

## HOUSE OF ASSEMBLY

Monday 28 November 2005

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

### MEMBERS' GIFTS

**The SPEAKER:** Members will have noticed on their bench a gift which arises following the historic sitting of the state parliament in Mount Gambier. A local business person, who wishes to remain anonymous, has commissioned a local potter to produce what is a very fine piece of work and to give one to each member of parliament as a memento of the occasion. The local potter, Trevor Pitt, I am sure you will agree, has done a magnificent job with the production of those items, and on behalf of the parliament I thank not only Trevor Pitt but also the anonymous benefactor who graciously provided those gifts to every member of parliament.

### BUS SERVICES, MURRAY BRIDGE

A petition signed by 200 residents of South Australia, requesting the house to urge the Minister for Transport to provide the people of Murray Bridge with a bus service identical to that offered in Mount Gambier; with the capacity for residents to phone and obtain a bus within an hour, was presented by the Hon. I.P. Lewis.

Petition received.

### QUESTION WITHOUT NOTICE

**The SPEAKER:** I direct that the written answer to a question, as detailed in the schedule I now table, be distributed and printed in *Hansard*.

### TREASURER'S STATEMENT 1—UNALLOCATED DEBT

In reply to **Hon. I.F. EVANS** (10 November 2004).

**The Hon K.O. FOLEY:** The statement attributes the Treasurer's debt across loans and equity contributions made by the Treasurer through the appropriation process, and specific borrowings required to fund cash budget deficits over past years. When cash surpluses are achieved, the surplus is applied to repaying the Treasurer's debt. These repayments are not attributed to any specific borrowing. The line entitled unallocated debt represents these amounts.

The bulk of the increase in this negative amount by \$359 million is directly attributable to the reduction in Treasurer's debt flowing from cash budget surpluses.

As this total is not allocated to specific past borrowings it is not possible to provide a breakdown of the make-up.

### LOCAL GOVERNMENT ANNUAL REPORTS

**The SPEAKER:** Pursuant to section 131 of the Local Government Act 1999, I lay on the table annual reports 2004-05 for the following local councils: Barossa, Barunga West, Elliston, Grant, Kangaroo Island, Mitcham, Mount Gambier, Prospect, Roxby Downs and Streaky Bay.

### MEMBERS' GIFTS

**The Hon. I.P. LEWIS (Hammond):** Whether a point of order or point of process I am not sure, but I take it that from now on it will be possible for honourable members, on behalf of their constituencies at the time they are departing this place prior to an election, to offer gifts which will be acknowledged by the chair.

**The SPEAKER:** The member is putting an inference in his comment that is not accepted by the chair. The gifts have been conveyed to me as Speaker of the house and were delivered to my office. The member for Mount Gambier alerted me to the donation of these bowls last week. I do not believe it has anything directly to do with the member for Mount Gambier other than that through courtesy he has let me know that the gifts were being provided. I have been asked to distribute them to members, and I have done so. Members would accept them in the spirit in which they are given. There are no strings attached—as far as I know they are made out of clay!

### MINISTERIAL STATEMENT

**The SPEAKER:** A member from another place, sadly using language which I think is very regrettable, berated me on Thursday for allowing a ministerial statement to be made in this place concerning the other place. I point out that the chair does not vet ministerial statements and, unless someone is acting in a way which is derogatory or denigrating, then it is not the role of the chair to vet either a ministerial statement or anyone's speech in this place. So, I point that out, and whether a ministerial statement accords with the chair's views is irrelevant.

### SOUTH AUSTRALIAN FILM CORPORATION ANNUAL REPORT 2004-05

**The Hon. M.D. RANN (Premier):** As Minister for the Arts, and pursuant to statute, I lay on the table the annual report 2004-05 for the South Australian Film Corporation and, in doing so, recognise that our film, *Look Both Ways*—South Australian Film Corporation, and Adelaide Film Festival—won the AFI award for best film and, I think, best director and various other awards.

**The Hon. M.J. Atkinson:** It was filmed on location in Kilkenny.

**The Hon. M.D. RANN:** Filmed in the north-west suburbs of Adelaide.

*Ms Ciccarello interjecting:*

**The Hon. M.D. RANN:** And Norwood.

### LOWER EYRE PENINSULA BUSHFIRE RE-ESTABLISHMENT PROGRAM

**The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. R.J. McEWEN:** I am pleased to provide the house with an update on the continuing assistance being provided to the farming community on Lower Eyre Peninsula as it rebounds from the disastrous bushfires experienced early this year. The state government's response was swift and effective. There were 234 emergency farm business support grants provided, totalling \$1.834 million. The fodder transport subsidy continued until the end of June and totalled \$0.55 million. Subsequent to the emergency responses, an extra \$5.36 million was allocated for the Lower Eyre Peninsula Bushfire Re-establishment Program. The program is designed to assist producers and land-holders to re-establish their properties and businesses with a view to the longer term, to capture opportunities to integrate natural resources and biodiversity improvements into production

systems. The program is delivered through Primary Industries and Resources SA in partnership with DWLBC, DEH and the NRM board.

The program delivers planning workshops for farmers and small land-holders; and grants of up to \$4 000 for the preparation of business plans, up to \$10 000 to undertake sustainable agriculture works, and up to \$10 000 for farmers, and \$2 000 for small land-holders, to undertake biodiversity improvements. The program also funded research into the effects of fire on soil conditions and native habitats, support for an animal and plant control program and publication of a booklet, 'Landscaping for Fire Protection'. To date, 83 farm enterprise businesses have completed strategic planning workshops. The high level of participation is generating applications for the grants component of the program: 19 business planning grants have been processed, 39 small land-holders have completed workshops, 22 participants have completed succession planning sessions, and several grants are being worked up for small land-holders to plan and implement biodiversity improvements. Eyre Regional Health Services continues to provide critical support for the well-being of those affected by the bushfires.

The government appreciates SAFF's strong support, especially in administering the donated fodder program, and thanks all organisations and individuals who have so willingly helped. The government understands the trauma and sense of loss experienced by many in the Lower Eyre Peninsula community, and has been pleased to work with the community in the emergency and re-establishment phases.

#### ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

**Ms BREUER (Giles):** I bring up the 55th report of the committee entitled 'Eyre Peninsula Bushfire and Native Vegetation'.

Report received and ordered to be published.

**Ms BREUER:** I bring up the 56th report of the committee entitled 'Upper South-East Dryland Salinity and Flood Management Act 2002 Report July 2003 to June 2004'.

Report received and ordered to be published.

#### QUESTION TIME

##### ALGAL BLOOMS

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for Administrative Services. Why did not SA Water, as a matter of urgency, check the toxicity level of water samples from the summit reservoir, given the rapidly increasing blue-green algal levels between 17 December 2004 and 26 December 2004? *Anabaena circinalis* is a blue-green algae which, if left unchecked, can produce toxins in water. SA Water protocols obliges it to report and initiate testing for toxicity of water when the cell count of the algae reaches 2 000 cells per millilitre. On 17 December 2004, a sample from the summit storage reservoir, supplying the Murray Bridge/Onkaparinga water system, was tested by SA Water's own laboratory, the Australian Water Quality Centre, and returned results of 2 370 cells per millilitre. On 22 December, further tests showed 4 900 cells per millilitre. By 24 December, the water was tested at 12 500 cells per millilitre. It was not until 26 December, when the level reached 78 000 cells per

millilitre—39 times the automatic toxicity testing level—that SA Water had a sample tested for toxins and, even then, the documents show that the request for analysis was not marked 'urgent'—

*Mr Koutsantonis interjecting:*

**The SPEAKER:** Order, the member for West Torrens!

**The Hon. R.G. KERIN:**—and results were not returned for five days.

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** This incident should not have occurred. It is unacceptable that there was a lapse in the way in which this incident was handled and, as I said, it is not acceptable. I am extremely disappointed in Riverland Water's failure to report the incident, but I am also disappointed in SA Water's subsequent failure to inform me. If this type of incident occurs I expect to know about it, and I have already expressed my concern to SA Water about that. I have also asked for a full report, including an assurance that this cannot, and will not, happen again. Obviously, once I have received that full report, I will consider whether any other action is needed to strengthen our systems, protocols and communications.

I repeat again: this was not good enough. I am particularly disappointed as to how it occurred and the failure of both Riverland Water and SA Water. As minister, I should have been informed about it, and it is not good enough that I was not. As I said, I have called for a full report, and I am looking forward to receiving that as soon as possible.

#### SCHOOL RETENTION RATES

**Ms THOMPSON (Reynell):** My question is to the Minister for Education and Children's Services. Given the government's stated commitment to school retention and youth engagement, has there been any demonstrated improvement in the latest school retention figures?

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** I thank the member for Reynell for her question. She has had a longstanding interest and commitment to improving young people's capacity to engage with employment and training, and she has long been an advocate of increased retention and engagement within our secondary schools. Since taking office in 2002, our financial investment and absolute commitment to keeping young people engaged in education has certainly begun to pay off. Last year, we announced that 70 per cent of students were staying at school, with the highest year eight to year 12 full-time equivalent retention rate in eight years.

I am pleased to inform the house today that the latest figures indicate that South Australia's school retention rate has now reached its highest level in a decade, with South Australia's full-time equivalent rate rising to 72.4 per cent of students who started in year eight in a state high school in 2001 having been retained to year 12 in 2005. This increase is significant. It is 2.4 per cent above last year's figures. During the time in government of those opposite, the full-time equivalent school retention rates plummeted to an all-time low of 67.2 per cent in 1999, down from 92.6 per cent when Labor last held office in 1993. In contrast to those opposite, this government has made it a priority to keep young people at work, at school or in training, because we know this can make a difference to their lives.

In 2002 the first action we took in government was to increase the age of compulsion for school leavers to 16 years. This is historic legislation, and added to the work of the Social Inclusion Board headed by Monsignor David Cappelletti,

who worked on the problem of early school leaving and how we might keep young people engaged in education, schooling or training in order to keep their options open. We invested \$28.4 million into a package of initiatives to tackle the problem of early school leaving and to keep young people engaged and focused. We also introduced the South Australian Youth Engagement Strategy, which linked young people to opportunities in employment and training; and, using this strategy (the first in more than a decade), we found that a dedicated way to keep young people engaged and produce success in their later life was well received by the community, young children, students and parents.

Finally, we have entrenched this commitment to improve retention in our state's Strategic Plan with a target to once again have 90 per cent of young people completing year 12, or its equivalent, within 10 years. We want our young people to be in school, in work or in training, and for there to be no other option. We want young people to succeed, and we are prepared to make sure it happens.

### ALGAL BLOOMS

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is again to the Minister for Administrative Services. Was the minister aware, before last week, of the blue-green algae incident affecting the Murray Bridge-Onkaparinga water supply system? Protocols were established in 2001 for the CEOs of the departments of health, administrative and information services, and environment to immediately report to their respective minister and to notify the public of water supply and contamination problems. Information given to the opposition clearly shows that the minister should have been notified.

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** I thank the Leader of the Opposition for his question. As I have already said in my earlier answer, to the best of my knowledge, no, I was not informed. I agree that I should have been informed, and I agree that that is not good enough. That is why I have asked for a full report, and I would like that at the earliest opportunity. As I have acknowledged, this was not handled in the way it should have been handled. Riverland Water did not handle it the way it should have, and SA Water did not handle it the way it should have, and that is disappointing.

