HOUSE OF ASSEMBLY

Wednesday 7 June 2006

The SPEAKER (Hon. J.J. Snelling) took the chair at 2 p.m. and read prayers.

VISITORS TO PARLIAMENT

The SPEAKER: I draw to the attention of members the presence in the chamber this afternoon of students from Croydon High School as guests of the member for Croydon, students from Woodcroft College as guests of the member for Mawson, students from Brighton Secondary School as guests of the member for Morphett, and students from Morphett Vale High School as guests of the member for Reynell.

SOCCER, WORLD CUP

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

Leave granted.

The Hon. M.D. RANN: Today I have written to the Prime Minister, John Howard, to ask that the next meeting of the Council of Australian Governments begin Australia's preparations to bid for the 2014 World Cup soccer finals. It is time for Australia as a nation to step up to host the world's greatest sporting event. The economic spin-off alone would be enormous—far greater than any Olympic Games. However, if we are to make a bid, planning must begin this year. I have asked for plans for a national planning team to bid for the 2014 World Cup to be put on next month's COAG agenda. The planning team will not only develop a bid but also plan for the infrastructure, facilities and security needed to host the 2014 World Cup, if only to establish our credentials to secure the 2018 World Cup finals.

For our bid to be successful, the Australian federal government, and all state governments, would have to work together with Football Federation Australia and major Australian business interests. Today, I have also written to all state premiers, as well as Frank Lowy and John O'Neill at Football Federation Australia. In my letter I have pointed out that Australia has proven, without equal, its ability to stage international sporting events where our organisational skills have been matched by world-class facilities. Our hosting of the Sydney Olympics, the recent Melbourne Commonwealth Games and the 2003 Rugby World Cup have all been acknowledged as setting a new gold standard at the very pinnacles of world sport. When Sydney hosted the 2000 Olympics, its soccer matches were successfully staged in venues around Australia, including Adelaide. So far, the FIFA World Cup has remained beyond Australia's reach.

While 10 major stadia would be required to host a tournament involving 32 teams and 64 games over 30 days, Australia already has eight stadia ready to go in Queensland, New South Wales, Victoria, South Australia and Western Australia. I am not, of course, referring to Hindmarsh Stadium, which would be far too small but would, however, along with Adelaide Oval, be a suitable base for teams to be based here. Obviously, we would have to have secure facilities and also venues for training camps in the lead-up to the World Cup.

I am hopeful that the Prime Minister will see the enormous economic opportunities available to Australia as a nation if we were to host this event, which would attract tens of thousands of people from around the globe to our nation over the month-long finals. It would also, of course, attract massive international attention to Australia in what will be described as 'our century'. South Australia, with its strong soccer tradition, stands ready to be involved in the bid planning team at the very highest level. I am delighted with the strong response we have received today from other governments around Australia.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

Local Government—By-laws—Berri Barmera Council
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens): I bring up the fourth report of the committee.

Report received.

Mrs GERAGHTY: I bring up the fifth report of the committee.

Report received and read.

QUESTION TIME

NURSE TRAINING

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Health.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: What action is the minister taking to ensure that final year nurses at the University of South Australia will be able to participate in clinical placements in semester 2 of 2006 to finalise their qualifications? The opposition has been advised that approximately 135 final year nursing students at just one of the universities have missed out on accessing a clinical placement this year, and they will have to complete their necessary work component next year. One 20 year old nursing student who contacted me has advised that, when she asked when she could undertake further placement, she was told, 'Well, you'll just have to wait until next year.'

The Hon. J.D. HILL (Minister for Health): I thank the honourable member for her question. The issue of training of our clinicians is always important, and there is a whole range of matters that—

The Hon. P.F. Conlon: Aren't there more nurses and doctors than they ever had?

The Hon. J.D. HILL: There are more nurses and doctors under our government than there were under the other—

The Hon. M.D. Rann: There are 1 349 extra.

The Hon. J.D. HILL: As the Premier said, 1 349 extra nurses and doctors. Of course, if there are more nurses than doctors coming through the system, you have to find training places for them, and there are difficulties at times. I think the group that the member is talking about includes nurses who are possibly going through a private institution, not one of the

public universities. I am not sure whether that is the group she is talking about. I am not aware of the particular problem to which she refers. I am happy to have a look at it if the member gives me the details of the person who has a problem.

EAST TIMOR, SUPPORT

Mr O'BRIEN (Napier): My question is to the Premier. What contribution is the South Australian government, in particular the South Australia Police, making towards the peacekeeping effort in East Timor?

The Hon. M.D. RANN (Premier): I think that, whenever South Australian officers are put into theatres of the world where they are at risk, it is absolutely appropriate that their efforts be recognised in this parliament. I am surprised that the Leader of the Opposition does not believe so. Ten South Australian—

The Hon. I.F. EVANS: I rise on a point of order. The leader is clearly misleading the house. He should stand to correct the statement.

The SPEAKER: Points of order are not an opportunity for members to rebut statements that have been made by ministers. There is an opportunity to do that under standing orders by way of personal explanation. It is not necessary and it is disruptive to the house to attempt to do that by calling a point of order. The Premier has the call.

The Hon. M.D. RANN: Ten South Australian police officers will travel to East Timor to join Australia's peacekeeping effort in this strife-torn nation. The Australian Federal Police yesterday asked the South Australia Police to provide officers for its contingent in East Timor, which is helping Australian Defence Force personnel in their attempts to stabilise the country. The South Australia Police will deploy 10 officers in East Timor. This continues SAPOL's proud tradition of assisting the Australian Federal Police in trouble spots throughout the world. South Australia Police have in the past provided officers for AFP deployments in Papua New Guinea and Cyprus, and we currently have eight South Australia Police officers serving with the International Deployment Group in the Solomon Islands.

The 10 officers heading for East Timor will play an important role with the Australian Federal Police and are likely to be involved in public order activities and operations against gangs. They are expected to be in East Timor for approximately 100 days. Almost 2 000 Australian Defence Force personnel are already on the ground in East Timor or are directly supporting the Australian Defence Force operations in the country. The Australian Federal Police contingent is working closely with the ADF and other international and local law enforcement agencies.

An estimated 160 East Timorese police are still on active duty. Many other local police officers have 'disappeared'. Other Australian states and territories will also provide officers for the AFP contingent. Australian personnel in East Timor are doing all they can to quell the violence. Obviously, there are sections of Dili, especially at night, where there is still violence with thousands of people fleeing the capital. The citizens need proper protection, and our South Australian police officers heading to East Timor will play an important role in such humanitarian operations. We wish them well and for their safe return.

NURSE TRAINING

Ms CHAPMAN (Deputy Leader of the Opposition): My question again is to the Minister for Health. Why has the government not implemented its 2002 plan to ensure that clinical placements are available for nurses to complete their training and enter the work force? The Recruitment and Retention Strategic Directions Plan 2002-05, launched by the government on 3 October 2003, was a three-year plan to address the nursing crisis in South Australia and, in particular, deal with the issue of clinical training. A letter from the University of South Australia School of Nursing and Midwifery received this week states:

> The University of South Australia Field Placement Coordinator has informed me that the school has reached a critical stage with placements for our final year Bachelor of Nursing program. Although all avenues have been exhausted, we are still unable to place 130 students in the final practicum placements in Semester 2, 2006. If we cannot secure placement for these students, they will not be able to finish their degree, and this will have significant impact on the Graduate Nurse Programs in 2007.

The Hon. J.D. HILL (Minister for Health): This is reframing of the original question. I make a number of observations. The member said that, in 2002, or whichever year she was referring to, the government adopted a plan to fix the crisis in terms of getting nurses into our hospitals. That is true; we have fixed that. There was a crisis: under the former government there were shortages of nurses right across the health system. There were agency nurses by the truckload in our hospitals and, since that time, through a whole range of processes, particularly over negotiations which have created more flexible working conditions for nurses, there are many more full-time employed nurses in the health department through the health system—1 349 extra nurses giving service in our hospitals. Of course, there are extra doctors as well. We have invested heavily in the health system. There are always issues about finding appropriate training places for nurses and for doctors, and we work hard with the universities to try to address this. I point out to the house and to the member that the issue of training is a responsibility of the universities. We assist them by finding places for those trainees.

RAPE LAW REFORM

Ms PORTOLESI (Hartley): Will the Attorney-General inform the house about the progress of the consultation on reforms to South Australia's rape laws?

The Hon. M.J. ATKINSON (Attorney-General): Late last year the government pledged a comprehensive review of sexual assault, rape and domestic violence laws. The Premier told the house earlier this year that the government had appointed well respected former prosecutor and member of the bar, Liesl Chapman, to investigate the existing law and procedures and make recommendations for change. I am most impressed with Liesl Chapman's discussion paper. The paper was published on the justice web site, and the government has been consulting the public about the recommendations, which propose major changes and reforms to rape and sexual abuse laws. The paper has been downloaded 387 times and, in addition, my officers have distributed dozens of copies to interested parties.

I remind members that the discussion paper identifies scope for reform in:

- pre-recording children's evidence, including examination-in-chief and cross-examination, for use later at trial to overcome evidentiary difficulties caused by delays;
- creating a specialist division of the District Court to hear matters relating to the sexual abuse of children;
- replacing the offence of 'persistent sexual abuse' with a new offence of 'involvement in a sexually abusive relationship with a child', to overcome inherent difficulties in proving specific acts of sexual abuse of a child over a protracted period;
- ensuring in legislation that consent to sexual activity means free and voluntary consent, not acquiescence under the threat of harm, deprivation of liberty or while unconscious, drugged or asleep;
- extending criminal culpability for rape to cases where the victim did not consent and the offender did not bother to consider whether the victim was consenting or not;
- allowing courts to admit similar fact evidence in more cases and to try cases together where the offender's propensity to commit sexual offences is relevant to that;
- preventing judges from giving inappropriate warnings about the evidence of alleged victims of sexual offences where there has been a delayed complaint.

I agree with the Premier that the report provides a sound basis for reform.

