there is also provision under this bill for compensation, so that does not really answer the question. Is that all it is? That is, they are common law rights, and the opportunity to proceed with compensation, as distinct from any time limit, makes it a statutory imposition?

The Hon. M.J. ATKINSON: The government has not sought in the bill to fix a timetable or make a time limit because we could not find a time that would be suitable to all cases.

Clause passed.

Clause 38.

Mr HANNA: I move:

Page 24, lines 25 to 34—
Delete subclauses (1), (2) and (3).

This amendment is partially consequential, although not necessarily so in respect of clause 35. More importantly, in respect of the clause with which we have just been dealing, clause 37 provides for the communication between the detainee and the lawyer. I say that the detainee ought to be able to have a private conversation with his or her lawyer. It is based on the concept of legal professional privilege, which has been part of our law for a long time. This would be one of the very few areas in which legal professional privilege is breached by statute. The reason for the arrangement or the rule we have that people ought to be able to have private discussions with their legal counsel is so that the person, who may well be innocent, has the opportunity for frank disclosure to someone and frank advice about what the consequences might be of their state of knowledge or the actions that they have been involved in.

The likely consequences of having these conversations monitored obviously by police is that detainees will be reluctant to talk about anything that might be helpful in investigations and, indeed, any competent lawyer is going to caution their client immediately upon communicating with the detainee to say that they should not say anything which might be incriminating at a later date, even though there is a provision which says that the conversation which is monitored cannot be used in evidence. The fact is that material gained might well be used in investigation. In situations like this, innocent people have tripped themselves up and made themselves the subject of further investigation unintentionally. That is why accused people are often cautioned to say little to police when everyday arrests are made—that is, outside the provisions of these laws. So, it is important to uphold that special relationship between client and lawyer. It is for the benefit of innocent people so that they can frankly work out what their rights are and what they should be doing. If we take that away, it is another nail in the coffin of liberties of innocent people in Australia.

The Hon. M.J. ATKINSON: Clause 50 preserves legal professional privilege. It may not be disclosed by the monitor to anyone. Unauthorised disclosure carries a maximum penalty of five year's imprisonment. Of course, there are exceptions to legal professional privilege. If the detainee was using communication with a lawyer to tip off the terrorists, that would not be subject to legal professional privilege, because legal professional privilege cannot be used in the furtherance of a crime.

Amendment negatived; clause passed.

Clauses 39 and 40 passed.

Clause 41.

Ms CHAPMAN: These are the disclosure offences provisions which essentially carry a penalty of five years imprisonment for certain categories of persons disclosing information and which deem them to have committed an offence if they disclose information that is, essentially, that a particular person who is the subject of a detention order is being detained and any detail of the period in which they are to be detained. These include the person's lawyer, members of their family, and the categories that might have received that information pursuant to the telephone communication opportunities they have. It also captures the interpreter and the monitor, that is, the people who might be monitoring the conversations or communications between the detained person and this rather exclusive group in the community.

Essentially, subclause (6) covers anyone else who might get wind of this information and who then intentionally publishes it. It would seem to me that this would include *The Advertiser*, a radio announcer or any other media outlet, for example, which might get this information or have this information conveyed to them and then go out and make a statement about any of these three things. Is it an offence, Mr Attorney, for a person to publish information about a person to the extent that they have disappeared, that their whereabouts are unknown and that they are a person who has been either known to be or alleged to be a suspected terrorist, that is, that the published information does not disclose the

existence of a detention order, that they are being detained and the time requirements? Would those circumstances be captured and therefore result in a potential prosecution of that media outlet?

The Hon. M.J. ATKINSON: The offence applies to a person who receives information from the limited class of person who is in communication with the detainee. The receiver of the information may or may not be a media organisation. The receiver of information is offending if they disclose the existence of a detention order, the fact of detention, the period of detention, or any information about the matter disclosed by the person who is entitled to communicate with the detainee.

Ms CHAPMAN: Mr Attorney, does my example therefore attract a prosecution and penalty, namely, that there is a publication that a named person is missing, that they are a known suspected terrorist and there is no reference at all to their being the subject of a detention order? Will the publication of that information attract a prosecution and penalty under this clause?

The Hon. M.J. ATKINSON: If there are only those two elements, I would say no.

The ACTING CHAIRMAN (Ms Thompson**):** Before I put clause 41, I draw the attention of the committee to the fact that wherever 'penalty' is mentioned in this clause it should in fact read 'maximum penalty'.