**The Hon. R.G. KERIN:** I rise on a point of order, Mr Speaker, on the matter of relevance. The question was: did the minister know about it before last week?

**The Hon. M.J. WRIGHT:** Sir, I think I have already answered that but, to clarify it for the Leader of the Opposition, to the best of my knowledge I was advised for the first time last Friday. I have asked for my office to check that—  
*An honourable member interjecting:*

**The Hon. M.J. WRIGHT:** As I said, to the best of my knowledge. As I have said, that is the information that I have received. I also asked my office to check that again this morning, and that information was verified. I can only repeat that to the best of my knowledge I was not informed. I have asked my office to do a full check to ensure that I was not informed before last Friday.

### HEALTH SYSTEM

**Mrs GERAGHTY (Torrens):** My question is to the Minister for Health. What does the state Ombudsman's report reveal about the general state of our health system?

**The Hon. J.D. HILL (Minister for Health):** I thank the member for Torrens for her question. The state of the health system, I think, comes up very well when one looks at the state Ombudsman's report, despite the claims of the member for Mawson who says it shows that the whole system is in a state of crisis. He says this on the basis of there being 543 complaints received by the health commission. It seems to me that 543 divided by 2.4 million patients who are dealt with by the health commission every year produces a very small number of complaints indeed.

In fact, in my calculations, less than 0.02 per cent of those who have been through the health system have had a complaint about it and, of course, not all those complaints have been upheld; in fact, a considerable number have not been upheld at all. But if a 25 per cent increase in the number of complaints indicates a crisis, I would ask the house, and particularly the member for Mawson, what it means when, in 1999-2000, if one looks at all of the Ombudsman's reports, we see that there was an 82 per cent increase in complaints between 1998-99 and 1999-2000. If we have just gone through a crisis, what were you going through then? It must have been an absolute meltdown in the health system, I guess, if you take the member for Mawson's basis.

Of course, between 2000-01 there had been a reduction of 27 per cent, so the crisis had been averted. The following year it had gone up by 15 per cent, the year after that another 15 per cent, then it had gone down by 7 per cent, and now it has gone up by 25 per cent. What this demonstrates, of course, is that the number of complaints varies from year to year as a result of many, many factors. The facts are that less than 0.02 per cent of the people who have been through the hospital system have put in a complaint to the Ombudsman—a very, very small number indeed. What makes me satisfied that we are going well is the following comment made by the Ombudsman in his report:

I suspect it will never be easy to provide a perfect system, whatever the mode, but I am satisfied that whereas in the past errors were hardly ever acknowledged, or acted upon in a systematic way, by health agencies, there is now a definite shift in approach in what appears to be a genuine attempt to provide safer outcomes for patients in the future.

In addition, of course, we have set up the Health Complaints Authority, which is able to deal with some of these issues as well. We have a very, very good health system. It is about time the opposition stopped condemning it and stopped saying that we are in a state of crisis. We are not in a state of crisis, and these figures demonstrate that.

### ALGAL BLOOMS

**Mr WILLIAMS (MacKillop):** My question is also for the Minister for Health. When was the health department notified that blue-green algal levels had exceeded 2 000 cells per millilitre, and what count was reported? This is in the storage on the Murray Bridge-Onkaparinga pipeline in the Adelaide Hills. What cell count was reported to the health department by SA Water? Did SA Water indicate that it had not checked to see whether the algal bloom was toxic? Documents show that SA Water informed the health department when the cell count of the algal bloom reached 12 500 cells per millilitre on 24 December. However, Don Bursill, SA Water's chief scientist, suggested that the health department was not notified until 26 December, when the cell count reached 78 000 cells per millilitre, 40 times the reporting level trigger.

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** The advice I have received is that the water was not toxic. The information I have received so far is that, once SA Water knew about the incident, the health department was advised of the elevated algal levels and of the intended action. I want to repeat and acknowledge on behalf of the government that this was not good enough. There was a failure by both Riverland Water and by SA Water, and that is why I have asked for a full report. Once I have the full report I will make some decisions about what needs to be done in regard to strengthening our systems, our protocols and our communication. I repeat that this was not good enough, and it should not have happened the way it did.

**Mr WILLIAMS:** I have a supplementary question for the Minister for Health. Was the minister informed at all of the blue-green algal outbreak and, if not, does the minister now concede that people were put at risk by both his department's failure to follow previously established protocols of ministerial and public notification?

**The Hon. M.J. WRIGHT:** If the right protocols were not in place at the time, they will be put in place.

#### INDUSTRIAL RELATIONS REFORMS

**Mr CAICA (Colton):** My question is to the Minister for Industrial Relations. Will South Australian employers be stopped from making legally enforceable promises to workers not to sack them unfairly by the federal Liberal government's industrial relations legislation?

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** I would like to thank the member for Colton for his question and for his ongoing interest in this area. Many South Australian employers want to do the right thing by their employees; they want to treat their workers fairly and are prepared to accept the umpire's decision. We know that from past records.

Under the Liberal's changes to work laws, workers in businesses with over 100 employees will not lose all their protection against being unfairly sacked unless, of course, it is for operational reasons. However, the Liberal changes legalise unfair sackings where there are fewer than 100 workers. So, if two businesses are competing for a valued employee (as is often the case), under the Liberal laws choosing the smaller business means less job security than the larger business, even if one has 101 employees and the other has 99—and, even though these laws are called 'work choices', there is nothing that the smaller business can do about it. They are banned from making that choice. If the smaller business wants to make a legally enforceable promise to its employees by stating in their workplace agreements that workers will not be unfairly sacked, the Liberal laws make it illegal. The Liberal laws ban promises to be fair. Under Liberal laws it is illegal for businesses to make a legally binding promise—

**Mr WILLIAMS:** I rise on a point of order, sir. The minister is not responsible to the house for this and he is talking about fairyland stuff. He is talking about Liberal laws, and to my knowledge there is no such law.

*Members interjecting:*

**The SPEAKER:** Order! The minister should refrain from debating. I think he has just about answered the question.

**The Hon. M.J. WRIGHT:** Thank you, sir; I have just about finished. If a business makes a binding promise to do

the right thing by its workers, under the Liberal's Work Choices legislation—

**Mr WILLIAMS:** I rise on a point of order under standing order 98. The minister is clearly debating a hypothetical question, and it is totally out of order.

**The SPEAKER:** I point out to the member for MacKillop that hypothetical questions are not out of order: what is out of order is asking for a solution to a hypothetical question.

#### ALGAL BLOOMS

**The Hon. R.G. KERIN (Leader of the Opposition):** My question is to the Minister for Health. Why did the Department of Health not issue a public warning about the potentially toxic algal bloom in the Summit Reservoir affecting the Murray Bridge and Onkaparinga water supplies? The Chief Scientist at SA Water, Don Bursill, states in the leaked documents:

The existing protocols on such algal bloom incidents is to regard them as toxic until such time as testing proves that it is not. This involves the immediate reporting to Health—which normally leads to a public notification (if there is a chance the public may come into contact with the potential contamination).

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** It does not matter which way they spin this. Just like they want to spin the Liberal Work Choices legislation showing their support for what John Howard is doing—

**The SPEAKER:** Order! I do not believe that has much to do with the question.

**The Hon. R.G. KERIN:** I rise on a point of order, Mr Speaker. The minister is totally out of order, sir. Pull him up.

**The SPEAKER:** The Minister for Industrial Relations, wearing his other ministerial hat as Minister for Administrative Services.

**The Hon. M.J. WRIGHT:** Thank you, sir. I got a little confused with their previous points of order. What I have already said to the house is quite clear; if the right protocols were not in place they are going to be put in place.

**The Hon. R.G. KERIN:** I rise on another point of order, sir. This is the sort of confusion that comes about when the wrong minister answers. The question was why the Department of Health did not notify the public.

**The Hon. M.J. WRIGHT:** As the minister responsible for SA Water, it is appropriate that I answer this question. This was a mistake made by Riverland Water and also by SA Water. However, we should also not neglect the fact that the key elements of our water supply system are in private hands, and the contracts were written by the Liberals. What we will do is fix up the mess left by the Liberal Party.

*Members interjecting:*

**The SPEAKER:** Order! The minister is now debating.

**The Hon. R.G. KERIN:** I have a supplementary question, and I may as well ask the Minister for Administrative Services. Minister, is it the responsibility of your department to notify the public?

**The Hon. M.J. WRIGHT:** As I was saying, we will fix up the mess left by the Liberal Party.

#### COMMUNITY BENEFIT SA FUND

**Ms BREUER (Giles):** My question is to the Minister for Families and Communities. What are the latest developments in the state government's Community Benefit SA Fund?

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** The simple answer is all good news for

South Australians. The Community Benefit SA Fund assists thousands of disadvantaged South Australians and the annual report, which I tabled recently, documents the programs for this year. Each year \$4 million is distributed from the proceeds of revenue accepted as a consequence of the gaming machine taxes to charitable and social welfare organisations across the state. This fund complements the Social Inclusion Initiatives and the work of the Department for Families and Communities to strengthen our South Australian families and communities.

In 2004-05, 373 one-off projects were funded, including 56 Aboriginal grants, amounting to \$724 000; 42 disability grants, totalling \$387 100; and 76 Families with Children grants, totalling \$697 700. Community Benefit SA has a statewide fund so that applications from rural communities are also particularly encouraged, and \$1.4 million was allocated to rural and remote regions in 2004-05, which only goes to cement the fact that this Labor government stands up for the rural and remote regions of South Australia. They have a friend in the state Labor government. Those one-off grants are often utilised to support infrastructure in the non-government sector and last year were used to provide community facilities, program equipment, vehicles and other office and IT equipment.

Community infrastructure such as this is vital in maximising services so that these organisations can provide the wonderful support that they do to the community. This year, the Community Benefit SA board conducted application workshops for 410 people to assist agencies to understand the guidelines. We have been very keen to ensure that it is not just those communities that have good grant writers that get these benefits but people who perhaps do not necessarily have the resources to put in these applications. We have taken these workshops out to townships such as Murray Bridge, Port Augusta and Ceduna to ensure that everyone gets a fair crack of the whip. I would like to pass on my thanks to the chair of the board, Mark Henley, and other board members for their work in this important area.

### ALGAL BLOOMS

**Mr WILLIAMS (MacKillop):** Will the Minister for Administrative Services explain to the house why the blue-green algal incident, the subject of earlier questions, was not logged at the time on SA Water's incident management system (IMS) and why the incident was logged as a type 3 incident, that is, the lowest priority, and not as a type 1 incident, the highest priority, when it was eventually logged on 10 February over a month after the incident? The Chief Scientist in SA Water, Don Bursill, said:

The incident was not entered into the incident management system at the time. It is a requirement that incidents of this nature are to be entered into the IMS and the information updated as the incident unfolds and escalates or de-escalates. This was a type 1 incident but was finally entered into the system on 10 February as a type 3 incident, that is, the lowest priority.

**The Hon. M.J. WRIGHT (Minister for Administrative Services):** I have answered this on a number of occasions. I know that the opposition in the last week of parliament is short of questions and has no questions to ask. What members opposite should be standing up and saying today is that they do not support John Howard's federal industrial laws. In regard to this particular—

*Members interjecting:*

**The SPEAKER:** Order! The minister will resume his seat. I do not believe the industrial laws have a lot to do with blue-green algae. The member for Wright.

### ROADS, FATALITIES

**Ms RANKINE (Wright):** Will the Minister for Transport advise whether there is any support of which he is aware for the opposition claims that 40 per cent of road fatalities are the result of substandard roads?