It is an important area of law reform and I want to make certain that all interested parties have the opportunity to let the government know their view on the proposals. I am pleased to tell honourable members that the government has asked Liesl Chapman to participate in an information session later this week to give people who are intending to make submissions the opportunity to hear the author of the discussion paper explain the options described in it and answer questions about them. More than 90 interested parties, including women's groups, legal officers and sexual assault support services have been invited to attend.

Given this information session, I have decided to extend the deadline for submissions by one month until 14 July 2006.

NURSE TRAINING

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Health. Why has the minister not implemented the recommendations of the report of the Select Committee on Nursing, Training and Education on nursing problems which was tabled on 24 November 2005? The select committee heard evidence over 18 months ago and found that clinical placement was a crucial focus. The chair of that committee, the member for Reynell—who is giving you a bit of briefing—told the house on 30 November:

> Clinical education via placement is widely regarded as essential to the successful preparation of registered nurses. Evidence received suggested that current clinical placements were limited to 26 academic weeks of the year, with a large number of nursing students entering the health sector during the periods of peak demand in hospitals.

We are advised that, notwithstanding the assertion that there had been some remedy of this, clinical placements are still not made over a 24-hour period, seven days a week to give the nurses that experience of clinical placements across the calendar year.

The Hon. K.O. FOLEY: Mr Speaker, I rise on a point of order. The deputy leader is clearly introducing into question time what she should be doing during grievance debate.

The SPEAKER: Yes, I quite agree. The deputy leader's explanation has gone far beyond the—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The deputy leader's explanation has gone far beyond what explanation should be necessary for the question to be understood by the minister or anyone else.

The Hon. J.D. HILL (Minister for Health): In relation to the report to which the member referred—and the nursing select committee did valuable work—one of the things that it highlighted was that the universities constrict the time which the trainee nurses are available for placement to 26 weeks a year. This is what causes a major road block in terms of getting placements for the nurses, because universities want to put them all into the hospitals in a very small period of time.

Ms Chapman interjecting:

The Hon. J.D. HILL: We are supposed to fix it up, but this is a decision, deputy leader, of the universities, not the health department. As I said before, we work as cooperatively as we can with the universities which are responsible for training nurses and other clinicians in South Australia. These are institutions over which I do not have control. I imagine that if I came in here with some scheme to exercise such control, the deputy leader would be the very first person at the head of the queue saying I ought not do it.

VOLUNTEERS

Ms FOX (Bright): Can the Minister for Volunteers inform the house of how plans are proceeding to celebrate the contribution of volunteers in South Australia?

The Hon. J.M. RANKINE (Minister for Volunteers): As members know, we are now celebrating Volunteers Day and the magnificent contribution of our volunteers on the Queen's Birthday public holiday. I hope all members received the invitations that I sent to them to forward to their community organisations. I have been delighted with the response that we have received state-wide and I understand, as of a week ago, the function was entirely booked, so we will have approximately 1 800 volunteers enjoying the performance of *Flat on Your Bacharach* at the Festival Centre on Monday. The Governor (Her Excellency Marjorie Jackson-Nelson) will give a Volunteers Day address, and the inaugural Joy Noble medals for outstanding volunteer service in government volunteer programs will be presented.

For those people who do not know Joy's story, I am sure when they hear a brief outline they will agree that this is an outstanding choice for the name of a medal that recognises the value of volunteers in South Australian volunteer government programs. Joy's name is synonymous with volunteering in South Australia. She was an active volunteer throughout her life, starting with enemy aircraft spotting as a young girl during World War II at Port Augusta. She was involved with Girl Guides and various church groups, and was drawn to volunteer management when she implemented a volunteer program in the department of community development back in 1972. After retiring, Joy's commitment to volunteering continued, leading to her co-founding Volunteering SA with Mavis Reynolds back in 1980, and Joy became internationally renowned by authoring several books

on volunteer management and co-editing the *Australian Journal on Volunteering* for the first three years from 1999. Joy was awarded a Member of the Order of Australia for her services to the volunteer movement in 2002.

As well, on the day, the Premier's Business Award, which recognises outstanding volunteer support, will be presented. Each year there is greater appreciation of the contribution that volunteers make to South Australia, and this year will be no exception. I am sure each member will agree that Volunteers Day celebrations next Monday promise to be a wonderful celebration of the extraordinary volunteering spirit we have in South Australia.

NURSE TRAINING

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Health. Given the serious situation in finding clinical placements, will the minister recognise the work experience being undertaken by student nurses currently in private hospitals as part of their clinical placement and, if not, why not?

The Hon. J.D. HILL (Minister for Health): The way these things work is that the minister does not recognise things. We have processes in place whereby properly credentialled people who are clinicians do the recognising. It may well be sensible that some private hospitals which have the range of experiences which would be appropriate for the training of nurses should be recognised—I have no ideological problem with that—but this is a matter that has to be determined by those who are responsible for the training and accrediting of nurses and that is done by authorities other than me—though, obviously, the government has a role in that. But I can assure the member I have no ideological problems about cooperating with the private sector. It makes sense, because nurses and doctors work across both sectors. We are lucky in South Australia to have a very fine work force, both doctors and nurses, and we have good institutions which train them and we have good institutions where they are able to do their practical work as well.

ABORIGINAL STUDENTS

Ms BREUER (Giles): My question is to the Minister for Education and Children's Services. What were the results for Aboriginal students who undertook their SACE in 2005?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I am pleased to inform the honourable member that I recently attended a celebration for Aboriginal and Torres Strait Islander students who were both SACE graduates and young people who had been in Pathways to Success to celebrate their achievements in apprenticeships. The celebration recognised young indigenous students who had completed their SACE, and this year, for the first time, included celebrations for those young people who had completed contracts of training for two or more years. I am pleased to inform the house that this year 82 young people completed a SACE certificate, and a further 52 were recognised for their achievements in training. The young people who attended this celebration came with their parents, teachers and mentors, many of whom had supported them and made sacrifices so that they could reach this level of success. It was a collective achievement for their communities, and I was very happy to celebrate their achievements.

Four young people who were at the Wiltja program demonstrated that these young people had the added challenge of living away from home and studying in the city (having come from the APY lands), and they were greatly applauded for their academic successes. In addition, three students were successful from each of Meningie Area School, Morphett Vale High School and Xavier College. These students each completed their SACE certificate. I take this opportunity to congratulate these students and wish them well and every ongoing success in the future.

Last year we launched a DECS Aboriginal strategy for education, which set concrete targets and goals and put in place a range of strategies to help all young Aboriginal students to get the best possible chance of success in their lives. We know that by staying at school and reaching a SACE completion all young South Australians have a better chance of not only academic success but also financial, housing and social success in the future. We want many more Aboriginal students to be successful in achieving SACE than currently do so. It is an absolute commitment for this government to improve Aboriginal education in this state; and it is a priority from which we will not resile.

NURSE TRAINING

Ms CHAPMAN (Deputy Leader of the Opposition): Will the Minister for Health inform the house whether simulated training will replace hands-on clinical training in hospitals? What evidence is there that this training method is just as effective?

The Hon. J.D. HILL (Minister for Health): Well, this is a very good question the honourable member asks. There is a big debate going on—

Members interjecting:

The Hon. J.D. HILL: No; they are not all good questions. This gets into an interesting area of policy in relation to how training should occur. A debate is going on in the medical profession, in particular, about how to train someone—

The Hon. P.F. Conlon: Do you mean to say that you don't decide how medical experts should be trained?

The Hon. J.D. HILL: No; I do not decide how medical experts should be trained: it is done by the colleges. A debate is going on about how a specialist should be trained. Should it be done on live patients over time or should there be some sort of simulation process. I know that a number of European countries are going down the other track. There is some evidence that the simulation process allows people to progress the system more quickly because they can do it more quickly.

Members interjecting:

The Hon. J.D. HILL: Obviously, if you have a simulator you can do it a lot of times. You do not have live patients on which to do it that frequently. In fact, I am pleased to inform the house that recently I was able to perform a colonoscopy at Flinders Medical Centre on a machine. It is a fantastic piece of equipment. I put the colonoscope into a hole, which was simulating a piece of human anatomy, and then on the screen was a film of the bowel. I was able to move the colonoscope in this virtual bowel and move it through the machine. The thing that I particularly liked was that there was a smiley face. So if I was doing it to cause pain to the virtual bowel the thing would frown; and if I did it well it would smile. The doctor who was showing me how to do this commended me on my skill and suggested to me that perhaps I had missed my vocation.

Using simulation techniques can allow doctors in training to trial things without fear of hurting a patient; and they can do it lots of time to develop their skill. So it seems to me that using those simulation devices is very sensible and there is a range of very sophisticated equipment now that allows them to do it. But ultimately the question of how this should happen is up to the profession, the medical experts, though I do understand that the commonwealth government, through some of its agencies, is encouraging this approach.

Ms CHAPMAN: Given that this has not yet been trialled, as the Minister for the Southern Suburbs, is he aware that a virtual reality school for nurses has just been opened in TAFE as announced by the minister for higher education this week?

The Hon. J.D. HILL: I am not sure what the point of that question was. It is not asking me anything about my role as the Minister for Health, Mr Speaker.

HOSPITALS, ROYAL ADELAIDE

Ms CICCARELLO (Norwood): My question is also to the Minister for Health, at the risk of being taken on another internal journey. How has the government improved cardiac services at the Royal Adelaide Hospital?

Members interjecting:

The Hon. J.D. HILL (Minister for Health): I am now an expert on this particular bit of technology and I am happy to give a demonstration to anybody in the house. I had the pleasure today of opening the new cardiac electrophysiology service at the Royal Adelaide Hospital. I thank the member for her question.

Electrophysiology is the study of the electrical activity in the heart. It is an area of science which has been employed at the hospital since 1983, although the technology has come a long way since that time. This dedicated unit is a first for South Australia and it will improve the quality of life for many South Australians. This new service will be run by the internationally recognised Professor Prash Sanders, who first trained here in South Australia and who, subsequent to his training, went overseas.