Clause passed.

Clauses 42 to 46 passed.

Clause 47.

Mr HANNA: I reject the notion that there should be secret courts in this country, and the way in which clause 47 is currently drafted means that that is pretty well what is being put in place. It is one thing for an application for a preventative detention order to be heard in a closed courtroom—I do not have a problem with that because it could involve sensitive information of some kind—but to silence the Supreme Court from letting anybody know through public lists, court files, or in any other way that there has even been a detention order sought is, I think, going way too far. This is one case where I say that the public has the right to know that this sort of thing is happening. I do not want to find out five years later when there is a parliamentary review that there have been 50 applications for preventative detention orders that nobody knows about. I am not suggesting for a moment that the information upon which the orders are based should be publicly revealed, but we should at least be entitled to know the number of applications that are being made as they happen. Therefore, I move:

Page 32, line 34—

Delete 'nor publicised in any public list of the Supreme Court's business'

This amendment deletes that provision stating that the proceedings shall not be publicised in any public list of the Supreme Court's business. At the very least if they are on the Supreme Court list, and it may simply say that there is 'An application under the Terrorism Prevention Detention Act 2005' or something of that nature; that is all it has to say, so that the public knows that this legislation is being used.

Ms CHAPMAN: I indicate that the opposition will be opposing the amendment. That is not to say to the parliament that the concealing of litigation in respect of any notice of proceedings in the Supreme Court, or any court for that matter, is acceptable. Even in this house, one of the most important pillars of the democratic process is that at all material times what we say in this place, and except in certain circumstances what is said in courtrooms, is public and is available for men, women and children to come in and personally listen to. It is available, importantly, for media to be present, and that is a very important protection in relation to law making and the application of it that forms a rock foundation of what we stand for. So, the concept of having Star Chamber inquiries behind closed doors is one which has not been favoured. It is not that there are not any courts that sit in a manner that excludes names, but what—

The Hon. M.J. Atkinson: And you used to work in the Family Court.

Ms CHAPMAN: Indeed. What usually occurs in relation to the notice of those proceedings—particularly for example where a child is involved, or a defendant in a criminal proceeding, for example—is that if their surname were to be published in any cause list at the back of *The Advertiser* or on a list outside a courtroom that could cause harm to a child victim, or alleged victim, in an offence. Therefore, the way in which that is dealt with is to simply have the initial of the accused person published, so that there is not an identification of that person.

I think that there would be an opportunity in this type of situation for a proceeding to be called Commissioner of Police v D. (or O.B. if we are going to have Osama Bin Laden). Whomever is the defendant will have their initial, and then the action number. That will not necessarily send some great signal to the world that an application is being presented for a preventative detention order, but it will at least preserve that approach. So, I would certainly look between the houses at how that might be able to be addressed.

The Hon. M.J. Atkinson: Let us get the cameras down there for the hearing. Is that what you are suggesting?

Ms CHAPMAN: The Attorney-General might in his trite, juvenile, immature way at this hour present to interrupt in that sort of situation. The Liberal opposition is not in any way suggesting that we open up some sort of public forum. We are trying to work cooperatively with the government to achieve that delicate balance, which we have addressed over some hours in the chamber, between protection of the public and preservation of civil rights.

In relation to this matter, the member for Mitchell raises a valid point on how we do not go down the Star Chamber course, but we instead try to look to some way of compromise. I think to simply remove the prohibition in relation to publication without there being some other measure would not be appropriate, so I cannot support the member for Mitchell's amendment. However, I do think there is some merit in it and that we ought to be able to have a hearing determined without other parties being present, but with there still being some record in the courts authority and a publication in the list which will at least identify the existence of the proceeding. That might be very important, especially if we are relying upon the judicial overseeing of this process as being a protective mechanism and being able to prove that the proceeding even took place at all. It would be helpful to have some record in that regard. I think there is some merit in how we might best deal with it, and we will consider that between the houses.

The Hon. M.J. ATKINSON: I am so glad the member for Bragg went first, because her compromise solution is really deserving of some examination. The member for Mitchell's amendment deletes a commonsense protection against the disclosure of information to the media which would place security at risk and place the reputation and identity of a mere suspect at risk. So he is not doing any

favours to the person about whom the order is made. Suppression orders are common on grounds of far less sensitive information than an approaching terrorist outrage. The amendment should be and will be defeated. The member for Bragg, on behalf of the Liberal Party and in bending over backwards to accommodate the Greens on this matter, suggests some sort of abbreviated notice in the cause lists in *The Advertiser*. It used to be on the inside back page when I was working as a cadet at the 'Tiser, and it would be something like: R v O.b.L. or R v M.a.Z. I do think that might arouse a bit of media interest. Do you think that, knowing that there is going to be a terrorism preventive detention order litigated in the court that day, the cameras will not be swarming around the entrance to the court even if the room itself is closed?