**The Hon. P.F. CONLON (Minister for Transport):** I note the leader of the opposition is reading something in big print: it is regrettable that he has got to that age. There are some things with which politics should not be played, one of them being people's lives. It is regrettable that we have an opposition in this state that is committed to scaremongering above all else. I refer first to a claim by the then shadow spokesperson for transport on 7 July that more than 40 per cent of road fatalities are the result of substandard road conditions. Not only is that not true but, as I recall on the day, if I remember it correctly, the RAA came out and corrected the member for Mawson over that claim and said that it was not an accurate claim. That is why it is even more regrettable to see today a press release from the Leader of the Opposition—you know the good bloke; Rob is a good bloke; he would not lead you astray—which states:

In fact, the RAA says 40% of road fatalities are caused by bad roads.

Not only was the opposition corrected once by the RAA, but it is now verballing the RAA in support of a proposition that has no credit whatever.

*Members interjecting:*

**The Hon. P.F. CONLON:** The member for Mawson continues to stand by it because truth is not an issue when you have a 11 per cent swing on, according to the opposition's own people—or that is what we are told, anyway. The truth is that the best advice from experts in transport is that maybe between 1 and 3 per cent of fatalities—

*The Hon. R.G. Kerin interjecting:*

**The Hon. P.F. CONLON:** It's rubbish! Will the Leader of the Opposition admit that the RAA did not say this? Will the Leader of the Opposition send out a press release saying, 'Sorry, I was wrong. I'm a good bloke; I was wrong. I will correct it, because the RAA hasn't said this. In fact, the RAA has said something completely different.' I expect we will not see that, because the good bloke Rob Kerin exists only in the fevered imagination of those people on that side.

This is no more than scaremongering, and it follows on from scaremongering today about blue-green algae. You would have thought today that there were people everywhere who were ill, wouldn't you? They find a bit of bad news and latch onto it like the dreadful, cheap ambulance chasers they are. Just like last week when they were scaremongering about electricity reliability on an interconnector, ably assisted by the former chief of staff for the member for Davenport. The opposition has to learn that you have to be little bit credible—

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** Yes, that's right: he now works for the 'Tiser'. The opposition has to learn that you have to be a little bit credible. Scaremongering is one thing but, if they think they are going to scare their way back into government, I can tell them that the public find nothing more scary than them—they are the scariest thing the public have

ever seen. So, opposition members can go out and print their lies all they like, but the public do not believe them.

### HOSPITALS, BEDS

**Mr BROKENSHIRE (Mawson):** My question is to the Minister for Health. How many country hospital beds were there in 2004-05, and why have the figures been deliberately excluded from the 2004-05 Department of Health annual report when they were included for all previous years going back to 1998?

**The Hon. J.D. HILL (Minister for Health):** The member refers to the annual report from the Department of Health, which I tabled in this place on Thursday. The CEO of the Department of Health said in his report, at page 9, as follows:

In country South Australia, for example, the number of beds available has become largely irrelevant, given that the average percentage of occupancy over the last decade has been approximately 55 per cent.

So, what the health department is saying is that there is not much relevance in measuring the number of beds, because there is always a bed there—there is only 55 per cent occupancy rate in country beds. There are many more meaningful ways of measuring activity in the country. In fact, the report tells us about the total admissions—the same-day patients and the same-day admissions and so on. I can inform the house that same-day patients, for example, in country South Australian beds has gone up from 32 000-odd in 2001 to 37 000-odd in 2004-05. So, there is an increase in activity in same day patients.

The total number of admissions has gone from 86 000 to 89 000 over that period. A range of things affect the number of beds in country hospitals. Some are being used for nursing home purposes and transferred into the commonwealth regime as the commonwealth has taken over responsibility. We thank them for doing that. In other country hospitals I have visited, alterations have occurred in the ward structure so there are bigger rooms for patients—

*Mr Venning interjecting:*

**The Hon. J.D. HILL:** You have not invited me. The member for Schubert wants to talk to me about the Barossa Hospital. I am waiting for his request—I will be happy to talk to him about it. There is a whole range of reasons why measurements in terms of country hospital beds is not a relevant factor. That is a decision that is made by the Department for Health.

### EMPLOYMENT ASSISTANCE

**Mr SNELLING (Playford):** My question is to the Minister for Employment, Training and Further Education. What individual services are being supported that assist those without a job to gain employment?

**The Hon. S.W. KEY (Minister for Employment, Training and Further Education):** I thank the honourable member for his question and acknowledge the work done by Labor members in the northern suburbs to ensure that constituents are connected with employment programs. While the employment opportunities in South Australia are positive at the moment (and we all know about those figures), some groups are particularly disadvantaged in their search for employment and require individual assistance in overcoming those barriers to participation in the work force.

Today I have announced that 11 organisations will receive funding to support unemployed people with programs that help them access employment opportunities. The state government will contribute \$900 640 towards the South Australia Works Employment Assistance Program, which will provide employment support and development services to job seekers. The program is expected to expand the employment opportunities of almost 1 400 South Australians who experience particular barriers to employment. It is expected that around 750 of the participants will be directly placed in employment. The assistance program is targeted towards indigenous Australians, mature age unemployed, young people at risk, migrants, refugees, women and people with a disability who are not eligible for the intensive services support throughout the programs. This program enables them to become job ready, gets them into suitable employment and assists with post-placement support.

The advantage we found of this approach is that it is developed around the individual job seeker. Organisations provide support by addressing the participants' personal barriers to employment and tailors suitable programs in the form of career counselling, job search training, individualised case management support, employment brokerage and post placement support. In this way the participants became more competitive in the labour market and increase their potential to move into sustainable employment.

The 11 organisations that have been funded for this part of our employment assistance program are: Anglicare; Don't Overlook Mature Experience; EQUALS International; Career Systems; Hudson Global Resources; The VAT Group; Access Working Careers; Pathways, Training and Placements; Australian Refugee Association; Disability Works Australia; and, New Day Ministries.

### HOSPITALS, BEDS

**Mr BROKENSHIRE (Mawson):** My question is to the Minister for Health. Why has the government manipulated hospital bed numbers in the Department of Health 2004-05 annual report to omit figures showing a declining number of hospital beds, but included a new category of beds called 'hospital at home'. Country hospital bed figures, which are declining in number, have been omitted from the annual report and a new classification of beds called 'hospital at home' has been included. AMA President Christopher Cain said on radio this morning, 'I think it's a bit of a fiddle with the figures.'

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! The house will come to order. The question had a clear comment in it, which is out of order.

**The Hon. J.D. HILL (Minister for Health):** I think the comment in the first sentence of the member's question was deeply offensive to the Department of Health, which prepared the report. It is the department's report, not mine. The member asked about the number of metropolitan beds. Let me give the—

*Mr Brokenshire interjecting:*

**The SPEAKER:** Order! The member for Mawson is trying to hide behind the Deputy Leader, but it is all to no avail.

**The Hon. J.D. HILL:** He is a more impressive figure than the former deputy leader, shall we say, Mr Speaker. In relation to metropolitan beds, let me give the following figures to the house: in 2001-02, there were 2 607 staffed and

available beds in South Australia, and by 2004-05, that had increased to 2 663. In 2001-02, total same day bed equivalents were 407, and now they are 401. At the same time we have had hospital at-home beds: 57 of those beds existed in 2001-02; in 2002-03 there were 81; in 2003-04 there were 95; and this year there are 106.

Let me explain what a hospital at-home bed is. This bed is part of the health system and hospital system. The person using the bed in their own home is supported by the hospital. They are considered to be part of the hospital and they are maintained by the hospital. The hospitals do it because it is better for patients to be looked after in their own homes.

*Members interjecting:*

**The Hon. J.D. HILL:** Well, this is a technique—

*Members interjecting:*

**The SPEAKER:** Order! The house will come to order. Some members can try out this scheme if they keep behaving this way.

**The Hon. J.D. HILL:** As I understand it, these arrangements were put in place before our government came into office. This is a scheme that has been around for some years, and the figures show that in 2001-02 there were 57 average beds in that category. In addition to that, we also have 36 transition beds. They started in 2003-04, and they have continued through this year. If you add up all of those—

*Mr Brokenshire interjecting:*

**The Hon. J.D. HILL:** He doesn't stop, Mr Speaker. He just doesn't stop. He doesn't know how to listen. That's his big problem.

*Mr Brokenshire interjecting:*

**The SPEAKER:** Order, member for Mawson! The minister has the call.

**The Hon. J.D. HILL:** Thank you very much, Mr Speaker. He needs to listen to this because it is a little bit complicated. There is a range of types of bed, but the total number has increased from 3 071 in 2001-02 to 3 206 in 2004-05: that is about 135 beds. But if you take out the beds that the member does not like—the at-home hospital beds—the number of in-hospital beds in the metropolitan area has increased by 92 over that period of time, and that was our commitment. On 28 January 2002, we promised 100 new beds, and we said that the 100 new beds would be spread between the major hospitals to make sure they are placed where the patients most need them. That is, in fact, what we have done. We have delivered more beds to the metropolitan health system because that is where they are needed. We are proud of our record. In addition to the 92, there is an increase in the transition beds that I referred to as part of it, and, in addition to that, there are the at-home bed equivalents.

## CRIME AND VIOLENCE PREVENTION AWARDS

**Mr RAU (Enfield):** Can the Attorney-General inform the house about South Australian recipients of this year's Crime and Violence Prevention Awards?

**The Hon. M.J. ATKINSON (Attorney-General):** As members on both sides of the house would be aware, South Australia has been at the forefront of improving the rights of victims. On 29 October 1985, the then Attorney-General (Hon. Chris Sumner) read Australia's first declaration on victim's rights into the parliamentary *Hansard*. On 28 October this year, I hosted a reception in the Balcony Room here at Parliament House to commemorate the 20th anniversary of that declaration. My predecessors, the Hon. Robert

Lawson, the Hon. Trevor Griffin and the Hon. Chris Sumner, all joined me to celebrate that anniversary.

The Hon. Chris Sumner's contribution to advancing victims' rights and, more importantly, taking practical steps to give effect to those rights, was recognised a fortnight ago, when he was awarded the inaugural Victim Support Australasia's national award for an outstanding contribution to advancing the interests of victims of crime. The presentation of this award coincided with a dinner to commemorate the 20th anniversary of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. South Australians, including Ray Whitrod, the founding director of the Victim Support Service, and the Hon. Chris Sumner, played central roles in 1985 at the United Nations congress in Milan, where the draft declaration was agreed.

*Ms Chapman interjecting:*

**The Hon. M.J. ATKINSON:** No, the member for Bragg does not have the sequence right. Peter Duncan was Attorney-General before Chris Sumner.

**The SPEAKER:** Order! The Attorney will answer the question.

**The Hon. J.D. Hill:** 1978, he was.

**The Hon. M.J. ATKINSON:** Yes, that is right.

**The Hon. J.D. Hill:** He was made health minister, in fact, after his term as Attorney-General.

**The Hon. M.J. ATKINSON:** He was made Attorney-General in 1975, I think you will find.

**The Hon. J.D. Hill:** Yes, he lasted until—

**An honourable member:** 1979.

**The Hon. M.J. ATKINSON:** It was 1979, I think, until Corcoran took over. Sorry, sir; we are having a discussion about the sequence of attorneys-general here. All I am saying is that the member for Bragg, on this occasion, has not got it right.