In luring this experienced clinician and researcher back to South Australia, we are able to benefit from his experience in the new technique of atrial fibrillation ablation. Let me explain this to the house. Atrial fibrillation is one of the most common types of irregularity of the heartbeat. It causes the heart to quiver and can lead to blood clots and strokes. This condition is particularly common in older people, affecting more than 10 per cent of people over the age of 75. This is a relatively serious illness—over 10 per cent of people over 75 have it.

The new electrophysiology theatre is the first place in the state to offer this treatment. This new procedure can treat the condition with much less distress to the sufferer. It requires no cutting, no stitching, and leaves significantly fewer scars than open heart procedures. The technique is performed by inserting a catheter through a vein and directing it using magnets to obtain a three-dimensional image of the heart. The source of a patient's heart atrial fibrillation is then mapped, localised and destroyed using radiofrequency energy. These procedures can be performed on an outpatient basis and most patients are able to return to work within a couple of days. Prior to this, patients would have to have open heart surgery and would be in hospital for at least two weeks and possibly longer. So this can be done virtually as day surgery.

As well as the clinical benefits there is enormous research potential in this field of electrophysiology, and I am told that the new facility is already attracting interest from industry partners. Most of the equipment is in fact donated to the hospital and I understand they have already received about $1 million in research grants. Having a strong research basis in our hospitals is imperative. We have seen by the return of Professor Sanders that we can attract world-leading clinicians if our research and technology is at the cutting edge.

The Royal Adelaide Hospital has a strong tradition of leading the way in treating heart conditions: in 1960 it was the first hospital in the state to offer open heart surgery; in 1962 it was installing pacemakers; and in 1970 the hospital first performed coronary artery bypass surgery. I commend all the doctors, nurses, scientific and technical staff, as well as administrative staff, at the hospital for this new service and for their outstanding work to improve cardiac services offered to South Australians.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Is the cost of the Bakewell Bridge project now $43.5 million? Can he guarantee that the project will not further exceed that budget? Departmental officials, in statements made publicly today, suggested that the total cost of the project was, in fact, $43.5 million, and they were unable to provide a guarantee that the project would remain on budget or on time.

The Hon. P.F. CONLON (Minister for Transport): I have won a bet. I bet with them that the Leader of the Opposition would not ask this question. I bet that it would be the member for Waite.

An honourable member: Because he's the shadow minister.

The Hon. P.F. CONLON: No, no. All the other ones when they thought they had something, it was the Leader of the Opposition, but he has had a look at this and said, 'You ask this one, Marty.' The proposition being agitated by the shadow spokesperson is that there is an extra $2.5 million blow-out on the project that we did not fess up to. That is what he said—$43.5 million, not $41 million. We were doing our project; it is a project to help move traffic. The commonwealth decided that, while we were doing that, it would take the opportunity to do some works on its railway line. So, it is going to spend $2.5 million on their railway line. According to the logic of the member for Waite, it is a $2.5 million blow-out on our project. Therefore, it follows that I could avoid the $2.5 million 'blow-out' by asking the commonwealth not to spend its money on the railway line. But I do not think I will be doing that.

They have utterly run out of puff. I hope the commonwealth does not decide to upgrade the entire length of that railway, otherwise my project would blow out by hundreds of millions of dollars. It is pathetic. He went there today and he exposed Rod Hook to his harrowing forensic skills. He asserted that I was having a cup of coffee and a cigarette while it was all unfolding, which I thought was a bit unusual for a non-smoker. It must have been a particularly stressful day. At the end of this harrowing cross-examination, the best he could come up with was to decide that $2.5 million to be spent by the commonwealth on their asset was part of our blow-out. I cannot avoid the fact that our asset is next to its asset—I cannot avoid that. I think that it is going to be prudent enough to spend their $2.5 million to upgrade its

works while we upgrade ours. I actually think it is not a bad idea but, if it remains the proposition of the opposition that we should avoid this 'blow-out' by asking the commonwealth not to spend its money, I will think about it, but I will not think about it for very long.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! I call the member for Enfield.

SPORTS MENTORING SA

Mr RAU (Enfield): Will the Minister for Aboriginal Affairs and Reconciliation inform the house about measures the state government is taking to give vulnerable young people more positive role models?

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question. I am delighted to inform the house that just last Friday I launched an initiative called Sports Mentoring SA, which is a partnership between my department, the Department for Families and Communities, Uniting Care Wesley, and the Port Adelaide Football Club—the most successful football club in the nation.

The Hon. M.J. Atkinson: I'm sorry? What code of football would that be?

The Hon. J.W. WEATHERILL: The Magpies, we are talking about here. This program is about giving—

Members interjecting:

The Hon. J.W. WEATHERILL: This was on Friday; this launch was before Saturday. This program is about giving some particularly vulnerable young people the chance to be inspired by some of our most talented sports men and women. What better place to start than with our state's best football club at Alberton Oval? This builds on our department's mentoring program. We already have about 80 mentors working up to 15 hours a week with high-risk young offenders in some cases or maybe children under guardianship orders. These mentors are doing a terrific job, and we see this sports mentoring program as complementing the existing mentoring program.

All young people need positive role models, and sport is a way in which we can connect with young people and show them that athletes, like them, have often had to overcome hurdles and make some tough decisions in life to be successful. They also learn some important lessons about goal setting, hard work and the sorts of life skills that are necessary to make a success of their life. The program enables young people, identified by Uniting Care Wesley and my department, to get to know a sports mentor who will sponsor their attendance to some matches and training and assist with their entry into the sport of their choice. Obviously, the relationship is a critical one in making this a successful program.

First, we aim to get 15 sports mentors by the end of the year, and we hope to recruit some of the state's most successful Aboriginal sportspeople as well. I pay particular tribute to Mr Jeremy Clayton, a Magarey Medallist and a Port Adelaide footballer, who has experience of a similar sports mentoring program in Victoria. He has been the impetus for driving this program in South Australia, so we are very pleased. Obviously, he has received the support and cooperation of Matthew Richardson, the CEO of Port Adelaide Magpies. He has gone beyond just the football code and is spruiking across a whole range of sports the importance of other sportspeople participating in such an important program. It is a fantastic new initiative, and I hope that other sporting clubs get behind it.

TRANSPORT PROJECTS

Mr HAMILTON-SMITH (Waite): When did the Minister for Transport first know that officers in his department were aware of significant rescoping and cost blow-outs with the Bakewell Bridge project back in 2005? Why were processes not put in place for him to be forewarned of that likely cost blow-out well before the 2006 election? Officers of the department said publicly today that they were aware that the scope and cost of the project had increased significantly in mid to late 2005. They also confirmed that no briefing was given or sought by the minister.

The Hon. P.F. CONLON (Minister for Transport): He's good. He spent a lot of time in there, I am told, asking Rod Hook why I did not seek an earlier briefing from him. Rod Hook kept saying, 'I've only been in charge of the project for two weeks.' He wants to know why I did not get an earlier briefing from a bloke who has only had the project for two weeks. I know that he was a minister for about five minutes, so I will explain some of the processes of government to him. When one consults with the community and when one comes back with a recommendation for scope changes, they do not apply until cabinet agrees. Cabinet giveth and cabinet can giveth a bit more, but you have to go there. I can quite honestly tell you: when did I know that we might ask cabinet at some point in the future for scope changes? Quite early.

Mr Hamilton-Smith: Avoiding the question.

The Hon. P.F. CONLON: I'm avoiding the question! I'm avoiding his harrowing cross-examination. Marty, you can ask me questions in here for the rest of your life and I don't think I will ever raise a sweat. He asked: when did I know? I am trying to tell him. I was aware quite early that we might ask cabinet for scope changes. I do not know whether you remember the election campaign. I know that it is something you would like to blot from your memory, having turned Waite into a marginal seat. But if you turn back your mind, there was a lot of talk even during the election campaign. Forgive me, but I suspect even some of the Liberal candidates were involved in talking about what should be done for the traders on Henley Beach Road. Certainly, a lot of fellow Liberal travellers were out there talking about it.

The process is this: in 2003, we put $30 million in the budget for a replacement for Bakewell Bridge in the future. That can be a bridge, it can be an underpass, it can be a range of things. We go out and talk to people. We are not the private sector; we do not just decide and build. It might be better if we decide, ignore and build, but that is not what we do. We go and talk to people. As a consequence of those consultations, which were still going in February and March—you might want to block the period from your mind—a whole load of people were still talking in local Messengers about what would happen to local business. One of the things in there—and apparently criticised by the opposition today—is extra money for traffic management to buffer businesses from the impact of the project. That is the decision made.

But the bottom line is that I knew a long time ago that if we changed scope we would have to ask for more money. We added a slip lane; we added traffic management; and we added some things at the request of the Adelaide City Council. Then I took it to cabinet and said, 'We believe this

is the best thing to do,' and cabinet agreed. If you follow the logic of the opposition, we should have built them a $30 million bridge, ignored them, put a few people out of business, not added a slip lane, not done traffic management, and not added amenity—all of those things. I say to you, Mr Speaker, if that is what the opposition would have done I suspect that is why we are the government and they are the opposition.

LEARN2EARN PROGRAM

Mr PICCOLO (Light): My question is to the Minister for Employment, Training and Further Education. What is the government doing to encourage 'at risk' young South Australians to re-engage with education and training?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): The Department of Further Education, Employment, Science and Technology, through South Australia Works, has committed over $1 million to provide hands-on training for young unemployed people through the Learn2Earn program. This program targets young people aged between 16 and 24 who have left school before completing year 12 or a Certificate 2 level course. I am pleased to say that the Learn to Earn program plays an important role in re-engaging 'at risk' young people, enabling them to get back into training, employment and education.