Ms Chapman: How would they know?

The Hon. M.J. ATKINSON: Because you have told them. The member for Bragg has told the public that there is a preventive detention order case being heard. How many preventive detention order cases do you think will be heard in the Supreme Court? Very few, I imagine. If I were the day editor or chief of staff of *The Advertiser* looking through the cause lists for the day, looking for new story, and if I saw R v O.b.L or R v M.a.Z, I reckon it would be worth sending a reporter or a camera down there.

Mr BRINDAL: The Attorney's arguments clearly lack any intellectual rigour, and really deserve scant attention from this house. I was upstairs working on my memoirs—

Members interjecting:

Mr BRINDAL: The Attorney above all—

The Hon. M.J. ATKINSON: Good news for me; bad news for Vickie.

Mr BRINDAL: No; the Attorney needs to recall a few things that I know. I was working and I heard the arguments of the member for Mitchell, and I must say that I find them very compelling. I was therefore initially a bit disconcerted by the comments of the member for Bragg, but I was much heartened when I came in to hear what I consider may well turn out to be a very acceptable compromise. Frankly, some of the Attorney's comments belittle him, and he deserves to perform rather better than he has in the course of this debate. His intellect certainly surpasses the garbage that has come from his mouth in relation to several clauses.

It is a fact that not everything is publicly disclosed in this place. We have an entire apparatus called the executive government that is very secretive and kept very close, where most of the executive decisions are made. This place is a place of review for the scrutiny of the executive government, and the executive government is not open to publication or public scrutiny in the same way. As I understand the proposition of the member for Mitchell, and as the member for Bragg has just told this house, it is quite a sensible compromise to use a court system to get that delicate balance between civil liberties and protecting the public interest. That is what the member for Mitchell is proposing. The Attorney-General simply belittles the constructive attempts of the member for Mitchell, who seems to be one of the few in this place to be making constructive attempts on this legislation. He has not just tugged to his forelock and said, 'Yes, Michael', or 'Yes, John'. He has looked at it critically, as the member should.

The member for Bragg, to give her credit, has suggested that this is a matter worth looking at. Then she gets belittled by an Attorney who says the cameras will be around the door. Well, hey, I might not have a law degree—although I am equal with the Attorney; I have never practised law—but I know enough about the courts, and I thought he would; he has been a visitor down there on a few occasions.

The Hon. M.J. Atkinson: Well, along with you, chappie.

Mr BRINDAL: Yes, I know, I was sitting next to you. Yes; I felt quite in celebrated company. There were more politicians there than have ever been seen in the courts at any one time; probably rather less than the public would like to see in the courts at any one time. On the issue of the furphies about television cameras and all the rest of it, the courts can make orders as to their proceeding. No photographer is allowed into the courts. That is why we get sketches. As the member for Mitchell (I think I heard him interject) said, 'Probably, the accused wouldn't be there.' Even if they were, they would be brought up through the basement and orders could be made to protect identity and all sorts of things.

For the Attorney to just say, 'Oh, you can't do this,' frankly, I am disappointed. He has a better brain than that, and he deserves to give better attention to this house than to think nobody else is his intellectual equal and put everybody else down for trying to come up with a sensible suggestion. I suggest that the Attorney will get home rather more quickly and I will get some more attention to what I am really trying to do if he ceases his arrogance and treats other members of this place with the decency and dignity they deserve, rather than the patrician arrogance of somebody whose philosophy, I think, should have taught him humility.

Amendment negatived; clause passed.

Clauses 48 to 51 passed.

Clause 52.

Ms CHAPMAN: This is a sunset provision which will provide that the preventative detention order and a prohibited contact order cannot be implied or made after the end of 10 years from the day this act commences. As we know with a sunset provision, it is open to the parliament to determine that before the sunset clause comes into effect—that is, the expiration of the 10 years from the commencement date after proclamation—it can be extended either for another fixed period or indefinitely.