*Ms Chapman interjecting:*

**The Hon. M.J. ATKINSON:** I am not even going to try to correct the member for Bragg any more. Both our state's and the United Nations' declarations have served as examples for other Australian jurisdictions when formulating their declarations or charters. In 1993, the Standing Committee of Attorneys-General agreed to a national charter on victims' rights, and on 29 July this year in Canberra that committee unanimously agreed to a communique that included a commitment to continue to advance victims' rights. I might also take the opportunity to tell the house that I hope that all members of the house will join me in applauding the Hon. Chris Sumner's recent award, coinciding, as it does, with the 20th anniversary of South Australia's and the United Nations' declarations addressing victims.

## SCHOOL BUS SAFETY

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Minister for Education and Children's Services investigate the education department's policy on school bus safety in relation to the purchase of replacement tyres for buses? Photographs of the bus involved in last week's unfortunate accident near Waikerie clearly show a stark difference in the type of rear tyres on each side of the bus. In June this year, the Australian Transport Council (which includes the South Australian Minister for Transport) discussed the safety and legal implications of incorrect tyre fittings, and expressed significant concerns.

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** I thank the leader for his question. Before responding I will, of course, acknowledge that the accident was a deep shock to many people, and we send our condolences to the families involved and our gratitude to the staff at Waikerie Hospital: the nurses, doctors and community volunteers supported the victims of that accident very significantly, and with a rapid response. They should be commended and thanked.

The issue of school bus safety, of course, is significant and one about which we have been concerned. In fact, we have already introduced a system of mandatory testing and safety checks for school buses, because we were concerned to keep our children safe. This government has had a record of introducing a series of improvements—management, structural and financial—to keep children safe, and we are very happy to go into the current investigation of the circumstances of the accident. That police investigation has not been completed.

I think it would be entirely improper to suggest there was anything wrong with the tyres. I am not a safety expert and would not accept a visual examination of a photograph in a newspaper as evidence that should be used to comment on the quality of the wheels. I would not do that. There will be an investigation into the circumstances of the accident. However, I can say that, if there is any evidence of any issue, we will deal with it.

**The Hon. R.G. KERIN:** As a supplementary question, is the minister aware that the education department has a budget policy that only retreaded tyres, not new tyres, are put on the rear of school buses?

**The SPEAKER:** The Minister for Education and Children's Services. Member for Bragg.

#### ASHBOURNE, ATKINSON AND CLARKE INQUIRY

**Ms CHAPMAN (Bragg):** My question is to the Attorney-General. Will he confirm that Edith Pringle telephoned him on 15 November 2002 and, if so, what the subject of discussion was?

**The Hon. M.J. ATKINSON (Attorney-General):** It is very difficult to respond immediately to a question of 'Who telephoned you on this day three years ago?', but we are actually doing quite a good job of looking at that forensically. Edith Pringle misled the select committee when she said she was going to be a witness in my case. We have established that conclusively, and we established it almost immediately. A series of fantastic allegations was made by Mrs Pringle about the Premier which the Leader of the Opposition has not pursued.

**Mr BROKENSHIRE:** On a point of order, sir, in relation to standing order 98 and relevance, the question was specifically about a question from Mrs Pringle to the Attorney.

**The SPEAKER:** Order! When members take a point of order, they do not give a talk. The question was regarding a telephone call. If the minister wishes to say anything more, it is up to him.

**The Hon. M.J. ATKINSON:** Mr Speaker, all I would say is that, when one rings the minister's desk and his PA, and subsequently, within a few minutes, rings the switchboard, one obviously has not spoken to the minister.

#### SCHOOL CANTEENS

**The Hon. I.P. LEWIS (Hammond):** My question is to the Minister for Education and Children's Services. I ask: does she share my view, and that of other dietitians and experts in human nutrition, regarding the adverse effects of inappropriate food sold on school grounds, by whatever system of supplying that food to children, and concern that such practices ought to be examined to determine whether they should be allowed to continue with government approval, especially on grounds of state schools?

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** I thank the member for Hammond for his question, which I think is an important one and concerns not only me as Minister for Education but also the Minister for Health, whose department previously worked on a strategy for improving health and fitness and reducing obesity in children by affecting the range of foods available at tuck shops.

I start by saying that I am concerned not only about government schools but also about all of our children, and I think all children in child care, kindergartens and schools deserve to have good nutritional advice and materials available. We have made considerable progress in guidelines and rewards for schools through the DECS system for those who introduce healthy foods and make them available, and I know that many non-government schools have similar policies which encourage tuck shops to provide a series of choices for young people. We will continue to do that and take whatever advice we can to improve the quality and range of foods available.

However, I would say that, like all the ills within our community, they cannot be solved just within our schools, because children spent a very small amount of their lives at school. Very much longer time is spent watching television in many homes where they are the prey of appalling advertisements which mislead and beguile them with the attractions of grease, salt and chemical-laden foods. That is not to mention the sort of food they receive in their own home.

A whole of government strategy is required to improve fitness within our schools. That is a matter of teaching dietary requirements to mothers and families, giving children in child-care centres appropriate nutritional experiences—and that involves giving them the taste of foods they might not otherwise get at home so that they become used to eating proper foods—and also making sure that kindergarten habits are ingrained within children in having fruit stops and non-fatty diets.

Nutrition is very important to this government, which is why so many of our South Australian State Strategic Plan targets relate to food and nutrition. We will work assiduously to improve diets, reduce obesity and reach those targets in the future.

**Ms CHAPMAN (Bragg):** I have a supplementary question. If the minister is so concerned about obesity in children in public schools, why does she not prohibit vending machines of snack foods in those schools?

**The Hon. J.D. LOMAX-SMITH:** I think the member for Bragg might not be aware of the situation that our schools were put in by the previous government, whereby there is total local management. We, however, have worked to bring back the guidelines under the control of the government and we have introduced strategies and targets, and an agenda that was never there before we were elected. It was never there



before we were elected. I point out that we have no capacity to control the private, non-government sector, but we have an interest in all schools and all children, and I will work continually with the private sector because I want all our children to be safe.

### WORKPLACE BULLYING

**Mrs HALL (Morialta):** Is the Premier committed to the reforms passed through parliament to help prevent bullying in the workplace? Does he therefore agree that any manager or leader of a workplace is duty bound to investigate allegations of bullying? The Minister for Industrial Relations just last month stated in his press release on SafeWork 2005:

Bullying at work must be brought to a stop. It can disrupt lives and damage morale and productivity.

He further stated:

We are committed to providing real solutions to workplace problems like bullying. It is essential that employers understand their legal obligations and take appropriate steps to ensure that they meet them.

**The Hon. M.D. RANN (Premier):** I want to say in a bipartisan way that I was very impressed with the honourable member's speech last night, which demonstrated bipartisanship in multiculturalism, and I think that is a good thing. I refer the honourable member to the fair work legislation that was passed by this parliament.

**Mrs HALL:** Will the Premier explain why he has not spoken to the member for Florey and discussed with her the claims—which she has so far refused to deny—that she has been the subject of bullying, or other forms of harassment, by the Attorney-General? The Premier has so far refused to indicate whether he has even discussed allegations with the member concerned, and has been unable to reassure the house that the Attorney did not bully the member for Florey over her association with a witness in the Atkinson, Ashbourne, Clarke affair?

**The Hon. M.D. RANN:** All of us are aware of the political knife in the back given by the honourable member opposite to her former close friend, the former premier of South Australia, Dean Brown, in one of the greatest acts of political betrayal. You talk about bullying: this did not come from the front, it came from the back.

### ELECTRICITY SUPPLY

**The Hon. W.A. MATTHEW (Bright):** I ask the Minister for Energy: given that the Electricity Supply Industry Council was told in March 2004 that the South Australian-Victorian interconnector had constraints, what precisely has he and his government done over the last 18 months to increase the capacity of that interconnector to ensure electricity supplies for the coming summer?

**The Hon. P.F. CONLON (Minister for Energy):** Dear me, every now and then the member for Bright, after his scaremongering, goes to the well once too often, because I actually have some advice from the Electricity Planning Council here. It was sent out to industry today as a result of *The Advertiser's* story—which was, of course, brought about by the scaremongering of the member for Bright and that lucid man on electricity, the Hon. Angus Redford. The allegation was that the report said the interconnector was in trouble and, according to the extrapolation of these people, that threatened supplies on a hot summer into South Australia.

I would like to make a couple of points before I give the honourable member the Electricity Planning Council's advice. The truth, of course, is that it is not us who lost generation projects this summer; we, in fact, have an installed capacity of around 3 000 megawatts, so on a really hot day we actually require less from Victoria than we would on an ordinary day. However, the story propounded the views of the member for Bright and the Hon. Angus Redford that we were in trouble because of the interconnector, so I place on the record the advice of the Electricity Planning Council that was sent out, unsolicited, to industry today, so disturbed was it by the report and by the scaremongering. It is headed, 'Melt-down? . . . Only by *The Advertiser* journalist.' It reads:

A front page article in the Adelaide *Advertiser* has again demonstrated how the debate about electricity suffers from a journalistic requirement that everything be sensationalised.

They might have left out the Liberals' need, as well. It goes on:

Even a report that clearly establishes that South Australia enjoys a secure and stable network, is cause for dramatic and inevitably inaccurate headlines. The article was supposedly based on a technical report undertaken in 2003/04 for the Planning Council by Western Power examining the transient stability of the power grid. The clear conclusion of the report was that 'there are no transient stability issues for the grid operating within practical (thermal) limits.' The report is necessarily quite technical and explores a complex area. However it is disappointing to the Planning Council that a report which gives such a clear and unequivocal clean bill of health could be so misinterpreted and mystifying that it would warrant front page news.

Buried at the back of the article, on page 10 where it is unlikely to be read, is a clear statement by the Planning Council that, even where the transfer limits on the interconnector are reached, 'we are still within safe and stable limits.' How the same article can therefore conclude, on page 1 of course, that importing more power 'will destabilise the power network and dramatically increase the chances of blackouts,' should be a mystery to any rational person.

There might be a message in that. The Planning Council's response continues:

Besides misinforming the public, the article denigrates the effort of many in the industry who work diligently to ensure the security of the system is maintained. The Planning Council wants to reassure everyone that ElectraNet SA and NEMMCO operate the system around the clock in a manner which ensures not only that it is secure at all times, but that at any time it could withstand any one of a range of severe faults and still remain secure.

While we are correcting issues raised in the article we note that the Australian Bureau of Meteorology actually predict an average summer in Victoria and South Australia. Their current forecast headline is, '50:50 chances for a hotter than average summer', as opposed to the article's statement that, 'The Bureau of Meteorology has said that this summer is likely to be one of the state's hottest on record.'

We reiterate that South Australia and Victoria have the plant available to meet the highest demand an average summer can deliver with a reasonable reserve margin. We even have adequate plant available to meet the extreme demands we forecast might be delivered by 1 in 10 year heatwave conditions. As has been highlighted elsewhere we do not have the spare plant we would like over and above that extreme demand. NEMMCO is currently assessing offers to reduce or remove even that deficiency. Whilst the possible extremes of summer in Victoria and South Australia present challenges to the power industry, the public should not be alarmed by such sensationalist articles.

Can I add, the public should not be alarmed by the scaremongering of the member for Bright and the Hon. Angus Redford who, I understand, is addressing a meeting next week and is going to answer questions about electricity. That should be really good fun.