The program has strong links to the South Australian government's Youth Engagement Strategy. Currently, there are seven projects delivered by TAFE SA, which are based in metropolitan and regional locations across the state. The projects will train young South Australians to meet the particular work force skill needs of their location. The project locations include: the Adelaide CBD, Noarlunga, Port Adelaide, the Parks and the western suburbs, Elizabeth, the Upper Spencer Gulf (including Whyalla), and Gawler. The focus of the projects is on delivering practical skills that will improve young participants' literacy and numeracy and, more importantly, their self-confidence. Examples of the diverse range of programs on offer include:

- From Platter to Plate, which provides opportunities to learn skills in horticulture, agriculture, butchery, event management and hospitality. Much of it is linked to the Barossa and Clare Valley food and wine festivals—festivals, I am sure, the member for Schubert has grazed in from time to time;
- IT and the Arts for Women, which addresses issues such as mental health, homelessness, domestic violence, literacy and numeracy through skills development in IT, multimedia and film production;
- Mining and Heavy Metals, which focuses on metalwork, building and hospitality for the expanding mining industry;
- Motor Sport and Go-karts, where participants will learn skills in metal fabrication, automotive, fitting and machining and AutoCAD;
- Working with Wood and Boat Building is yet another program where young people will learn marine trades and how to build a boat;
- Blue Light Bus provides skills in electronics and IT by building a complete light and sound system;
- Stagecraft, the final program, provides skills in playwrighting, organising thoughts, and public speaking, using the backdrop of theatre.

Learn2Earn is a great example of a South Australia Works program, and it provides opportunities for youth at risk to be re-engaged with their communities through learning and work. It contributes to the State Strategic Plan target of increasing the proportion of South Australia's labor force who have non-school qualifications. It is an outstanding program.

TRANSPORT PROJECTS

The Hon. I.F. EVANS (Leader of the Opposition): Was the Minister for Transport advised prior to the election of any possible changes in scope of the South Road underpass project or the Northern Expressway project and, if so, what changes were proposed, and at what cost? On 31 May this year, the minister told the house:

> The only advice provided to me prior to the election in terms of the costs of those projects was advice of the nature that changes in the scope of projects would change the costs.

The Hon. P.F. CONLON (Minister for Transport): One thing I remember discussing before the election in terms of the Northern Expressway was the elimination of one of a possible four routes. I honestly cannot recall discussions on the scope of others, and that would be understandable because we were not that far advanced in the design work at that stage. I can honestly say that the one thing I can remember having a role in—I cannot remember when it was, but I could find that out for you—was removing one of the routes from the Northern Expressway. It was not costed, and the advice I was given was that they wanted my permission to remove the route because it was likely to be the most expensive and the most intrusive, and I thought, 'That seems like not a bad idea to me. I think we'll knock that one off; we still have three options.' From my memory that would be it, but I will check my office and see.

The Hon. I.F. EVANS: Can the Minister for Transport advise the house if the government is considering an extension of the underpass under the tramline as part of the Anzac Highway/South Road Underpass project, or the construction of an overpass so that the tramline travels over South Road?

The Hon. P.F. CONLON: There is no doubt, if you look at what we have said about our plan for the future of South Road, that we want to address all bottlenecks. Whether I have a plan at present to do it—well, not in the out years. I am not funded for it. I am not sure that I understand the import of the question but, obviously, our engineers would have looked at every one of those intersections, and every one of those things, and tried to see how to cure them. I am not really sure what you are getting at.

SCHOOLS, COMMON STARTING AGE

Mr HANNA (Mitchell): My question is to the Minister for Education and Children's Services. Will South Australian children be spending substantially less time in our preschools as a result of the state government adopting the federal government scheme to standardise entry timing for the reception year of schooling?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): This is a very important question, and I thank the member for Mitchell for it. He alludes to the federal government's request for what is peculiarly called a common starting age for school. Of course, it is not really a common starting age; it is regularis-

ing the time children start school by making them start in January for the school year, which is anything but a common starting age because it is forcing children into one size fits all. South Australia is the only state, as far as I know, that has continuous enrolment into reception, which means a child goes to school as their developmental stage is appropriate, and that is a decision that is usually made by the parents. In South Australia, it is compulsory to start school by the age of six, and this means that you might be starting reception even later.

The irony of the economic argument about a common starting age (which is actually a common starting time) in the documentation which I understand will go to MCEETYA in a few weeks is that it will produce economic benefit. In fact, there is very little to really explain. There is economic benefit and it will produce some hardship for South Australia. South Australia argued very strongly against this because it was not what we wanted. We did not want to go backwards into a uniform starting time. As a community, we like having graded entry throughout the year, that is, when a child reaches a developmental age which is appropriate: it may be before they are 5½ or it may be when they are as old as six. In fact, against the views of the MCEETYA document which was discussed by officers a few weeks ago, there is a view in the educational community that the later you start school the better.

That is not that a child should not be in a structured learning environment, because preschool and quality child care is good for children—I say 'quality' child care. It is good for children to have those opportunities before they are five, but, in countries such as Finland, structured schooling only begins at the age of seven and, as members know, Finland has some of the best literacy and numeracy rates in the world. The argument of the federal government is going against policy worldwide and is absolutely detrimental to South Australia, where, if anything, we have a better system. Mothers and fathers know absolutely that their children develop at a different rate. They reach appropriate ages for schooling differently. It is an absolute misnomer to say that the federal government's policy is for a common starting age: it is anything but a common starting age. It is a uniform starting age across Australia, and uniformity means one size fits all, which means all children will be going, perhaps in the first January after their 4.8th birthday or four years and eight months, whatever they decide. It is a very difficult issue which South Australia has opposed.

We do not know how it will be implemented. We do not want to do it. We are being forced to do it by the federal government. We do not believe that a uniform system is better for South Australians, and it will certainly produce complications. The complications are even worse than that, because I understand nomenclature has to change by compulsion; the starting date has to change; and it will not be easy to implement. However, as happens so often with the federal government, these are not negotiations that are brought about by compromise and discussion. These are decisions made and we are forced to follow.

Mr HANNA: I have a supplementary question. How much will the state government save financially by adopting the scheme?

The Hon. J.D. LOMAX-SMITH: There is no suggestion that we will save money because the reality is that we do not know how it will be implemented. There is a range of ways in which we might be forced to implement it in terms of when the common starting date is put into place. I do not know. It could cost us money. It could save us money. It could save money in schools. It could cost money in preschools. I have no idea. We will wait to see what we are told to do.

GLADSTONE APPEAL

The Hon. R.G. KERIN (Frome): Will the Premier update the house on the progress in raising funds to assist the victims of the tragic factory explosion at Gladstone?

The Hon. M.D. RANN (Premier): I thank the honourable member, the member for Frome and local member, not only for this question but also for the terrific work that he has been doing with the families and the communities. In relation to the Gladstone Blast Appeal, as members know, the government has provided $100 000 towards that appeal; the Northern Areas Council about $10 000; and the Red Cross is obviously involved in this central appeal. I understand as of about 3 o'clock yesterday, the current total officially was about $127 897, but the honourable member advises me that it is likely to be more than that—around the $150 000 plus mark in terms of pledges. I am delighted that the honourable member is the executor of the fund. I really appreciate the fact that he has done that. I know that he is putting not only a considerable amount of time into fundraising efforts but also into other community assistance in the area.

I understand that the member for Frome has put together a small local committee to help allocate the funding. Also, of course, the member for Frome is involved in the Footy for Gladstone Appeal. This was announced a few weeks back by Bob Hammond, and Bob Hammond spoke with me and certainly he could not see this appeal being in any way in competition with the other appeal that the government has contributed to. I think they are complementary to each other, and I am pleased that the member for Frome is involved with both appeals.

The Footy for Gladstone Appeal has attracted great public support. It was kicked off with generous donations from the AFL, the SANFL, Port Power, the Adelaide Crows and also Australia Post. The fundraising committee is comprised of prominent football, media and business people, and they have been meeting weekly. The board of trustees includes not only the member for Frome but also the Minister for Employment, Training and Further Education (Hon. Paul Caica), and has been set up to distribute the funds. There have been many generous donations to this fund, which I understand now totals over $250 000.

There has been great support from the South Australian community and the wider football family for the people of the Gladstone and Laura communities. The efforts of people such as Bob Hammond, Graham Cornes, Ken Cunningham, Barrie Robran, Russell Ebert and many others have been a huge help in keeping up morale at a very difficult time for these communities. I understand that a group of them went there for a special football tournament, and I know that the efforts of people such as Graham Cornes in mentoring people on that day were very well received. I think people have to remember that people involved with those who died and their families, and also many of those involved with the rescue and recovery efforts, are all tied up with the same football club and this is a very close-knit community.

So I think Bob Hammond's idea of a Footy for Gladstone Appeal has struck a chord, not only locally but, also, as I mentioned, with the wider football family. I am sure that all members of this parliament offer their deepest sympathy to

the families and wish the injured a speedy recovery, and thank all those who have supported the community either financially or in other ways. At the moment the total from the two funds would be over $400 000, and still rising, and I congratulate everyone involved, particularly the member for Frome.

SOFTWOOD INDUSTRY

Mr WILLIAMS (MacKillop): Can the Minister for Forests inform the house what risk management strategies, if any, have been implemented to minimise exposure of the softwood timber industry caused by delays in calling for expressions of interest and the letting of harvest contracts by Forestry SA?

Forestry SA has already extended by 18 months the existing 10-year harvest contracts in the South-East of the state. A recently released forestry industry work force requirements paper in the Green Triangle region for the years 2006-07 identifies a harvest volume increase from 4.6 million tonnes to approximately 8 million tonnes for the period 2009 to 2011, with an expected work force deficiency. Industry stakeholders have expressed concerns that existing resources, including workers, moving to service the burgeoning hardwood industry may pose a significant risk to the established softwood industry.

The Hon. R.J. McEWEN (Minister for Forests): I thank the member for MacKillop for his question. There are two questions in what he has asked, which are linked. The first one is quite a simple one, and that is that it was the wish of the industry to just move out the time lines in terms of the expression of interest and request a proposal for the next raft of harvesting and haulage contracts for Forestry SA. Forestry SA actually provides a mill door service, which means as part of managing our forests we are also managing the harvesting and haulage of those products to the mill door, and that is the best way to manage that.