I did raise, during the course of the second reading debate, the question whether it was proposed that the government or some other body undertake a review on behalf of all the governments that have combined to settle upon the COAG agreement which forms the basis of this legislation at the expiration of a five-year period. It was my understanding, perhaps incorrectly, that it was a term of agreement that there would be a review similar to that under the police powers bill which now has a two-year and five-year review clause in the legislation.

The Attorney pointed out during the course of debate that there had not been a term of agreement for a five-year review and, that being noted, I would ask the Attorney whether it is proposed by his government to undertake any review during the course of this 10 years and, if so, what the format of it is to be. If that has not been determined, would he consider that issue being investigated and being reported upon when this matter comes before the other place?

The Hon. M.J. ATKINSON: This is a national scheme. The only sensible review would be a national review. I am happy to pledge to the member for Bragg to write to her Liberal colleague, the Hon. P.M. Ruddock, the commonwealth Attorney-General, and ask him if he is contemplating a review as proposed by the member for Bragg.

Clause passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (CRIMINAL PROCEDURE) BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 3471).

Ms CHAPMAN (Bragg): The Attorney-General introduced this bill on 20 September. It had followed his press release on 25 August which was issued jointly with Premier Rann setting out a promise to the people of South Australia that they would legislate to make defence lawyers disclose expert evidence before a trial. I quote, as follows:

> We are backing it with serious repercussions if they do not, thereby putting the onus on them to be accountable.

Because I have referred to both authors, that is a quotation attributed to the Attorney-General. As we now know, to refer briefly to what was called the Kapunda Road Royal Commission, there had been a trial of Mr Eugene McGee in which he was acquitted of causing death by dangerous driving but found guilty of driving without due care, after he had knocked over a cyclist, a Mr Ian Humphrey, resulting in his death. Mr McGee then left the scene, as we now know, without in any way stopping to render assistance or, indeed, reporting the matter.

During the course of that trial, Mr McGee's defence lawyer led psychiatric evidence that had not been disclosed prior to the trial. It had been the opinion of the psychiatrist who had given evidence that Mr McGee had fled the scene while in a dissociative state owing to post-traumatic stress disorder. The prosecution did not produce any expert evidence of its own to rebut that opinion, or at all. Whilst it has been expressed in the terms that the prosecution was unable to produce expert evidence in time to rebut that opinion, it is my understanding that during the course of the trial, after the evidence had been given by the psychiatrist who had been called by Mr McGee's defence lawyer, the prosecution had been offered the opportunity of an adjournment to obtain advice and instruction from its counsel and solicitors working on the matter—obviously, the DPP's office and the like—with respect to obtaining other expert evidence. So, whilst no notice had been given, it is my understanding that the trial judge had offered that opportunity. However, for whatever reason (which is probably academic for the purposes of the discussions in relation to this bill) that opportunity was not taken up.

In any event, it is clear from the judgment and the subsequent royal commission in relation to this matter that the evidence of the psychiatrist called by Mr McGee's counsel was accepted and relied upon for the purposes of sentencing. I think there is another important matter to place on the record here. A plea of guilty had been entered in respect of the charge of driving without due care. So, whilst there had been public excitement, fanned by the government, over the sentence that was handed down in relation to this case, and all the promises that were made in relation to how there would be magnificent reforms—obviously, with the clear intent of impressing upon the public that it was these reforms by this government that would make a difference to ensure that this type of situation would not arise again—it is now pretty clear that the amendments we are about to consider would not necessarily have produced any different result in that case.

However, irrespective of all the fanfare that is presented by the government, the Liberal opposition will always look at sensible reform in light of any kind of improvement to our criminal law system. Careful consideration has been given by our shadow attorney-general, in particular, to the proposed reforms. However, let there be no doubt that this is not as a result of careful consideration by this government; it is in fact taking up the very hard work commenced by Brian Martin QC (as he then was), who chaired a committee that began back in 1988. That committee subsequently produced recommendations that were adopted by a standing committee of attorneys-general and, more recently, the work of those bodies and the report of the Kapunda Road Royal Commission was taken up by a working group chaired by the Hon. Justice Duggan. That is the genesis, I suppose, of this bill, not the general carry-on we have heard on talk-back radio by the Premier and the Attorney-General in the flurry of excitement around one particular case.