The article also purports to quote the new Regulator, Steve Edwell. I have had advice from Steve Edwell's office today that Craig Bildstien did attempt to contact him but that he

never returned the call, never spoke to Mr Bildstien, therefore Mr Bildstien lifted a quote from an earlier speech and used it in the article quite inappropriately. The truth is this: what we have seen is yet another case of blatant scaremongering by the opposition working in a pincer action with the former chief of staff of the member for Davenport. I refer of course to Craig Bildstien.

*Members interjecting:*

**The Hon. P.F. CONLON:** No, I actually like Craig: he is good company. But I have to tell you that this is one of the worst stories I have ever seen. Mr Bildstien is rapidly becoming to journalism what Martin Hamilton-Smith is to politics. It is not right. I hope that I have provided proper information to the house. Members should not worry about sensationalist articles and not worry about scaremongering by the opposition.

**Mr BRINDAL:** On a point of order, the leader of the house's business was purporting to quote from an official document. He appeared to be reading from an official document. He claimed it was from I have forgotten who. Can you ask that he tables it?

**The Hon. P.F. Conlon:** It is an email: you can have it.

**The SPEAKER:** The minister is indicating that he will make it available. I understand that it is an email.

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## GRIEVANCE DEBATE

### ALGAL BLOOMS

**Mr WILLIAMS (MacKillop):** Nothing done by a government could be more characterised as a breach of trust than supplying poisonous water to its citizens. Over the past few days, it has come to light that that is exactly what SA Water, on behalf of the government of South Australia, did last summer. I will qualify that: it turns out that by dint of luck, only, it did not supply poisonous water, but it was unaware that it was not poisonous because its protocols had seriously broken down. In fact, there would have been some level of toxin in the water supplied and it is just lucky that it was at a level where it probably did not cause serious health damage to those involved.

I will take a few minutes just to go through what did occur to the water supply, which is supplied to most of the Adelaide Hills and the Strathalbyn and Goolwa areas. Some 38 000 people would have been utilising and drinking the water from that water supply during the last summer. There has been an incredible breakdown by SA Water, and even today the cover-up continues. Hopefully, I will have time to talk a little about the cover-up that we have seen. As of 15 December last year, samples taken from the Summit Water Treatment Plant raw water storage showed that it contained elevated levels of *anabaena circinalis*, or blue-green algae.

The level was 2 370 cells per millilitre. SA Water's protocols say that, once that level gets over 2 000 cells per millilitre, certain things must happen. They include more rigorous testing, testing more often and testing for toxicity. The standard tests show whether the blue-green algae is presently in the water supply. The algae does not necessarily become toxic although it has the potential to become toxic, and a different test has to be carried out on the samples of the water to ascertain whether it is in fact toxic. As of 15

December, we know that the water supply to the residents in the Adelaide Hills, Strathalbyn and Goolwa areas—

*An honourable member interjecting:*

**Mr WILLIAMS:** Sir, the clock just ticked from five to two. I am a little concerned, because I do not think I have been speaking for three minutes. I concede that I have been speaking for only about one minute.

**The SPEAKER:** The reason for it is that the clock had not been turned on, so the Deputy Clerk used his infinite wisdom and adjusted it. He felt that the member had been speaking for three minutes.

**Mr WILLIAMS:** I do not believe I have been speaking for three minutes. I spent a considerable amount of time working out the information I could put to the house—

**The SPEAKER:** In fairness, the chair will give the member for MacKillop an extra minute.

**Mr WILLIAMS:** Thank you, sir. Documents leaked to the opposition indicate that—

*An honourable member interjecting:*

**Mr WILLIAMS:** They have been leaked, and I will give the member the covering letter. This has been leaked to the opposition because of the serious breakdown within SA Water. It indicates that the levels of the blue-green algae increased rapidly over the next few days. In fact, on 21 December, customers started to complain to the SA Water Call Centre. A few days later, on 24 December, the SA Water Call Centre was given a script to answer customers' complaints. At that stage, SA Water had still not called for a toxicity test on the water it was supplying to residents of the Hills and some of the other areas which were supplied from the Summit water treatment facility.

SA Water was not aware at that point that the water it was supplying to its customers was unfit for human consumption. Yet, in that knowledge, SA Water contacted the health department but did not tell the health department that it was not aware of the toxicity status of that water and did not issue any public health warnings. I might contrast this with what happened back in 2000, under a Liberal government, when a similar incident occurred on the Yorke Peninsula when, within three or four days of getting customer complaints, it was identified that there was an algae problem on the Yorke Peninsula, at the Paskeville water storage. The water was switched off, and the public were notified—the public were taken into the confidence of SA Water and the government of the day and told that there was a serious problem—and bottled water was supplied. That little exercise probably cost half a million dollars.

Is the reason why we did not see a similar reaction in the most recent incident that SA Water is a cash cow for this government, returning something like \$300 million a year and that the Treasurer is so hungry for money that he would not allow SA Water the luxury of spending a few dollars to make sure that it was supplying water fit for human consumption? It begs the question why this happened and what pressure has been put on SA Water. It also begs the question: what has been the breakdown between the minister and SA Water? I think therein lies the problem.

Protocols were established under the previous government for when these incidents occurred, that is, that the minister would be informed, and the minister would be able to inform the public of South Australia of the serious risk to public health in relation to the water being supplied to them. However, the minister tells us that he was not notified. I can only think this occurred because there has been a complete breakdown between SA Water and the minister, and this has

led to potential health problems for South Australian citizens.  
Time expired.

### INDUSTRIAL RELATIONS REFORMS

**Ms BEDFORD (Florey):** The federal government's proposed changes to industrial relations have been under the microscope during the last weeks of sittings in Canberra. The Senate vote is crucial for many Australian families, so it is worrying that the Howard government's commitment to family impact statements seems not to have been a core promise. As I understand it, the only statement on how families will be affected has been supplied by NSW unions. This is no surprise, as the union movement sprang from concerns for workers being able to feed and support their families on their weekly income. The concerns raised by unions Australia-wide continue to be taken up with enormous community support.

The values that underpin families have been the values of the union movement and therefore the Australian Labor Party since its formation. As a member of the ALP, I know that those values hold strong for me as well and guide my commitment as I represent my community and constituents. That is why I offered myself for election in the first place and why I remain steadfast in my original values and views, that is, that fairness and equity underpin our society. I have always stood for a fair go for all and firmly subscribe to the philosophies of 'do unto others' and 'those without sin cast the first stone'. I have always felt it was my responsibility to lead by example and represent every constituent in my electorate. I will never resile from asking questions on behalf of any of my electors on any subject. The fact that I have lived in the electorate for 30 years and that my children were raised there and attended public schools there and have now come back to live in the area and raise their own children there should go some way to illustrate my commitment to my community.

From the earliest times in my tenure, through my engagement with almost every community group in the area, I know that people want this sort of connection with their elected representatives. As someone with these sorts of links, it would be hard to be considered a fly-by-nighter in any respect and schools and churches in my area can attest to my regular visits from the time of my election, and these close ties will continue. As a Catholic school girl of the 1950s my views are conservative and conventional and I endeavour to remain consistent to the needs demanded of a pro-choice view that is compatible and runs parallel to the fair go commitment that I have. Choice can only be made if people have access to information. This is why access to a quality values-based education is the key to ensuring a fair go for all.

This includes information on all forms of religion, because that is the surest way of understanding and defusing some of the tensions that have emerged throughout the world. These days, access to the web and the information technology that all our children know how to use—perhaps far better than us—allows people to have detailed information on every conceivable topic. As the pace of change increases and the world faces challenges in the 21st century, we look to our education system to ensure we understand and accept change and diversity, that we value all people and all minorities, particularly the disabled, the marginalised and the poor. These people do not have a voice and look to us to have their views taken care of and ensure that they have a place in the society we all look to to maintain us into the future. They

come from families too and they, along with families, deserve consideration in the context of their capacity to survive and remain participants in society and able to receive their share of the wealth being produced by Australian workers as we move onwards.

The IR bill will have huge effects on the community and I know that the electors of Florey look to us to ensure we do everything we can to mitigate any problems that emerge from them. The school system delivers quality education to children and our commitment to public schools must not waiver. As one of the greatest demands of the state's economy we have to continue to provide to children every form of understanding they often do not have through their home lives as people are committed through the IR changes to longer working hours, to differing ways of being engaged in the work force, namely, casually. I know people often have two or more casual jobs to maintain a secure income. It is often through schools that we rely on our children to have access to the values-based education that they need to be able to become valuable members of society into the future. I look forward to keeping my close ties with both the churches and schools in the Florey electorate and hope that all of them enjoy the Christmas season.

### WORKPLACE BULLYING

**Mrs HALL (Morialta):** Today in question time I asked the Premier whether he was committed to stamping out bullying in the workplace. He certainly did not give a commitment that that was his objective and certainly did not give any commitment that he was going to manage his own team. Therefore, the laws his government has been involved in passing means he expects different things from different people and he is very happy for his laws to impact on the rest of the community but not to impact on his team. Today he did not tell us that his government is committed to stamping out bullying in the workplace and he did not expect any manager in the public sector, or he as leader of his own team, to investigate allegations of bullying and to take action if necessary. So what do we really have happening here?

We have a Premier who appears to have double standards. He does not apply the same standards to himself and his team here at parliament as he applies to other managers or fellow workers in the public and private sectors outside of this place. By law, under the Occupational Health and Safety Act, an employer or manager is legally obligated to report a complaint of bullying to an inspector, who will then interview the parties separately or together and, if necessary, refer the matter to the Industrial Commission.

If the Premier was serious as a leader, he would be committed to stamping out bullying in the workplace, wherever it may be taking place. It would be a very easy matter for the Premier to discuss with the member for Florey the question of the veracity of the bullying claims and, if he finds them true, he could then take appropriate action against the Attorney-General or, if there was no truth, he could reassure the house and the public that all is well. The Premier has done none of those things, Mr Speaker. He is mute. He is frozen with his inaction and we have to ask why.

The fact is that the Premier does not want to go anywhere near this circumstance. He does not really want to know what is happening inside his government because we have regularly heard allegations of bullying, and of threatening by inference and innuendo, by members of this government, but we know that this Premier wants to be known only as the

good news Premier. He has run away over the bullying allegations because he knows that, if the Attorney-General was found guilty, or it was revealed that he did bully the member for Florey, it would reopen the whole Pandora's box about the Atkinson, Ashbourne, Clarke corruption affair. The Premier obviously does not want to go anywhere near it, and you have to ask why?

One can only assume that it might be that we could catch him involved in it as well, because if it was shown that the Attorney bullied the member for Florey, it would give credibility to the evidence of Ralph Clarke, Gary Lockwood, George Karzis and Edith Pringle—all of whom have an entirely different version to that of the Attorney-General. It undermines the position of whether the Attorney-General did offer board positions to Ralph Clarke and his version of events and, if this was the case, it begs the question what role, if any, did the Premier have in this very sordid affair? We know that it was the Premier who refused to refer the Atkinson issue to the Anti-Corruption Branch when he heard the allegations on 20 November 2002—allegations involving the Attorney-General just as much as they involved Mr Randall Ashbourne. The Ashbourne trial judge, Judge Michael David, himself asked:

Why wasn't this sent straight to police? Why was an internal inquiry held by the Premier?

He then said:

Quite properly, what should have happened was the anti-corruption people would have been called in.