Was the industry aware of the extension? The answer is: yes, and, what is more, it requested it. We have worked very closely with the industry in terms of that time line. That meant, of course, in some cases, that people were extending the life of equipment but, again, they were very aware of what those challenges meant. They were comfortable that they got a better result by doing extra work through the process, rather than speeding up that expression of interest/request for proposal. Hopefully, that whole matter will be concluded by October this year. I will have to come back and check that with the honourable member.

The second part of the question is far more significant. What will the industry do in terms of the enormous challenge of harvesting and haulage as the blue gum industry comes on stream? That product is in the ground, and it will be harvested in an 11 to 13 year window; and to date we do not have the skills base or the investment. Recently, a breakfast at Mount Gambier called together many of the key stakeholders around finding and training the labour and making the significant investment required by that industry to be ready to go ahead of those harvesting time lines in that 11 to 13 year window. This is far more significant than the state government. In fact, Forestry SA owns very few blue gums, but this is a challenge for the blue gum industry across the greater green triangle. The industry is very aware of it, and a committee has been put together to work with government, industry and private training providers in terms of having the skilled work force ready to go. Equally, the industry is very aware of the investment it needs to make to have that equipment on the ground.

NURSE TRAINING

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

Leave granted.

The Hon. J.D. HILL: During question time today I was asked a series of questions by the deputy leader about nursing students. I advise the house there were about 130 nursing students at the University of South Australia awaiting placement. Since then, placements have been found for 57 of these students at the Royal Adelaide Hospital, and others have been found at St Andrew's Hospital. The University of South Australia and the Department of Health work together to place nursing students in our hospitals. I am advised that they are confident that all eligible final year students will be placed this year and that none will be required to do their placement next year. Every year thousands of nursing students are placed in the health system as part of their training. In relation to the issue of nurse training at Noarlunga, in addition to simulated training, students are also required to undertake clinical placements in our health system.

EAST TIMOR, SUPPORT

The Hon. I.F. EVANS: I seek leave to make a personal explanation.

Leave granted.

The Hon. I.F. EVANS (Leader of the Opposition): During question time the Premier in his ministerial statement made comment to the effect that I did not support the placement on the record of the involvement of South Australian officers—in this case police officers—in overseas activities such as Timor. That is clearly incorrect and a misrepresentation. The comment I made when the Premier rose to his feet was that the topic had already been subject to a media release.

GRIEVANCE DEBATE

GORETA ABORIGINAL CORPORATION

Mr GRIFFITHS (Goyder): I rise to further discuss the two questions that I asked the Minister for Aboriginal Affairs and Reconciliation yesterday regarding the Goreta Aboriginal Corporation at Point Pearce on Yorke Peninsula. Unfortunately, the minister appeared to interpret my second question as a cheap point, and he also referred to my apparent limited perspective on the council. I am not sure what he meant by the second comment, because my involvement in these matters was at a high level. My commitment to the Narungga people dates back to July 2000 when I commenced duty as CEO of the Yorke Peninsula council. At that time the Narungga people were heavily involved in the Port Vincent Marina Indigenous Land Use Agreement, with an expectation that they would sign off on an agreement without any opportunity to ensure that the outcomes were positive for them. I sympathised with them, but the one great thing that came from it was that the employment outcomes which were

expected encouraged the local government authority for that area and the Narungga people to work closely on any economic development opportunity.

One of those groups was actually called Gunya Yulkoo, which was an amalgamation of Goreta Aboriginal Corporation, the District Council of Yorke Peninsula and the Narungga Nations Aboriginal Land Management Committee. We ensured that we worked hard to try and identify areas in which we thought outcomes could be achieved. I also ensured, at the request of the Aboriginal Corporation, that the Goreta Aboriginal Corporation was provided with specialised assistance from local government staff to ensure that it had some accounting background and skills with computer technology and any other area that they looked for.

I am somewhat frustrated that the minister used the word, 'cheap point' because it is not for me. My concern is quite genuine for the Point Pearce community. In 2004 I tried to raise some concerns with the then Minister for Aboriginal Affairs and Reconciliation. I was convinced, however, from a local level, not to pursue that option at that time, as there was a hope that financial management controls would be improved considerably. Out of frustration and continuing lack of action, it was decided in early 2005 that we would hold a meeting with the minister, the late Hon. Terry Roberts. That meeting was held and was attended also by the minister's then chief of staff, Kyam Maher, Peter Buckskin and John Sutherland from the department.

At that time the minister gave a commitment that a short-term financial management plan would be implemented to ensure that the Goreta Aboriginal Corporation would have an opportunity to improve its financial management practices and trade out of the trouble it was in. However, after several months nothing had occurred, so I attempted to contact Mr Kyam Maher several times by telephone and eventually received a reply probably six weeks after my initial attempt to contact him. All he did was direct me to another officer within the department (John Sutherland), who told me eventually that all they were going to be focusing on was actually the lease agreements for the Narungga farm, which is a property of 13 000 acres, or thereabouts, which employed four Aboriginal people but which was managed by a trust through lawyers in Adelaide—a rather unusual situation which had been in place for probably 25 years.

There were very serious concerns about the fact that not only were there not enough employment outcomes but also the profit from the farm was not actually being returned to the Point Pearce community of 250 people. My question to the minister yesterday was not about political point scoring. That was never my intention. If I had wanted to do that I would have brought this out into the public arena during the pre-election period. I always believed, though, that it was important that we try to manage things so there were some positive outcomes. Going to the media would not necessarily have achieved that.

It is interesting also that the Attorney-General yesterday asked me how many votes I received at Point Pearce. In fact, I only got one out of the 38 votes that were cast, so it was 2.47 per cent or something like that, but that does not effect my commitment to that community.

An honourable member: Good local member!

Mr GRIFFITHS: Yes.

The Hon. P.L. White: Was it a rally?

Mr GRIFFITHS: No, not of mine, but I believe I know the lady who actually voted for me. She is an outstanding person, very dedicated to her community. On behalf of the Mayor of Yorke Peninsula I wrote to Minister Roberts in mid 2005, and I believe the council has still not received a reply to that letter again outlining these concerns and asking if he could take up that issue.

In April of this year two residents of Point Pearce met with me and presented me with a letter written by their mother, very concerned about the future of that community. I have provided a copy of this letter to minister Weatherill. I wrote to him some four weeks ago and have not yet received a reply. That said, I am not concerned about replies to—and this is his quote—'little letters', but I am concerned about the lack of action.

Time expired.

NORTHERN ADELAIDE PLAINS GROWERS

The Hon. P.L. WHITE (Taylor): I bring to the attention of the house a matter of significant concern to me, as advocate for Northern Adelaide Plains growers in my electorate, and that is to do with what is happening—

Mr Venning interjecting:

The Hon. P.L. WHITE: Growers. It concerns the fresh fruit and vegetable market system that operates, from which, of course, a lot of growers determine their income. It is about the trading relationships and the lack of legal and commercial transparency in those trading relationships.

Basically, to explain to the house, it is a system where the grower sends his/her produce to market with their agent or wholesaler; then, once the produce is sold, they are told what price they will get for it. So, the grower has no real way of knowing whether or not they have a fair deal; in fact, they have to assume that they are being dealt with honestly, because they are at the mercy of the agent or wholesaler to act in good faith. How can growers tell if they are getting a fair price, if they do not even have the legal right to know who the buyer was? If they then complain to the ombudsman about suspected unfair trade, the wholesaler can just refuse to cooperate with the investigation. So, the poor grower often does not know what price was really attained because they have to take the trader's word for it. They have no right to any written contract or any documentation at all about the transaction. What other business is run without that basic legal and commercial transparency? In fact, it is surprising that the Australian Taxation Office tolerates such a situation.

The Northern Adelaide Plains growers are worth tens of millions of dollars to our economy, so we are talking about significant amounts of money through the trade of these markets. A voluntary code of conduct operates in the sector, but it is not working, and I am calling for a mandatory code of conduct under the federal legislation. It is not the first time this has been talked about because, in 1999, a review was undertaken in the federal parliament which called for a mandatory code. A review of the retail grocery industry code of conduct, in 2002, found a huge body of anecdotal evidence to suggest frequent misleading and deceptive conduct in these markets, including harassment, restricted trade practices such as boycotts, and pricing matters. I had some hope in October 2004 when the then deputy prime minister relented in the election campaign against the federal Labor government's policy of a mandatory code of conduct, which included wholesalers and the big retail chains—Woolworths and Coles, for example. The deputy prime minister came out with a policy which he referred to in his press statement of 1 October 2004 as follows:

A re-elected Coalition Government will impose a mandatory Code of Conduct on the horticultural industry. The code will give producers a fairer deal on their terms of trade and on resolving disputes with produce buyers, which are in many instances large supermarket chains.

He goes on to state that a fair deal is needed for primary producers and small businesses in regional Australia, and he guarantees to do this within the first 100 days of a re-elected coalition government. That was in October 2004. We still do not have a code. The now minister McGauran took a submission to cabinet which excluded the major supermarket chains, and he has been told to go back to the drawing board. We still do not have a mandatory code of conduct. We need one for the sake of these growers who are getting a very bad deal. It is an archaic system whereby growers do not have basic legal and commercial written contracts. What other business operates in that way? I appeal to members, particularly to primary producers, to do what they can with the federal government to get us a mandatory code of conduct in this industry.

HOSPITALS, BOARDS

Mr PENGILLY (Finniss): I rise today to talk about an issue that was raised in question time by the Minister for Health a couple of days ago. I am greatly concerned about what is happening with country hospital units and the boards. We have seen the destruction of the regional health boards, and we are now about to witness the destruction of the country health boards in the individual units. For all intents and purposes, we will see the destruction of accountability by local departmental staff to local communities who, over many years, have raised money to build those assets and, in a lot of cases, to own the assets.

I believe that what is about to take place is an appalling state of affairs. Once again, unfortunately, minister Hill has fallen prey to his bureaucrats. He did this when he was minister for the environment, and he has fallen under the spell of the bureaucrats of the Department of Health, many of whom would like no checks or balances whatsoever. I think it is a sad day for South Australia. It is a breakdown of traditional values. Minister Hill needs to revisit this issue and reconsider his views on where it should go. Over many years, a number of the mandarins who float around the head of the Department of Health have never liked boards, whether they be unit boards, regional boards, or any board whatsoever. They do not like the fact that they are under scrutiny, they do not like the fact that it is accountability, and they do not like the fact that they have some control exercised over them by these boards.