The Attorney-General has set out in his second reading contribution a great long history of the background from 1998, and I will not repeat it. However, it is important to note the effect of a number of aspects of this bill that I think are important to record as confirmation of the position of the Liberal opposition. First, there is a notice to the defence to admit facts, and this is to make provision to empower a court to serve on the defence a 'notice to admit specified facts'. This is a procedure commonly used in civil trials, but it has not applied to criminal trials. Essentially, the DPP must apply to the court for an order that allows the prosecution to require the defence to admit a fact and the court, after hearing argument, may make that order.

Of course, it is important in relation to hastening the advance of the proceedings, avoiding delay, unnecessary evidence being given, and the like, that this type of process not be compulsory but available to be granted under an order of the court. If a defendant does not then admit the facts and is subsequently convicted, the failure to make that admission should be taken into account in fixing sentence. If the trial has been lengthened or made more expensive, the judge can effectively take that into account in weighing up the sentence.

It does not in any way require the accused person to admit guilt in relation to the offence with which they are charged, but the facts are likely to be fairly formal. That is, there had been a period of employment, a period of marriage to a certain party and they had attended on a certain day at a certain place. They are facts which of themselves do not require an admission of guilt of the offence but which assist by not requiring the production of documents, evidence and witnesses to support facts which are otherwise pretty obvious but which can be very time consuming in proving a chain of events to then get to the critical issues. The purpose is to save time and money, as I have indicated. In relation to the notice of defence, a new section 285BB is proposed. This will empower a court to require a defendant to provide to the prosecution written notice of certain defences.

There is an essential tenet to the criminal law; that is, you are innocent until proven guilty and the party with the responsibility to prove guilt is the prosecution. It is not incumbent on the defence generally to be required to indicate in advance any defence upon which they might be relying. It has its foundation in the basic premise based on the British system which we inherited; that is, it is up to the prosecution to prove that the defendant is guilty, and there is no onus on the defendant to do anything to assist in that regard. Clearly, both the defendant and/or their counsel are not able to cause

information to be presented to the court knowing that to be inaccurate, but they are not obliged to provide any assistance in relation to the prosecution case.

The areas of defence for which notice must now be given will include mental incapacity, self-defence, provocation, automatism, accident, necessity or duress, claim of right, or intoxication. We do not need to go through all the particulars as to where this will apply, but what is important is that there are a number of them. They include those that often apply in relation to mental incapacity, self-defence or provocation which obviously are the most common and which no doubt are well known to members of the house. I will not go into the detail of the balance but, essentially, even if the prosecution had no idea that the defendant was going to claim self-defence, it would have to put the whole case in anticipation of any number of possible defences that were put forward.

Now, to avoid not so much being ambushed—I do not like the word but that is the law—but to ensure that the prosecution is not put to proof on all contingencies, if they know what the defence is, they can at least target the presentation of the prosecution case to deal with that issue and, frankly, not waste their and the court's time in having to cover all other bases, which clearly will not be approached by the defendant and/or their counsel. Sometimes that is not always evident at the commencement of the trial. Sometimes it may be expected that a certain defence will be followed, but during the course of the trial it becomes clear that another defence should apply. It is by no means something that is certain from the commencement of the trial when notices will be required to be given. Because of the attempt in this bill to not 'ambush' the prosecution, it is important that, if you do not provide that notice, the defence is not prohibited from still producing that evidence.

It would be unacceptable simply to say that, if you had not given notice, you could not produce that evidence. It is being proposed that, if you do not give that notice, even if you still give the evidence, the judge and the prosecutor will be able to make adverse comment to the jury about your non-compliance and draw to the jury's attention the fact they had been given advice as to what they were obliged to provide but they had failed to do so and that it was open to them to make some adverse inference in relation to their failure to do that. The new section will also include a power of the court to require the defence to indicate whether it consents to the dispensing of the calling of certain formal witnesses. Usually they are in relation to films, recordings and other exhibits. An example of that is where a particular photograph depicts the defendant's house, without having to call the photographer as a witness to prove that he pointed a camera at a certain house at a certain address to formally identify the photograph which resulted from his action.

Again, the government is attempting to reduce costs (which was a recommendation of the Attorneys' meeting) and remove the unnecessary calling of uncontroversial witnesses which, frankly, is an inconvenience and wastes everyone's time at the court. The expert evidence provision is one which comes from Commissioner Greg James arising out of the Kapunda Road royal commission for reasons which I have indicated earlier in my contribution. The defence is to have an opportunity to outline the contentions, that is, to address the court after the opening address of the prosecution but before the prosecution calls its evidence; and the defence cannot be compelled to address the court and the prosecution cannot comment adversely to the jury if the defence does not take up that opportunity. There are some amendments to the Criminal Law (Forensic Procedures) Act.