It was the Premier who decided to have an in-house investigation, which was hushed up until the inquiry itself was exposed in July 2003, some seven months later. So, by his actions or inaction, and running away from these questions, he is neglecting his duty as a team leader in addressing bullying issues within his domain.

Time expired.

**Mr KOUTSANTONIS (West Torrens):** It never ceases to amaze me the depth to which desperate political opponents will go to score a point. Madame Defarge sitting opposite, masquerading as the member for Morialta, talks about bullying in this place. Perhaps the member for Finnis, before he leaves this institution which he has served so long, will get up and talk about her involvement in the 1996 night of the long knives, when she helped oust the most successful premier in Liberal Party history in South Australia for her own personal gain. What was that gain? A ministry.

*The Hon. P.L. White interjecting:*

**Mr KOUTSANTONIS:** A short-lived ministry. Why was it a short-lived ministry? Incompetence, and losing files in a random car break, in which, it just happened, the very documents in question were being stored. Is that not amazing? The documents that we wanted to see about Madame Defarge's involvement happened to be in the back seat of her car during a break-in and were stolen.

**The Hon. M.J. Atkinson:** The things people take these days!

**Mr KOUTSANTONIS:** The things people steal! It was not the car radio or the car; it was the secret documents. That is what was taken—and, of course, I think some loose change as well. I know that these documents are hot property on the streets of Adelaide. Do not worry about the car stereo; do not worry about any valuables in the car: it is the secret documents in the back that they were really after—or maybe it

was the cardboard box that they were in. I hear that cardboard boxes are in big demand up the eastern suburbs—

*The Hon. M.J. Atkinson interjecting:*

**Mr KOUTSANTONIS:** There is a market for them. The one thing that the member for Morialta is good at is throwing mud, because when she throws mud she hopes that some sticks. That is the only way that she knows how to operate. If we go back, we can see her *modus operandi* when she was necking the former premier, Dean Brown. And how did she do it? It was by way of innuendo, smears, leaking fake polling, telling members that they would lose their seat if the then premier stayed in power, and threats. Then, when the knife was plunged into his back, where was she? Sitting in front of the guillotine with her knitting needles, covered in blood. It worked for her then.

*Mr Scalzi interjecting:*

**The SPEAKER:** Order, the member for Hartley!

**Mr KOUTSANTONIS:** She sought three years to tear down a leader who had won 37 seats in a general election, and she did it. So, she thought to herself, 'Here is another popular leader, a very successful premier, who looks as if he is heading to maybe an even bigger result than the Liberals' landslide of 1993,' and she has reverted to her old ways.

**The Hon. M.J. Atkinson:** What means did she use to persuade the Brown supporters to switch?

**The SPEAKER:** Order, the Attorney!

**Mr KOUTSANTONIS:** We are above her type of politics of throwing cheap insults, mud, innuendo, lurking in the corridors, hanging around gutters and meeting people in car parks; we are above all that. Our Attorney-General has been cleared, yet they continue. Why? Because they are desperate—and they are so desperate that they are now going after the Premier. If today is an example of their last four days of question time, I wish the election would be sooner. I reckon their tacticians might be working for us. Given the member for Morialta's performance yesterday at the Demetria Festival, I hope that she is promoted in the next couple of weeks, because if she is in charge of tactics and getting their message out long may we reign!

Trying to tear people down rather than winning with new ideas is a disgraceful way to campaign. I have nothing to do with that sort of campaigning, and nor does the Attorney-General or any member on this side. We win because our ideas are better and because we care about people. We do not try to tear down the messenger: we just have a better message. That is why we will win in March and they will lose.

## GAWLER RIVER FLOOD

**The Hon. M.R. BUCKBY (Light):** The member for West Torrens can always provide some light relief in this house, and—

*Mr Goldsworthy interjecting:*

**The SPEAKER:** Order, the member for Kavel!

**The Hon. M.R. BUCKBY:** Thank you, Mr Speaker; keep him quiet. I rise today to express my thanks to the many volunteers who helped out during the recent Gawler River flood. A large number of people were involved, such as members of the CFS, the SES, as well as many local government staff from Mallala, Gawler, Playford, Light and Barossa councils. I think the Virginia Horticultural Centre staff did an amazing job in getting together information and helping people to try to reconstruct their lives. They also obtained information for these people regarding business and

the grants for which they are able to apply to try to get themselves back on track. Other people, such as the Salvation Army, have been there. Their shop has now been moved from Mallala to Dublin to ensure that they are closer to the very people who need their help in terms of furniture, clothing and all those sorts of issues that come out of a flood such as this.

The last flood was in 1992, when some \$10 million worth of damage was incurred. This one, of course, far surpasses that, in what is estimated to be \$40 million worth of damage. The flood affected 970 hectares of horticultural enterprises, and some 260 hectares contained glasshouses that were inundated with water. While we read in the newspaper about the volunteers who helped at the height of the floods, I say to the house that this goes on for a long time afterwards. When the floodwaters recede, there is the mud and pumping out of homes and other activities that need to be undertaken by the volunteers and the fire brigade (CFS members) as well to help people get their homes back into order.

One of my constituents in Eighth Street, Gawler came to see me just last week to let me know, first hand, of what she had to suffer. There was about a meter of water through her home. Fortunately, they had flood insurance so they would be covered, but this woman runs an acupuncture and massage business out of her home and, as a result of the flood, will not be able to operate there until things have been cleaned up—mud has to be taken away from inside, repairs made to the house and furniture moved back in. I have made an approach to the minister for local government to find out, because she is operating a small business from that site, whether she might be able to access some of the money that is available to those growers—the \$10 000 that is available to growers at Virginia—as some compensation to her for missing out on lost business during the period that she will not be able to operate.

There are a lot of jobs that are done during this particular time. The member for Taylor, I am sure, will have seen first hand how people supply meals to volunteers—just local members of the community who help out who are not members of the CFS or the SES, who put their hand toward filling sandbags and help transporting sandbags and all those sorts of things to where they are needed, free of charge, out of the goodness of their hearts, and it is what makes up a community in a time of need.

So, again I give my sincere thanks to all the people—volunteers, council workers and members of the community—who helped during the recent flooding. I am pleased to say that the government is moving forward on the retention dam for the North Para River, along with the federal government and now all of the councils involved in the North, South Para and Gawler River systems. That, hopefully, should be in place within about the next 18 months and, as a result, we will not see this occur again.

#### CROATIAN WINE AND FOOD FESTIVAL

**Mr SNELLING (Playford):** Yesterday I had the pleasure of being invited to the Croatian Wine and Food Festival, which is called Festa, and is held in the Croatian Soccer Club in my electorate.

*The Hon. M.J. Atkinson interjecting:*

**Mr SNELLING:** The Attorney-General is not a person to talk about the sin of gluttony to anybody. The Croatian Soccer Club has an interesting history. It was founded in 1952 and one of its most famous players was the late Charlie Perkins. He played for the club in, I think, the 1960s. I am not

sure whether Mr Perkins had any Croatian ancestry, but nonetheless he is one of the more celebrated players for the Croatian Soccer Club.

I would like principally to congratulate Mr Tony Kilic, the President of the Croatian Soccer Club, and Mr Jason Kilic, who was the organiser of Festa.

**Mr Scalzi:** What does it mean?

**Mr SNELLING:** It means festival. I thought the member for Hartley, who at least has a passing knowledge of Italian, would be able to translate Festa. There was food from many regions of Croatia and outside Croatia: Bosnia, where we sampled chevapchichi, which are small, skinless sausages; food from Herzegovina; stuffed peppers from Slovenia; of course, Dalmatian seafood; and food from Lyka. There was a wide range of foods there. There is no doubt that Festa will become a permanent fixture on the multicultural calendar and will come to rival the other large multicultural celebrations such as Carnevale and Glendi. It was an excellent event.

In closing, the Premier spoke quite eloquently on the contribution of Croats to South Australia, most notably of course in aquaculture, where they have really built the aquaculture industry as well as, of course, construction and buildings and, notably of late, horse racing. My congratulations go to the organisers of Festa. It was a splendid day yet again, and I look forward to attending next year's event.

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#### TRAM BARN A

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

That for the purposes of section 14 of the Botanic Gardens and State Herbarium Act 1978 this house resolves that such portion of the building known as 'Tram Barn A' situated on land in section 571, hundred of Adelaide, as is determined by the Board of the Botanic Gardens and State Herbarium, may be leased to the University of Adelaide for a period of up to 20 years on such terms and conditions as are determined by the board for the purpose of the University establishing and operating an ancient and fragmentary DNA laboratory, and carrying out related activities.

**The Hon. I.F. EVANS (Deputy Leader of the Opposition):** In relation to the motion that we are debating, the government has given the required number of days' notice to the house regarding approval for a lease in Tram Barn A for the ancient and fragmentary DNA laboratory, with which I am sure the Attorney-General is familiar. This is a procedural motion where, under the relative act, the house needs to give authority—

**The Hon. M.J. Atkinson:** Relevant.

**The Hon. I.F. EVANS:** It is relevant to the Attorney-General; it is relative to me. The minister of the day has to give the appropriate notice to the house. Sometimes it is 14 days and sometimes it is 21 days' notice. We have done a couple of these type of procedural motions in relation to preventing mining in national parks—the Gammon Ranges being one and also a park on Kangaroo Island; I think Flinders Chase was the other one. So this is a procedural motion in that sense rather than a procedural motion of the house.

The notice of motion was given pursuant to section 14 of the Botanic Gardens and State Herbarium Act 1978, and seeks parliamentary approval for the board of the Botanic

Gardens and the State Herbarium to lease an ancient and fragmentary DNA laboratory to the University of Adelaide. The board of the Botanic Gardens and State Herbarium, the Department for Environment and Heritage, the South Australian Museum and the University of Adelaide have been collaborating on locating a specialist ancient and fragmentary DNA laboratory facility so as to attract Professor Alan Cooper to Adelaide. Professor Cooper is an international expert in the recovery and analysis of DNA fragments from sub-fossil and fossil records—something which I know is of great interest to the Attorney.

The site chosen for the laboratory is in a previously unused space on the first-floor of the Tram Barn A building on Hackney Road in the Adelaide Botanic Gardens. This site was chosen because it is in the same building as the State Herbarium and Plant Biodiversity Centre, but is physically removed from other similar laboratories that may create cross-contamination risks. An agreement has been reached for the University of Adelaide to build the laboratory for approximately \$1 million plus pay for specialist laboratory equipment worth approximately \$250 000. It is proposed that in return the university would lease back the facilities from the board at a peppercorn rent for 10 years, with an option for a further two five-year terms. Professor Cooper has now been employed by the University of Adelaide under an Australian Federation Fellowship.

Section 14 of the Botanic Gardens and State Herbarium Act 1978 sets out that the board may not divest control of any land placed under its care and control except in pursuance of a resolution passed by both houses of parliament, hence the motion today. A resolution is not required for a lease granted for a purpose connected with or incidental to the management of the gardens. While carrying out or promoting research is a function of the board under the act, that function is separate to its function to manage the gardens; thus, the exception clause does not apply in this particular case. Consequently, parliamentary approval is required before the lease can be signed and the university can take legal possession of the laboratory. The board and the university have been made aware of the need for parliamentary approval prior to being able to sign a lease and have the university take possession of the laboratory.