The volunteers who man the unit boards, bearing in mind that they get nothing whatsoever for their time, put in an enormous number of hours. They do a great job in fundraising, and they keep an eye on how things are going. Generally speaking, they work hand in hand with the executive officers in the administration of the individual units, in addition, of course, to keeping an eye on their assets. I believe that the government is being very dismissive of rural communities—again. They are feeling hard done by, and justifiably so. They are continually being—

Mr Griffiths: No-one loves us.

Mr PENGILLY: The member for Goyder is quite right. If we do not get home soon, our wives will not love us either. Minister Hill has been around long enough to recognise the huge amount of work that is done by rural communities in maintaining government infrastructure by way of health units and a number of other things, such as schools and kindergartens. We do our fair share. Unfortunately, the city centric direction of this government continues to erode traditional family values. I just wonder what will be next. Will we see the closure of some country hospitals? I am sure that will happen in due course. I am sure that this government has a hidden agenda for that as well. It conveniently chose not to outline its program for the country health unit boards, and I believe that the writing is well and truly on the wall in the long-term for the closure of more country hospitals.

I have some difficulty coming to grips with the story we heard today about nurses. There are many opportunities for nurses to do their prac in country hospitals. I would like to see the minister getting his act together and encouraging some of the students to get out into the country so that they do not do their university degree and spend their whole career working in big metropolitan hospitals. They should get out into the bush and see how things really are, where they work side by side and do things they would never get the opportunity to do in major metropolitan hospitals. I would like to see them pick up on that. It is a matter of great concern to me—and I am sure that I speak for other rural members in this chamber—that we may well and truly see the end of a South Australian icon in the destruction of country health unit boards.

EDUCATION, FURTHER

Mr O'BRIEN (Napier): In my first speech to this house on 8 May 2002, I made reference to two national studies on higher education participation that had been released two years previously in 2000. The studies, utilising data from the late nineties, found Elizabeth to be the metropolitan region with the lowest combined university and TAFE participation rate in Australia. The recently released ministerial review of senior secondary education in South Australia (the SACE review) shows that little has changed since the late nineties. The so-called 'apparent retention rates' for the year 2000, years 10 to 12, have the city of Playford with by far the lowest retention rate in Adelaide. My electorate of Napier sits squarely within the Playford council boundaries.

The SACE review also highlights the strong correlation between unemployment and poor educational attainment. I welcome the SACE review because I believe it will constitute the springboard for remedying a totally unacceptable state of affairs in my electorate. I say 'a springboard' because, in the general overview of the report, its three authors state the following:

The reform agenda outlined in the report may, in due course, lead to the new delivery mechanisms, such as the creation of specialist high schools, including technology focus high schools.

I have been a consistent champion of technology-focus high schools as a means of bringing a strong vocational focus back into secondary education and into high schools in my electorate. In an article I wrote for *The Advertiser* on 16 April 2004, I made the point that, like the trade schools of the 1950s and 1960s, technology high schools are a means of beginning the skills development process while young people are still at school. I also wrote:

Unlike the technical schools, however, the new technology high schools prepare younger people for a fuller range of career opportunities, not only those offered by trades.

It is against this backdrop that I welcomed the decision by the Premier, during the last election, to establish 10 new trade

high schools and to describe them as new high-tech trade schools, rather than just as trade schools.

These schools will have strong links to local industry and, as such, will offer specifically tailored courses in areas such as advanced technology, bioscience, winemaking and advanced manufacturing, rather than just offering the broad plethora of traditional trades. So, rather than being a return to the type of trade schools that existed in South Australia up until the early 1970s, these schools will be the contemporary technology high schools about which I have written and which the SACE review is championing.

The choice of name is more than semantics. British technology colleges, or high schools, for example, also place a high emphasis on better than national average outcomes in mathematics, the sciences and technology studies. Yesterday, *The Advertiser* printed the results of a report claiming South Australia to have the lowest participation rate in year 12 mathematics of any state, and that this situation 'has a dramatic effect on the overall skills and capacities of the South Australian population'. Compare this outcome with that of technology colleges in the UK which, among a host a very positive attributes, also strive for excellence in mathematics. British Prime Minister Tony Blair stated:

> The examination results of the technology colleges are truly outstanding, with these schools averaging 54 per cent with five or more A-C grades at GCSE compared with 45 per cent for all other comprehensive and modern schools.

He then went on to say—and this is of critical interest to my electorate of Napier—the following:

> Technology colleges are leading the way in the raising of school standards in secondary schools, especially those in disadvantaged areas.

The British Prime Minister concluded that these schools were the key to the long-term prosperity of the United Kingdom. It is a model that warrants serious investigation in the context of our election pledge on trade schools, in addressing the SACE review and remedying the totally unacceptable educational outcomes of young people in my electorate of Napier.

MENTAL HEALTH

Mr HANNA (Mitchell): I bring a sad story to the House of Assembly today. The facts are set out in the finding of the Coroner made on 22 May 2006. An elderly lady (about 80 years old) was having trouble in her home. Her behaviour was such that mental health personnel were called. She was taken to the Flinders Medical Centre and three days later she was transferred to Glenside. She was diagnosed with paranoia and related conditions. She also had a history of emphysema and heart disease, and some other serious physical issues.

A point was raised by the Coroner about the transfer of this patient from Flinders to Glenside. Apparently only one psychiatrist authorised the transfer, and it is meant to be two. However, that is not the most serious issue in this case. The patient was kept in a ward at Glenside, which was appropriate for her—a secure ward for people suffering acute mental illnesses. Her physical condition continued to deteriorate, however. In particular, she developed congestion in her chest, and a diagnosis of emphysema was made. Early one morning, the duty nurse was so concerned about the physical state of this patient that an ambulance was called at about 5.50 a.m. The ambulance was shortly thereafter cancelled. The suggestion in the findings, although the Coroner did not make this as a conclusive finding—the suggestion which I draw from it—is that there were not enough staff to accompany this old lady to the Royal Adelaide Hospital and, therefore, the ambulance was cancelled. However, she received further medical attention, her condition deteriorated further, and an ambulance was called again at 6.20 a.m.

However, there was a complication caused by the fact that junior clerical staff were the ones required to call an ambulance, not the physician or the nurse concerned. I am glad to say that that particular practice has since changed. Due to a misunderstanding about the seriousness of the patient's health, the ambulance call was not treated as serious, and the ambulance call-out was deliberately delayed because there had been an instruction in place at that time that ambulance staff were not to do overtime unless it was the most urgent type of case. So, because there was a 7 a.m. shift change, the ambulance was delayed until 7.22 a.m., and it eventually arrived at Glenside at 7.41 a.m., nearly two hours after the original call for an ambulance. The Coroner left it open as to whether it made a difference that it took so long to get to the Royal Adelaide Hospital, but any reasonable person reading the Coroner's findings would be very suspicious that the ambulance service and the communications that they received led to a premature death.The woman survived in Royal Adelaide Hospital for a short time and was dead by the end of the morning.

I am pleased to note that the ambulance service has since altered its practice, and the imposition of overtime is no longer a factor which militates against a call-out; and Glenside has better practices about calling ambulances now. However, there is a serious issue raised in relation to the investigation of this matter which, after all, was a death in custody. Some 20 years after the Hon. Elliott Johnston's findings about deaths in custody, this tragic type of death is still, it seems, neglected. The police in this case took 2½ years to investigate the relevant witnesses, including some key witnesses, because even though the superiors of the investigating officer were well aware of the delay, there is a prevalence given to other types of issue.

Time expired.

GENERATIONS IN JAZZ

Ms BEDFORD (Florey): This year's Generations in Jazz in Mount Gambier was held on the weekend of Friday 26 May to Sunday 28 May. I would like to thank the Mayor of Mount Gambier, Steve Perryman, and the Mayor of the District Council of Grant, Don Pegler, for their hospitality, and also note that my colleague, the member for Mount Gambier, was unable to be there, but I felt able to represent him as well as the Premier over the entire weekend. It was again a wonderful weekend. I went with Jay Strudwick, the Principal of Modbury High School, along with music teachers John Duncan and Joan Baker and our wonderful Brendon, who drives the bus for the 18 students who represented the school this year. I had the chance to preview the set piece this year at a concert at the school some nights before, when the various bands, ensembles and soloists were showcased. I would particularly like to mention the effort of the young jazz bassoonist on that night.

Many teachers from the music branch of the education department who support the music program at the Modbury High School were also present, and I thank them and acknowledge all their hard work. I also acknowledge and thank the parents who ensure that their children have the opportunity to learn a musical instrument. They are to be

congratulated, because it is truly a gift for life. Each year the organisation of Generations in Jazz gets better. There are three divisions of competition. In 2006, we saw 44 schools represented in 61 bands. The logistics of moving students and instruments from all over New South Wales, Victoria and South Australia, as well as from as far away as Toowoomba in Queensland, is matched only by the feat in feeding so many young people and their supporters each evening at the venue. We are indebted to all involved, most of them voluntary workers, who make this experience available to our young musicians.

Karyn Roberts is the face of the Generations in Jazz committee. There are too many to name, but all are equal to the task of this amazing weekend, which is held at Dale Cleve's Palais Barn. The site was equal to the new concept tested for the first time this year, where each of the divisions not only ate and performed there in the concerts but was also judged there in its division. The weekend is the result of the love of jazz by many people, particularly Leigh O'Connor, who began this wonderful tradition. I also pay tribute to Maurice le Doeuff, renowned jazz saxophonist, who died earlier this year and who was part of ensuring that the education department was well represented. He was appointed to the position of instrumental instructor at the South Australian education department's music branch between the years of 1969 to 1972, and he was acknowledged on the weekend for all his work.