They also raise the question of some alcohol testing ambiguities arising from the royal commission to which I referred and which do not need further explanation. Essentially, it was a previously held view that a simple search of a person as opposed to an intimate search—that is, a strip search—is not a forensic procedure formally requiring authorisation of a magistrate.

That has been really cleaned up in relation to making those amendments. On the disclosure of information to the defence, there have been cases where the prosecuting authorities, especially the police, have not met their obligation to provide an accused person with all information at their disposal. This is not only information that forms part of the prosecution case but also information that may assist the defence case. This bill addresses that. There is a Summary Procedure Act amendment to require that a person who is committed for trial must be provided with a written statement of their procedural obligations.

Although the opposition has not seen it, the Attorney-General advised yesterday or the day before that the government has amendments, of which I have a copy, and that those amendments arose out of recommendations put by the Law Society in a submission apparently presented to the government and the opposition. On inquiry from the Hon. Rob Lawson as early as this morning, we cannot find that any correspondence has been received. I have made that inquiry of the Attorney-General's office and I understood that a copy of the submission was to be provided by my office. I checked at the dinner break and I do not have it.

The Attorney-General has said that these amendments directly relate to recommendations put by the Law Society of South Australia, and they may be very sensible and appropriate amendments to be made. I indicate to the Attorney-General that I do not propose to hold up this legislation by calling for some adjournment of further debate on the matter once we get to the committee stage, but only because he has indicated that these are matters that were raised by the Law Society do we agree to allow the committee to proceed. We would like a copy of the submission from the Law Society to be provided or, at least, an indication if it cannot be provided for some reason. That gives us an opportunity to get a copy of that from the Law Society.

We would like an indication, if possible this evening but at least in between houses, from the Attorney-General as to whether there have been any recommendations put by the Law Society that have not been agreed to and not incorporated by the government in these amendments and, if not, why not; and confirmation on our own record that these are amendments arising from that recommendation and, if not, what the source of such amendment is. With those words, I indicate that the opposition will support the bill and I look forward to receiving that further information.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

MEMBER'S REFLECTIONS

Mr BRINDAL (Unley): One becomes a tad reflective when, having pursued a career for 16 years, one decides that the time has come to move on to other pastures.

The Hon. M.J. Atkinson: No, others decided that for you, dear boy, including the member for Bragg!

Mr BRINDAL: Whether the Attorney believes others decided it for me is irrelevant; the fact is that you reach a stage in your career when you are going to change direction. While I do not expect him to yet understand the experience, I am sure the members for Goyder, Newland, Bright and Finniss do, as we are the crop who have decided that we will not contest the next election. It leaves one to reflect on the nature of the contribution one has made and the value of this house.

I want to spend some time speaking about changes that have occurred in the past 16 years, some good but not all of them for the better. I never contemplated the fact that I might one day sit in this house as a senior member and see the member for Croydon pretending he is a senior member opposite but still behaving like a kindergarten schoolchild. At least the member for Croydon does this house the courtesy of only dusting his jacket and polishing his shoes—he does not read the form guide in here, for which we can be grateful. However, we have a Deputy Speaker who reads the *Bible* or the *Book of the Saints* or some other novel to entertain himself and so that he does not have to keep discipline.

The DEPUTY SPEAKER: So I don't have to listen to you.

Mr BRINDAL: I wonder whether interjections from the chair are orderly.

The DEPUTY SPEAKER: Reflections upon the chair are disorderly.

Mr BRINDAL: In 16 years, as the member for Croydon has seen, there have been a lot of changes. A lot of people have come and gone and there are a lot of new faces as opposed to when we were here. One of the things I find disappointing is the diminishing influence of this chamber.

The Hon. M.J. Atkinson: Come on; it's got more influence, because it's a minority government.

Mr BRINDAL: I do not mean the diminishing importance of this chamber in our own eyes—we always stand tall in our own eyes. As the Attorney will remember, when we came here there were two newspapers, and state news made the front page of the morning and the afternoon paper and federal news was often an adjunct or, if it was important enough, it would sometimes displace the news from the state parliament. State parliament was of paramount interest to the people of South Australia. That is no longer the case. I suspect it partly comes from the convenience of the media in being having a small press pool in Canberra that can feed a vast number of media outlets around Australia much more cost efficiently than providing reporters in every jurisdiction of the state. That is part of the cause.