The establishment of the laboratory in the Plant Biodiversity Centre is part of an emerging partnership between the University of Adelaide and the Botanic Gardens and State Herbarium which will contribute towards South Australia's capacity to participate in and attract world-class research and bio-innovation. The opposition has no objection to the proposal by the government, and we wish Professor Cooper all the best in his endeavours.

Motion carried.

#### **SELECT COMMITTEE ON THE STATUTES AMENDMENT (PARLIAMENT FINANCE AND SERVICES) BILL**

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

That the time for bringing up the committee's report be extended until Monday 19 December 2005.

Motion carried.

#### **DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL**

In committee.

(Continued from 24 November. Page 4168.)

Clause 12.

**The Hon. J.D. LOMAX-SMITH:** I move:

Page 7, line 13—After 'Building Rules' insert:  
and where it was reasonable, in the circumstances, to rely on the advice, skills or expertise of that person

Clause 12 related to the Coroner's report. The member for Davenport has some experience in this area and was concerned about suppliers of materials and whether they will be held culpable for a building failure should they supply a nut or a bolt from an ordinary hardware store. This amendment tries to help his concern in this matter, and we would add these words so that a trainee selling a screw would not render the business culpable should the building collapse.

**The Hon. I.F. EVANS:** We will be supporting the amendment, although it will be interesting to see how this clause is interpreted by the courts some years down the track. I thank the minister for taking on board the argument and trying to clarify it.

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14.

**The Hon. I.F. EVANS:** I would like the minister to explain the impact of the changes. What actually changes in this clause? I could not work out the significance of the amendments the government was making.

**The Hon. J.D. LOMAX-SMITH:** The substantial change is that the Development Assessment Commission (DAC) now notifies the council and not the applicant. The amendment makes the DAC responsible for providing notice of an application under section 49 to the relevant council. Previously, the state agency that proposed to undertake the development had to forward these details directly to the council. The new centralised process will be more efficient and more effective at ensuring that councils receive notification of the proposals. The rationale for it was that the amendment provided a clear lodgement and referral process to enable the DAC to monitor and report on time lines of decision making without relying on the actions of the applicant. I understand that the LGA had no objection to this process.

Clause passed.

Clauses 15 and 16 passed.

Clause 17.

**The Hon. I.F. EVANS:** Who asked for the changes to the open space contribution scheme?

**The Hon. J.D. LOMAX-SMITH:** I cannot identify the people who complained, but there appears to have been an inequity that was identified centrally. It appeared that the scale for MOSS contributions was set on a metropolitan and an outer metropolitan ranking and the outer areas were swayed by land prices, for instance, at Mount Barker, which was deemed to include the rest of the state. As prices in Mount Barker have risen substantially, developments in small outer areas were being unfairly penalised. So, the view was that, as a matter of equity, we should find a new way of categorising developments in those outer areas.

Clause passed.

Clause 18.

**The Hon. I.F. EVANS:** This clause deals with section 55 of the current act. It deals with the circumstances where

development approval has been granted and, for some reason, the development is not completed. Say I have a set of circumstances in my electorate in Panorama, where a house was approved some 15 or 20 years ago, and all I have got to is the footing stage and part of the first floor construction. Then it sits there because of a whole range of legal reasons, and there has been a dispute. I am interested to know what different powers the government is now giving the local planning authorities to deal with these sort of circumstances.

I note already that, under the bill (in section 55), they already have some powers. As I understand these amendments, I assume that the council will now be able to go to the current owner of the property, not the previous owner, and instruct them to complete the works, or it may even be able to instruct them to demolish the works. I wonder how far this power extends.

**The Hon. J.D. LOMAX-SMITH:** My understanding of the staging relates to a complex development, where stages might include the development of a road, car park or reserve. If the property developer of that major activity does not complete within a period contemplated by the relevant approval, the ERD Court may become involved. However, in the example the member has given, there would be the power for the council to require the lodgment of a new development application if the previous one had lapsed. I think there is a spectrum of activities here that might be covered by different parts of the act. An application goes to the ERD Court, and then a court order can be released under the worst possible circumstances of the type of development the member has mentioned.

**The Hon. I.F. EVANS:** The minister mentioned that the clause relates to the staging of works in relation to car parks, etc. I am not quite sure where in the act it is limited to that set of circumstances. The way in which I read it is 'where an approval is granted under this part'. So, it is as long as a development has been approved; I do not think it is restricted to a commercial or industrial development.

**The Hon. J.D. LOMAX-SMITH:** I am sorry; the member is correct. I may not have given the member the entire sway. It includes everything, but the most serious examples were ones where they did not do the reserves or the car park. But, in the member's instance, it would be progressed to a court order only in the most serious and blatant cases, not just if a home builder failed to put on the garage, or something of that sort.

**The Hon. I.F. EVANS:** But is that not ultimately a question for the local council? I assume that local councils will have at least a clarified power, if not more power; and I as the builder will submit an application and the council can now ask me as the client, 'When will you be finished the first floor; when will you be finished the second floor, or when will you be finished the landscaping?', which are all part of the development. If it is not finished to the council's satisfaction, ultimately the council will have the power to go to the court and convince it to take whatever action is possible. Secondly, to give the example of Panorama, where house footings have been sitting there for 20 years, under the new provisions with the add-ins to the act, will it be possible for the council to force that person to act on a development application that has already lapsed?

**The Hon. J.D. LOMAX-SMITH:** I will get clarification of the second part of the question, but as to the first part, this is clarifying the act for the councils. As I understand it, the staging of one building is not the issue. There is a three-year period during which it must be completed. There is a three-

year end point. As I understand it, it does not prescribe the work as to first floor, second floor and third floor points—it is just the completion.

**The Hon. I.F. EVANS:** But the council can when you apply.

**The Hon. J.D. LOMAX-SMITH:** But not within the act.  
*The Hon. I.F. Evans interjecting:*

**The Hon. J.D. LOMAX-SMITH:** Yes, but it is not a new part of the act. They have three years to complete, unless otherwise specified.

**The Hon. I.F. EVANS:** Is three years part of the regulations? Where does that figure come from?

**The Hon. J.D. LOMAX-SMITH:** The three years is prescribed in the regulations.

**The Hon. I.F. EVANS:** That has clarified the first question. As to the second question, is there anything in the new powers that will put into the act the provision that a council will be able to go to a development that is not completed, for example, Panorama? Where the development approval has lapsed, will the council now be able to go to them and say, 'Hey, we have this new power—you have six months to clean this up', otherwise these developments will sit there forever and a day.

**The Hon. J.D. LOMAX-SMITH:** I am informed that the council can ask the ERD Court to remove the unfinished structure or make an application for a variance, but only under this act. It does not transition to the previous act if it was a 30 year old development.

**The Hon. I.F. EVANS:** So, if the development already exists in part and the development approval has already lapsed through the effluxion of time, there is still no provision under this bill to deal with that set of circumstances? This bill will only apply for development applications forward—is that correct?

**The Hon. J.D. LOMAX-SMITH:** It does not apply retrospectively to the pre-1993 approvals.

Clause passed.

Clause 19 passed.

Clause 20.

**The Hon. I.F. EVANS:** Who is paying for the audits?

**The Hon. J.D. LOMAX-SMITH:** I understand this is only a head power to allow audits to be carried out. Following discussion in the other place, the minister gave a commitment that he would look at this provision and discuss it with the industry and how it would be structured.

**The Hon. I.F. EVANS:** I am now more confused than when I started. I understood that the government was committed to introducing audits for private building certifiers. I met with the association that represents the private building certifiers and recommended amendments for the other place. The government, through clause 15, I understood had taken up some of the opposition's suggestions about giving private certifiers a right to put to the minister cases why certain action should not be taken against them—some right of consultation before action was taken against them. Who is going to pay for it? Surely the government knows in his own legislation who is going to pay for the audit of the private building certifiers. This bill has been around in one form or other for nigh on three years. Surely the government has thought through, if it is going to have the private building certifiers audited, who will pay: is it the council, the government, the private certifier or maybe the client? They are the only four options, so who is paying?

**The Hon. J.D. LOMAX-SMITH:** I think that I should defend the minister in another place because clearly there was

considerable doubt as to whether this legislation would go through, and it has been something of an eleventh hour process to get it through at all. It would have been a waste of time for everyone to further work on this head power and the provisions in the payment structure. So, the negotiations between the stakeholders will occur subject to the head power proceeding through this place, and then the final structure will be agreed to by the players.

**The Hon. I.F. EVANS:** Will the minister give me an undertaking that a system of auditing will not be introduced without the agreement of the LGA and the association that represents the building certifiers, because I would be horrified if the building certifiers had to pay for their own audit, and I would be horrified if the government intended to charge local government for an audit which the government requires.

**The Hon. J.D. LOMAX-SMITH:** The minister in another place gave an undertaking that he would properly consult before using this head power, and I think he will do that.

Clause passed.

Clause 21.

**The Hon. I.F. EVANS:** This clause inserts new section 57A into the act. Section 57A deals with land management agreements and development applications. In my second reading contribution, I made some remarks regarding concerns about the use of land management agreements to seek contributions to developers, and how that process takes place. I note that the government has taken up the opposition's suggestions in another place in that regard, and I thank the government for that. I am wondering though, minister, whether you think there is a loophole in section 57A(3)(b), which reads:

the principle that entering into an agreement under this section by the designated authority should not be used as a substitute to proceeding with an amendment to a development plan under this act. I am wondering whether that should read 'cannot be used' rather than 'should not be used' because I should not have a cream biscuit at night but I do, and we should not yell across the chamber but we do. So, 'should' is instructive in that sense but it is not binding, and 'should not', which is almost like a guide, has a different implication from 'cannot'. So, if we are trying to prevent that occurrence then surely it should be 'cannot' rather than 'should not'.

**The Hon. J.D. LOMAX-SMITH:** This group of amendments was put together in response to the UDIA's requests, and with the leadership of the opposition, so I thought this was supported in the other place. This is a principle, and the word should be 'should' because if a proponent does not want to, he does not have to sign a land management agreement, because the point of a land management agreement is that it is voluntary, it is not compulsory, and if the proponents do not want to do it, then they should not sign it.

**The Hon. I.F. EVANS:** I think that there are two voluntary acts here, minister. One is the signing of the land management agreement—which, we agree, is voluntary—but this clause gives some guidance to those who are going to sign a land management agreement about what can or cannot be included. So, once you have decided that you are going to enter into a land management agreement, this clause then says that the parties proposing the land management agreement should have regard to—that means you only have to think about it—the principle that entering into the form of agreement under this section by the designated authority should not be used. So, all this says is that, if you are going to enter into

a voluntary land management agreement, just remember that you have to think about the fact that this should not happen. It says 'should not': it does not say 'cannot'. So, it is a bit like two kids saying, 'We know we shouldn't wag school—that is the instruction from mum—but the voluntary act is that we will.'

So, by having the words 'should not' you leave the door open for two parties to say, 'Well, look, okay, even though the principle is that we should not, this is a voluntary agreement so we are going to.' So, the question to the government is: do you want them to get around that clause by simply agreeing, because at the moment they can get around the clause by simply agreeing. They can say, 'Yes, that is right. We thought about it, and we thought that the principle was that it should not. Yes, we gave that due regard, and we decided that it was in our commercial interest to do it anyway.' So, you are actually leaving the door open, in my view, for the exact action that you are trying to prevent to happen. As long as they can stand up in court and say, 'Yes, your honour, we gave it due regard, and we know that the principle is that we should not, but, hey, this is a voluntary agreement and we decided that we would.'