There are so many awards on offer at this fantastic weekend. James and John Morrison continue their marvellous support. They could be anywhere else in the world on that weekend, but choose to be with us in Mount Gambier supporting the development of young artists in the jazz genre. The Morrison BMW scholarship is awarded for the outstanding musician. There is also a Generations in Jazz vocal jazz scholarship, and this year the South-East's own Matilda Anderson competed, along with a wonderful young man from the Elder Conservatory in Adelaide, Aaron James. At only 20 and 21 years of age respectively, both have a very bright future. Yamaha provides a Directors Award. The importance of that award was evident in the performance of last year's award winner, Mr Robert Chenoweth, and his direction of the eventual winner of division 1, the Marryatville Stage Band. They also accompanied him overseas and their performance was extraordinary.

The International Jazz Educators Award is also coveted—and I believe 15 000 directors are involved in the convention that is held in the US, which the prize winner will be able to attend this year. I also mention another award is made possible by the Patrick Corrigan Musicians Scholarship Trust. Each day of the weekend we are privileged to a concert with past winners and finalists, and specialist acts such as the Idea of the North, which was a fantastic a cappella group which performed this year. They were truly spectacular. We also see superbands made up of outstanding musicians from each of the bands in divisions 1 and 2, who have a master class. This year Ross Irwin, who adjudicated division 3, took the division 2 superband and Bill Broughton, a well known and well regarded US musician who is now living in South Australia, took division 1.

Thanks must also go to Graeme Lyall, who adjudicates division 2, to the Generations in Jazz patron, Daryl Somers, who was with us for one of the concerts and also to the rhythm section of the James Morrison band, the coolest base and guitar players around. Everyone in Mount Gambier gets behind this event, and we are truly lucky to have such an outstanding weekend available to our young musicians. So to all the sponsors, friends and participants in Generations in Jazz, thank you for a fabulous weekend again. I look forward to seeing you all again next year.

Time expired.

ROAD TRAFFIC (COUNCIL SPEED ZONES) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

Members who were here during the previous session will recall that I introduced a similar bill in that session. In simple terms, this bill seeks to require councils to have the approval of the minister before they can continue or implement a 40 km/h speed zone. It is not a provision that would put a blanket ban on having a 40 km/h street or area, but it would require that request to be assessed by the professional staff employed in the minister's department. I am not in any way critical of councils for doing it, because they did it prior to the creation of the 50 km/h default speed limit proposal, so I am not being critical of councils such as Unley, and there were others. The City of Onkaparinga had sections where it implemented 40 km/h zones or streets, and Mitcham council did the same, as did some other councils, and I am not in the least critical, because they had no choice, in effect, because there was no suburban residential street limit.

We all know now (and I was one who pushed strongly for it, although I did not agree with all the streets that ended up being 50 km/h—and I think there are still some anomalies but that is a different issue) that we have the 50 km/h default system, which is meant to slow down vehicles or encourage vehicles to travel at a slower speed in residential areas. Now that we have that, I do not believe there is justification for zones or streets of 40 km/h unless, as the bill allows, they relate to situations such as a work site, and this is covered under section 20A(5), which states:

This section does not apply in relation to. . . a work area or work site where workers are engaged, or works are in progress.

So, I am not trying to in any way endanger road workers. It would not apply to roads that are temporarily closed to traffic under this or any other act; it would not apply where there is a temporary purpose—maybe a function or something like that; and it would not apply in a school zone, or in any circumstance prescribed by regulation under the instruction of the minister. So I emphasise the point that it is not a blanket provision and it does not apply in those sensible cases where you may need a lesser limit than the 50 km/h, 60 km/h or 70 km/h, whatever the case may be.

The reason for this measure, and I think it is a compelling one, is that the simpler you keep the road rules the better, and it is more likely that people will obey them. If you go into some council areas you can have a speed limit in one street of 40 km/h, then it goes to 50, 60 and 70 km/h, and I think in one council area, at least, you can go to 80 and then 110 km/h. To me, that creates uncertainty for motorists and other road users and cannot be justified, except in those special cases I mentioned relating to schools or where there

may be a function or something like that. I think the logic of getting rid of the 40 km/h is compelling. I know it would cost a little bit, but I think it is necessary and needs to be done, but it can only be done as a result of the action of this parliament. Some councils have removed the 40 km/h limit in some streets. I know the City of Onkaparinga has done so. Some councils still persist, and I think it is quite silly because, as I indicated before, you can be in one council area and suddenly it turns from 60 km/h to 40 km/h and then you can be back to 50 km/h. Some people would call it a smorgasbord, but I would call it a dog's breakfast.

That is the essence of it. I think it is a simple commonsense measure. Last time I introduced the bill—and we did not get around to debating it—there was a lot of support from the community. The community wants simplicity. I know Mayor Keenan of Unley in a lighthearted expression said that I wanted to get to parliament more quickly—and that is why I wanted to get rid of it in the Unley area. I assure the mayor of Unley that I do not wish to get to parliament any earlier; in fact, I travel by train usually. In all seriousness it is a measure which will simplify road usage. I think it contributes to safer roads because there is less confusion and less complication. People will know what the speed limit is, and pockets of 40 km/h will not be dotted throughout the state causing confusion. Now that we have the 50 km/h default system I think it is time to get rid of the general provision of 40 km/h, except for those special cases which I outlined earlier. If a council has a special case for 40 km/h, then it would have to be assessed by the minister and the department's professional staff. I think that is the way to go about it, rather than continuing with what we have now; that is, in some cases a blanket provision of 40 km/h in various pockets in some council areas. I commend the bill to the house.

Mr VENNING (Schubert): I feel very strongly about this matter. I cannot believe that governments of all persuasions can allow the chaos that is on our roads at present. It is not fair, as I said to the Police Commissioner last night. We not only fine people but also take away their licences because of the confusion that is our current speed limit regime. I get grossly annoyed because I have had my fair share, but, luckily—touch wood—I have not transgressed for a couple of years. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

GRAFFITI CONTROL (ORDERS ON CONVICTION) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Graffiti Control Act 2001 and to make related amendments to the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

There may be a sense of deja vu with this bill because a similar bill was introduced in the previous session—but the parliament did not get around to debating it. There is a lot of support in the community for this measure. In relation to people caught engaging in graffiti vandalism, it would require the court to consider, first, compensation for the victim (in terms of what the court thought was appropriate compensation) but, more importantly, the court could require the offending person to be involved in a program to clean off graffiti. The bill provides that for a first offence the court may order the person to participate in the program. In the case of a subsequent offence, the court must order participation—so the second time a person is in the program. It provides that it must be an appropriate program.

Many people ask why they don't just clean off their own. The reason is that sometimes the graffiti might be in a dangerous location. I do not know how many members travel by train, but we have people—and I am not suggesting they are all young people because many of them are not—putting graffiti in places like the tunnels on the Belair line. That is incredibly dangerous. We have people putting graffiti on buildings that I think would be a challenge to the SAS. We have had people putting it on railway property and on Department of Transport property, above the Southern Expressway, in areas which are very dangerous. I would not want to be requiring any person who was involved in that to endanger themselves or other supervisors in having to clean that off. However, there is plenty of graffiti they can clean off, and that clean-off should be done in their own time—on weekends and holidays. I believe it would send the most unequivocal and clearest possible message to would-be graffiti vandals that, if you get caught not only will you be facing the possibility of compensation, which could be to pay to get someone's fence redone or recompense TransAdelaide, but certainly for the second and subsequent offence you will be required to participate in a proper, organised clean-off program with proper equipment and under supervision.

I have been encouraged because, after my raising this matter, both the government and the opposition have been generally supportive of this concept, and members will have a chance to speak to it and the government no doubt obviously will, and I would be more than happy if members can improve it or change it. The government did introduce a trial program of clean-off down in the southern suburbs. I have not heard the final outcome of that. I am sure the Attorney-General or the Minister for the Southern Suburbs will be happy to talk about that. That was a consequence of the Attorney's desire to help deal with this problem of graffiti vandalism in our community.

There are some people who say that it is not that bad; they could be robbing banks. Well, I think that is a silly argument. The cost of graffiti vandalism in the metropolitan area runs into millions of dollars. I know in the City of Onkaparinga (the council in which my electorate is) the cost is in excess of half a million dollars a year of ratepayers' money. That is not the total cost for TransAdelaide, the Department of Transport, ETSA, Telstra, and for all the other utilities. For the metropolitan area it runs into millions of dollars. The dollars that agencies spend cleaning it off is money that obviously could be spent on other things. So, the argument that it is not that bad, that they could have been doing worse things is a nonsense argument. I could never, and still cannot, understand the logic that says that somehow $1 000 spent cleaning off graffiti is not as bad as $1 000 spent on fixing up broken windows. I just cannot see the logic in that supposed defence of graffiti vandalism. I think the punishment should fit the crime. The best way of dealing with something like this is to clean up the sort of mess that you have been responsible for. If it is not exactly your own mess, it is typical of the sort of mess and the cost that you have inflicted on others.

So, this bill is simple in its concept. It allows for compensation. It allows for clean-off. The Attorney will probably say—if he gets a chance to speak, and I hope he does—that as far as we know there has only been one case where the court (this was in Millicent or somewhere) required an

offender to clean off graffiti. If there have been any subsequent to that I will be pleased to hear about it, but as far as I know the courts—either because they do not feel they have the power or for some other reason that escapes me—have not been prepared to require graffiti vandals to clean off graffiti. This bill makes it quite unambiguous. They will have the power, they will be able to do it, and they will be able to require compensation as well.

The community will welcome this. It will be like the anti-hoon law, which the public thinks is great. This is another positive step in the right direction. As I said, I am not suggesting that the offenders are all teenagers—they are not. Many older people engage in this activity. The Victorian police did an intensive campaign against graffiti not that long ago, and some of the offenders were in their 30s. I do not know what happened to their brain development, but something went astray if they are 30 year olds, and I suspect here that we have a similar range of ages involved. They are not little innocent kiddies who have had a bad day at school.