Another part of the cause is that the Prime Minister, a Prime Minister whom I greatly admire and who will go down as one of the great post-war prime ministers, is nevertheless a centralist. I find that incongruous. He is a centralist Prime Minister in a party which is itself federalist. But the problem is that a succession of federal parliaments, believing quite wrongly that all wisdom and knowledge proceeds forth from Canberra and enlightens the nation, have in many ways, by the use of the public purse, tied grants and other artifices never contemplated by the creators of the constitution, manipulated these chambers to where, if we are not careful, they will be little more than stamps for Canberra.

The Prime Minister is a shrewd man, as will subsequent prime ministers be. He knows that to abolish the houses of parliament in the states is virtually a physical impossibility, because he will never get it through referenda so, rather than abolish the parliaments, he will turn them into irrelevant non-entities. He will pass legislation and make sure that it either binds the states or requires mirror image legislation within the states, and the power of the states will be diminished. This is an appalling situation, because we have one of the most successful democratic systems that this world has ever seen—the most successful and stable. We have that system because we have three tiers of government: local, state and federal.

Sometimes there is duplication and sometimes there is a need to better order the priorities and working relationships between those three tiers. But of one thing I remain convinced: if you do what you can locally, do what is needed regionally and do what must be done nationally and get that mix right, you get good government. If you take government as close as practicable to the people you serve, you cannot fail but have good government. It is a lesson that both major parties in the federal parliament would do well to heed. While they go off Monday morning and often come back on Friday afternoon and sit in Canberra telling their colleagues they know all about Adelaide as they visit it on two days a week if they are lucky, while they feel close to their people, they are nowhere near as close as we are, because we shop in the shops every day, we go home to our beds every day and travel on the roads, our kids go to the schools and we are part of this community in much the same way as local government is part of this community.

It is a pity to see a federal government that cannot see past its concept of its own self worth and see the value in parliaments. Unfortunately, we aid and abet that by the sort of carry-on we saw in the house tonight. People like the Premier go off, tug their forelocks to the Prime Minister, agree on everything and then come in here and say, 'It is so because all the premiers and the Prime Minister have agreed.' I am ashamed, because I know that Don Dunstan would never have stood for that caper; neither would Steele Hall or any of the good premiers that this state has had. Neither does Peter Beattie, and I am ashamed that this state, if it must have a Labor premier, has not got a Labor premier of the calibre of Peter Beattie.

We have the spin doctor, and we have all the 'I am' men and women sitting on the frontbenches. If this parliament is diminished, it is diminished because the federal parliament diminishes it, because the media diminishes it, and because this chamber lets it be diminished. If members stood up and argued frankly and honestly and, instead of towing the party line, tried to act in the best interests of South Australia, this parliament would be a better place. When state parliaments do that, they are noticed around the nation. When any state parliament has a premier who is exceptional and a parliament that is really doing its job, the rest of Australia takes notice, and that is the virtue of the federal system. With six states, you can compare one with the other. When there is only a federal government, who will we compare them with? Will we compare them with Indonesia, Thailand, Vietnam or perhaps Myanmar? When they get something wrong, how will we know, because there is no-one to compare us with. They will tell us, 'No, everything is all right in this country.'

Time expired.

SCHOOLS, KLEMZIG PRIMARY

Mrs GERAGHTY (Torrens): I want to take the opportunity to speak about a very special visit by Queen Silvia of Sweden to one of my primary schools several weeks ago. I have spoken about Klemzig Primary in the past and, in particular, its excellent curriculum for young deaf people: the school teaches Australian Sign Language (or Auslan). It is interesting to note that just as each country has its own spoken language so too does each country have its own sign language. The primary school and the Klemzig Centre for Hearing Impaired (CHI) have been co-located for 38 years, which means that Klemzig Primary School and CHI have a strong collective history of providing fundamental services to the hearing impaired and, in particular, to the young members of our community who are also hearing impaired.

In 1993, Klemzig Primary moved towards establishing a bilingual program for deaf students, which has resulted in the present form of service delivery, with the whole school having been restructured to fully integrate deaf children. This has seen a re-culturing of the school and a benefit to the whole school community through the creation of a diverse, bilingual school for both deaf and hearing students.