**The Hon. J.D. LOMAX-SMITH:** This covers something that a developer does prior to making the application, and it is not appropriate that the authorities say what the applicant may or may not do. This is guidance, as the deputy leader suggested, and the wording 'should' is a replica of, and consistent with, the current section 57 in the act.

Clause passed.

Clauses 22 and 23 passed.

Clause 24.

**The Hon. I.F. EVANS:** This clause deals with circumstances where a private certifier may not act. Can the minister give me an example of what sort of activity would be covered by the amendment that the government is proposing?

**The Hon. J.D. LOMAX-SMITH:** This covers the operation of private building certifiers and generally has operated successfully. However, it has been brought to the government's attention that there may have been some circumstances where a certifier has a conflict of interest due to being involved in the design of a proposal or relationships with other clients. This amendment will enable the regulations to specify those circumstances where private building certifiers have a conflict of interest. These will include where the certifier has been involved in the planning or design of a development proposal, has a direct or indirect pecuniary interest, is employed by a person or body associated with any aspect of the proposal or is employed by the council in that area.

Clause passed.

Clauses 25 to 28 passed.

Schedule.

**The Hon. J.D. LOMAX-SMITH:** I move:

Page 17, heading to schedule 1—

Delete heading and substitute:

Schedule 1—Related amendments and transitional provisions

This amendment is consequential. It is a technical amendment to alter the heading to include the words 'and transitional provisions'.

Amendment carried.

**The Hon. J.D. LOMAX-SMITH:** I move:

Page 19, after line 4—

Insert:

Part 4—Transitional provision

9—Interpretation



In this part—

principal act means the Development Act 1993.

10—Heritage surveys

A heritage survey undertaken before the commencement of this clause by a person who is recognised by the South Australian Heritage Council as being appropriately qualified to undertake heritage surveys under the principal act may be adopted by a council or the minister under section 25A or 26A of the principal act (as enacted by this act) provided that the survey has been completed within the period of five years immediately preceding that adoption.

**The Hon. I.F. EVANS:** In the schedule the government is making amendments to the Natural Resources Management Act. Under section 29 (which deals with the functions of the NRM boards), the government is now inserting a new provision requiring the natural resources management boards to undertake an active role in ensuring that the development plans within their regions promote the objects of the Natural Resources Management Act. If there is a conflict between the natural resources management board and the council in relation to the placement of the promotion of the objects of the act into the development assessment plan, what is the process for a resolution of that dispute?

**The Hon. J.D. LOMAX-SMITH:** As I understand it, the board encourages incorporation of its views and provisions into the plan amendment, but the council makes the final decision, and its power overrides the rulings or requests made by anyone else.

**The Hon. I.F. EVANS:** Is not the way around it for the NRM boards to recommend to their minister changes to the development assessment plan because, ultimately, the development assessment plans will be dealt with by cabinet and signed off by the planning minister, and the planning minister will override local councils? So, the way for the NRM board to get around a difficult local council is to deal with the minister and get the ministry to agree at cabinet level. That is the way around it for the NRM board, is it not?

**The Hon. J.D. LOMAX-SMITH:** As I understand it, the mechanism for a PAR is, firstly, that the council approaches the planning minister and requests that a statement of intent be approved. If the minister approves a statement of intent that does not incorporate those NRM processes, the minister or cabinet cannot, at a subsequent date, reinsert them. Perhaps they could do one by ministerial PAR, which would be a different process, but the regular PAR process cannot be corrupted in the way in which the member suggests.

**The Hon. I.F. EVANS:** I understood the minister to say that the cabinet or the minister has the chance to amend the PAR only if it is a ministerial PAR.

**The Hon. J.D. LOMAX-SMITH:** No, I did not say that. I said that the plan amendment process requires the council to first seek approval of a statement of intent, and the statement of intent from the council is the request by the council, not the NRM. If, as the member suggested, the NRM went to the minister for environment and heritage and asked him to intervene at cabinet stage, if the original parameters had not been agreed to in the statement of intent, there would not be the power for cabinet to then introduce those provisions. However, if government, through a ministerial PAR, wished to set along a different path, the outcome would be different.

**The Hon. I.F. EVANS:** So, if the NRM board missed the boat and did not obtain the government's agreement at the point of statement of intent and the statement of intent was approved, and the NRM board then came in after the

statement of intent has been approved, it would be too late to include its provisions in there; is that correct?

**The Hon. J.D. LOMAX-SMITH:** It can only have the power to request the council to incorporate those matters in a subsequent statement of intent. Should the NRM board be agreed that their advice had not been followed, they could put in a submission during the consultation phase.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

### COLLECTIONS FOR CHARITABLE PURPOSES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 3366.)

**Mr BROKENSHIRE (Mawson):** I have just been advised by the minister that we will be dealing only with the second reading of this bill today. Although I had not been advised of that previously, the opposition does not have a problem with it because, as the acknowledgment of this bill tends to get further into the mainstream collections for charitable purposes organisations and entertainment charities, it is becoming more and more obvious to the opposition that there are concerns with this bill. In good faith, I took the advice that I had on this bill to the Liberal parliamentary party and, given that that party is representative of a wide cross-section of the community, it expressed a number of concerns about this bill.

I need to say at the outset that we are not against ensuring that there is adequate transparency and that people know when they are donating to charities that that money is being donated and used for the purposes and intentions that the person or persons representing that charity claim. I am well aware of the matters relating to the fundraiser when the British Prime Minister's wife (Cherie Blair) was in South Australia, and the outrage expressed by a lot of people in the community with respect to payments to her. A lot of concern has been expressed about that. Having said that, we do not want to throw out the baby with the bath water, and the Liberal parliamentary party believes that we must be fair and reasonable to those volunteers and organisations that do their best to fundraise in order to assist the South Australian community, often because government does not provide enough funding for these organisations, as a result of which they have no choice but to get out and fundraise.

I will not speak for long on this bill, because I make it clear that the Liberal Party does not support it, and I will talk a little more about that towards the conclusion of my remarks. I want to read into *Hansard* a letter from Charities for SA that I received on Friday 18 November. It states:

Charities for [South Australia] recently reviewed the Collections for Charitable Purposes (Miscellaneous) Amendment Bill 2005, first presented to parliament September 14 2005.

We are concerned that charities have not been given the opportunity to consult with the government on aspects contained in section 7, Licence required in relation to certain entertainments.

A statement in the *Sunday Mail* (October 30th) reports the minister stating that '70 charities have had consultation before drafting the proposed changes.' This statement appears to be incorrect as the consultation on the Collections for Charitable Purposes Act did not include fundraising by 'entertainment'. The issues consulted as from the government's letter were:

Charitable organisations should accept responsibility for ensuring that fundraising costs of collection agents are commen-

surate with the type of fundraising program used and do not erode donations unreasonably.

The Department of Treasury and Finance has come to the conclusion that the code's financial disclosure requirement is not providing useful information on the operations of charities. The code also does not provide that these reports and accounts be made available to donors or potential donors. Further, the code does not require the charity collector to disclose if they are working for a collection agency and the terms of the financial arrangement between the collector, the agency and the charity.

It then goes on:

It is clear that there is a vital need for change to make charitable fundraising more transparent. It is proposed to strengthen the disclosure requirements on charities by focusing on: (1) point of collection of funds; and (2) overall charity use of funds.

The changes being considered include: public disclosure of financial information on charities; collectors having information available when soliciting for donations; and implementation of a maximum cost threshold for all charity appeals.

Charities are in support of transparency and accountability for donations received but believe that 'entertainments' and the range of organisations who conduct them must be fully understood by the government in order to gain best practice.

Charities are very concerned by the proposed changes in the Bill as 'entertainments' are usually multi-purpose with objectives not only of raising funds, but also increasing awareness, building networks and engaging supporters.

Our member charities believe it is important to legislate for a system that is accountable, efficient and that encourages the community and its volunteers to support the vital work of the not-for-profit sector.

On behalf of Charities for SA, and all charitable organisations, I ask that you call for the bill to be deferred until further consultation takes place.

That is signed by the Chairman, Charities for SA, on behalf of five stated charities. Further to that, I have just been talking on the phone to a representative of another very large fundraising organisation in South Australia which has highlighted the fact that it is very concerned about the amount of possible bureaucratic red tape—perceived by it, I should say—which it believes will work against the best interests for opportunities to fundraise for charities and for research and the like. It may make it too draconian and cumbersome on volunteers, and we may well indeed see a reduction in the number of people prepared to go out and collect for charities and other not-for-profit organisations that assist the wellbeing of South Australians. They have said to me that they would like to see this bill stopped.

The opposition does not have the numbers in this house, and if the government decides that it wants to push this legislation through the House of Assembly today or, indeed, in the next few sitting days, the Liberal parliamentary party will not have the numbers to stop this bill. However, clearly there are some problems to which I believe I was not alerted but to which I will be alerting the Liberal parliamentary party in the very near future. In fact, tomorrow in party room I will be advising my colleagues of the telephone call I had this afternoon, and of the letter I have just read into the *Hansard*. That will further reinforce concerns that have been raised by members in our party, as I have already highlighted in the second reading speech.

As I said at the outset, the minister has advised me that the government is only going to the second reading stage today, so we can leave the bill at that stage, and the government can

then make a decision on whether they go back and undertake further consultation with all the charitable organisations in South Australia, to the point where people are satisfied that there has been sufficient consultation. It can then proceed to third reading as a result of that, or they can decide to push the bill through here using their numbers. However, I would flag to the parliament that it may well be that this bill will be stopped in another place, based on what we have highlighted in the house today.

As I said at the beginning, we do need to ensure that there is relevant transparency. Everyone wants to know, when they give donations, that the majority of those donations are being put forward for the purpose and intention that was offered to the person donating those funds. In my own situation, I have at times had bogus collectors. Fortunately, through an astute constituent, the police were advised and apprehended that offender. I know that there are attempts within this legislation to try to prevent that in the future.

From that point of view, I support those principles in the bill, but we do have to be very careful. This government has a history of bogging down opportunities in this state and of allowing bureaucracy to run rife. There are issues here where, because of some of the clauses in this bill, one could end up seeing a bona fide volunteer facing prosecution for a breach of this legislation. That is a very serious matter which one would hope was not the intent of this legislation.

Having said that, we need to be careful to protect those people, just as we need to be careful when people provide funds for the purposes stated to them, when a person knocks on their door or rings them to solicit a donation for a charity. I congratulate colleagues on my side for expressing concerns about the bureaucracy here. I also realise that there are problems, for example, with annual reports. I know there have been examples through Legacy, an organisation for which I have enormous respect in every way, where a bookmark was able to be used. That would have been sufficient, I am advised, to overcome many of the clauses in this bill. However, if members look at the detail in the bill, I believe they will see that you still will have to carry an annual report to satisfy these amendments. Those sort of things put further imposts on collectors.

Having said that, I think I have been pretty clear in these few minutes in saying that the opposition has quite a lot of concerns over the bill as it is now being debated. Emails, letters and phone calls are starting to come through, and I would suggest to the minister that it would be best to hold this bill at the second reading stage until further negotiation occurs. Otherwise, if he does push the bill through, I can advise the minister that a number of people will be lobbying the upper house to try to prevent the passing of this legislation.

**The Hon. P.F. CONLON** secured the adjournment of the debate.

#### ADJOURNMENT

At 4.38 p.m. the house adjourned until Tuesday 29 November at 2 p.m.