Queen Silvia is a remarkable woman, who works actively on behalf of disabled children. She is chairperson of a number of funds involved in research in sports and athletics for disabled youngsters and research on children and handicaps. She has studied sign language in order to better communicate with the hearing impaired, and she has been awarded the Deutsche Kulturpreis for her efforts on behalf of the disabled. She is also a strong advocate of children's rights in the community and has taken part in many international conferences and seminars, as well as acting as a public voice and advocate against the sexual exploitation of children. She was patron of the First World Congress Against Commercial Sexual Exploitation of Children in 1996 and has received the Chancellor's Medal of the University of Massachusetts by way of acknowledgment of her work.

As members can imagine, it was a rare honour and a wonderful opportunity for Klemzig Primary School to have Queen Silvia visit to see the work the school is doing for young deaf people in our community. I understand that the visit was initiated by Queen Silvia, who was genuinely curious to see how Klemzig Primary approached the education of young deaf people.

I should explain that Klemzig Primary is unique in South Australia due to the fact that all students in the school learn Auslan. The hearing students quickly become fluent users of Auslan because of its relevance within the community and their immersion in it, which includes daily communication with deaf students and adults. What I think is really special is that, prior to the introduction of the bilingual program, the relationship between deaf and hearing students was limited and tokenistic. Since its introduction, relationships between students have progressed from mistrust and a lack of acceptance to a state of total acceptance, where deaf and hearing children play competitive sport together, attend each other's birthday parties and are best friends. Due to the total integration of deaf and hearing students, the children develop a deeper understanding of differences, which extends to all forms of difference, including racial, physical, social and economic. Klemzig Primary combines this approach with the use of the latest technologies to support teaching and learning. The school's investment in interactive whiteboards in each classroom adds an exciting dimension to the teaching process, given the device's diverse uses, particularly when it is connected to a data projector and computer.

The standard of education Klemzig Primary provides is outstanding and really debunks the popular myth that public schools are inferior to their private counterparts. In addition to the use of interactive whiteboards, the school employs a range of listening technologies to assist deaf students, including Cochlear implants, digital hearing aids and frequency modulated sound systems in classrooms.

I would also like to mention the Klemzig Primary Signing Choir, which is a particularly ingenious project implemented by the school and the CHI. It is a means of supporting the Auslan program, as well as providing students with a fun way to practise and perform the language. Deaf students have exposure to the latest songs, with their hearing peers listening, and gain a better understanding of hearing culture as a result. The choir has a high profile within the school, with over half the school attending, and each year it performs in the statewide School Music Festival. The choir has also made a number of television appearances. Most recently, it performed *Dancing Queen* by ABBA for Queen Silvia's visit. The performance made national and international news on the day, and the Queen was quoted as saying, 'It was very sweet. They were very clever to do that.'

One could look at this situation as simply good fortune. However, to have gained the attention of such a prominent international visitor speaks clearly of the outstanding level of innovation and excellence within our community, and it is an indication of what we in South Australia are capable of achieving. Within one of our state primary schools, we have developed and implemented a curriculum for the education of young deaf people, which is now attracting attention from the other side of the world.

This is something of which we can be extremely proud, and is a tribute to those within the Klemzig Primary School community. I could not be more proud to represent such a wonderful school and such excellent people, but the credit goes to the staff of Klemzig Primary School and the Klemzig Centre for the Hearing Impaired—both past and present—whose dedication and excellence was the catalyst for the visit. I would like to extend my very warm congratulations to them.

I would also like to mention the recent solar boat competition. Klemzig Primary School seems to have a dedicated tribe of solar boat aficionados as, once again, they entered the SA model solar boat challenge and took out first prize for the fastest boat. The school also won the prize for the best use of recycled materials and the innovation award. As a result, Klemzig Primary School is entering two boats in the national model solar boat competition in Melbourne on 27 November, with six students travelling to Melbourne to compete. This is the third year running that the school has achieved outstanding success in the competition, and I would like to wish them all the best for the challenge on 27 November.

Briefly, I would like to say that I have other schools that also work with students who are either hearing impaired or deaf and, on a personal level, I am extremely grateful for the service and the care that they provide to those students. I have a brother-in-law who has been deaf from birth, and when I look at the types of services and education that were available to him when he was at school—he is now in his 50s—I can see a vast difference compared to what we provide now. While my brother-in-law is a very independent man, a very nice man, and very capable of dealing with matters for himself, I can see that life is much better for students today because of what we are able to provide. So, to those very

dedicated teachers and volunteers, thank you so much. You have made, and are making, a great difference to the lives of these young students.

Motion carried.

At 9.56 p.m. the house adjourned until Thursday 24 November at 10.30 a.m.