Sometimes the odd person who does the tag might be a kid being silly with a texta, but these are sophisticated individuals, groups and gangs. They have mobile phones, digital cameras, rope ladders and all sorts of equipment and, if you do not take my word, ask TransAdelaide or the police because they will tell you that these characters are very sophisticated. They get away with what they do because society, up until now, has not really come to terms with the basic and most effective punishment which is for perpetrators to clean off graffiti on a weekend or in their holidays as a measure for dealing with this issue. I commend this measure to the house and I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Graffiti Control Act 2001*

3—Amendment of section 9—Marking graffiti

This clause amends section 9 of the *Graffiti Control Act 2001* by substituting subsection (3). The new subsection (3) provides that if a court finds a person guilty of an offence against section 9—

(a) the court must order that the person pay to the owner or occupier of the property in relation to which the offence was committed such compensation as the court thinks fit; and

(b) if the court is satisfied that a suitable program exists for the removal or obliteration, under the supervision of an appropriate authority, of graffiti on any property and that it will be reasonably practicable for the person to participate in that program—

(i) in the case of a first offence—the court may order that the person participate in that program (and, in doing so, comply with all reasonable directions of the appropriate authority); or

(ii) in the case of a subsequent offence—the court must order that the person participate in that program (and, in doing so, comply with all reasonable directions of the appropriate authority).

The clause also inserts new subsection (4a), which provides that in determining whether an offence is a first or subsequent offence, any previous offence against the section or against section 85 of the *Criminal Law Consolidation Act 1935* for which the defendant has been convicted will be taken into account.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

2—Insertion of section 85AA

This clause inserts new section 85AA into the *Criminal Law Consolidation Act 1935*, which provides related amendments that make provision for dealing with graffiti offenders that are in effect the same as those above.

Mrs GERAGHTY secured the adjournment of the debate.

ELECTORAL (OPTIONAL PREFERENTIAL VOTING) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This measure is relatively clear cut. I will try to make it even clearer. In Australia, we have a range of voting systems. In simple terms, they can be categorised into three groups: first-past-the-post (or sometimes called the plurality system), the majority system (or majoritarian system) and the proportional representation system. Within that, we have several variations in terms of voting. Members would be aware that, in the first-past-the-post system, the candidate who polls the highest number of formal votes is elected, even if that number is less than 50 per cent of the formal vote.

In the majority system, a candidate must receive an absolute majority of votes to be elected. That is the system the commonwealth uses for the House of Representatives. In Australia, majority systems are sometimes called preferential systems. The term preferential refers to an elector being able to indicate an order of preference for the candidates on the ballot paper. Variations exist under that model. The exhaustive preferential system is sometimes called block majority, which is a variation of the majority system used in multi-member electorates. Under this system, once a candidate is elected, all ballot papers are returned to the count to elect the next member. Proportional representation is used for elections in multimember electorates to elect candidates who receive a set proportion of the vote. That includes two variations; although I will not go into great detail about them, they are the list system and the single transferable vote (STV).

In terms of preferential voting, members would be fairly familiar with these. The term 'preferential' refers to an elector being required to indicate an order of preference for candidates on the ballot paper. The different types of preferential voting include full preferential where the elector must show a preference for all candidates listed for the ballot paper to be formal; partial preferential where the elector must show a minimum number of preferences for candidates, usually equal to the number to be elected; and optional preferential, which this bill is about, where the elector need only indicate a preference for the candidate of his/her first choice and the allocation of any further preference is optional. In Australia, those parliaments that have a preferential system include the House of Representatives (at federal level). The commonwealth has a full preferential system. The Legislative Assembly in New South Wales (the lower house) has an optional preferential system. In Victoria, the Legislative Assembly (the lower house) has a full preferential system. In Queensland, the Legislative Assembly has an optional preferential system. In Western Australia, the Legislative Assembly (the lower house) has a full preferential system. As we know, South Australia has a full preferential system in the lower house and, in Tasmania, the upper house has a partial preferential system. In the Northern Territory, the Legislative Assembly has a full preferential system. These systems are very detailed and, if any member is interested, I can provide

them. This information has been prepared by the Electoral Council of Australia, which comprises all the electoral commissioners of the various states and territories, and the commonwealth.

The reason for this bill is, as suggested in what I have just said, to allow electors to indicate a preference only for those candidates that they choose to indicate a preference for. At the moment, you have to indicate a preference for people you may not like or support in any way, shape or form. A cynic would say that major parties would like to keep the full preferential system because people then have to rely on a how-to-vote card. I do not agree with that cynicism. It is time in South Australia that we looked at implementing something that is already operational in New South Wales and Queensland, namely the optional preferential system. There are arguments for every type of voting system. As I say, if members want to really go into the detail, I recommend the material prepared by the Electoral Council of Australia. There are three main publications that deal with different aspects of the voting systems in Australia.

In simple terms, what I am suggesting is that, beyond allocating a number one preference, people only have to indicate a preference for a candidate if they choose to. That would apply also in respect of the Legislative Council and would be dealt with in a special way (as members will see in the bill) because the upper house has a special system of voting tickets. This bill not only deals with that but also allows and provides for voters to indicate preferences on an optional basis. It seems rather strange to me that we force people to cast a preference for a range of candidates (I think that there were 54 candidates in the last upper house election), when there are only 11 places. You could have a partial preferential system in which people had to indicate preferences only for the number of vacancies. Under this bill, voters would indicate only a preference for the number they chose to select. So, if there were 11 vacancies in the upper house, they might choose to indicate only five or whatever number up to 11.

I think that is the nuts and bolts of the proposal. Like all these things, whichever scheme you adopt, you benefit some and, while not necessarily disadvantaging others, there will be greater benefits for some rather than others. However, the key aspects ought to be: what is best for a democratic system; what is the most democratic system; what is the fairest system and not simply one that gives partisan benefit. I hope that, in discussing this matter as it progresses, hopefully, through the parliament, all members and those representing parties will look at the bigger picture and what is best not only for South Australia but also in terms of having a system that is fair, reasonable and democratic, rather than one that simply suits a particular sectional interest. One would hope that we have moved beyond simply looking after our own group interests and come to a point where we support something that is in the interests of all South Australians, something that is fair and democratic. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

MOTOR VEHICLES (DUTY TO CARRY LICENCE) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This bill requires people driving a motor vehicle in South Australia to carry their licence with them. Some members might be surprised to know that at the moment you do not have to carry your licence with you unless you come under certain categories, such as a heavy vehicle licence, or a probationary or learner's licence. At the moment, you have 48 hours to produce your licence at a convenient police station, and you take that to be not the Cooper Pedy police station but somewhere the police also regard as convenient. Not all states have been as easygoing as we have. In New South Wales, you must carry your licence with you. I do not believe that it is unreasonable to require motor vehicle users to carry their licence, not just those who drive a truck, or P-platers and L-platers, but all vehicle users.

At the moment, one of the loopholes expressed to me by front-line police is that they pull someone over and say, 'Can you show me your licence, driver?' The driver will say, 'No, I don't have it on me.' They have 48 hours to produce the licence at a convenient police station; if they do not, the police follow it up and ask for the licence. If the person says, 'Well, I wasn't driving: it was my brother or my sister,' it is a huge task for the police to prove or disprove that claim. So, what we get is this nonsense of people who play games and who do not want to do the reasonable thing and carry a licence. They waste police time and frustrate the intention of parliament and certainly what the police seek to do.

We hear a lot of talk nowadays about an ID card. I would have thought that the first thing you would require is that people at least carry a licence. I am prone to shopping, and I noticed last week that people were asked to produce their licence when they were taking out a credit card, had lost one, or something like that. The first thing they were asked at the service desk in one of our major stores was, 'Can I see your licence, please?' So, it is a ready form of identification, especially now it has our beautiful picture on it. If you go shooting—as I like to—you must carry a firearms licence. You cannot tell the police officer or any other authorised officer, 'Sorry; I haven't got my firearms licence with me. I'm shooting a rabbit or fox on this property, but I forgot to bring my licence.' It will not stack up in court. Yet, we allow people to be in charge of a vehicle without a licence on them. I do not think it is too onerous to carry a licence. Most sensible people would carry one anyway as a form of identification. But, at the moment, you do not have to do so in South Australia.

I recently raised this issue with the minister, because members are aware that we have a bill dealing with transport before the house, and I do not want to transgress by commenting upon that. Given that it is a nationwide reform package, I would have thought that other states would have at least agreed that carrying a licence was part of the national reform approach to driving a vehicle. In essence, if it is good enough for a truck driver, a P-plater or an L-plater to have to carry a licence, I do not think it is unreasonable that the rest of us also carry a drivers' licence.

I was trying to think of how we could have a reasonable safety valve in case a person runs out of the house to get a bottle of milk and, not being quite in the league of Al Capone, they leave their licence at home. A member may be able to suggest an amendment if they felt the need for a modest provision for that eventuality. On reflection, if you try to provide too many escape avenues, you defeat its purpose.

Members might be able to suggest how we can cover the situation where, for example, someone's sheep have escaped from the paddock, and the person hops in the car, goes down the road and gets pinged for not having their licence. It would not be my intention that they be pinged, but I would be happy for a member to suggest how we could have a reasonable defence if a person suddenly had to whiz out of their house to do something. There is no intent to break the law in any serious way if they hopped in the car and were close to home, without their licence. I personally would not support a mechanism that was a loophole allowing people whose intentions were not so honourable to escape what I am proposing here.

The bill deals with consequential aspects as a result of my proposals. I think members can take note of those in relation to visiting motorists—people from interstate, many of whom, if not most, as I said, are now required to carry a licence in their home state anyway. I commend the bill. I ask the leave of the house to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Motor Vehicles Act 1959

4—Amendment of section 96—Duty to carry and produce licence or permit

This clause amends section 96 of the Act to require the driver of a motor vehicle to carry their licence (which term is defined to include any document that is, in accordance with section 97A(4), taken to be a licence under the Act for the purposes of section 74) or learner's permit at all times while driving the motor vehicle on a road, and further, to produce the licence or permit immediately if requested to do so by a member of the police force. Contravening the section will attract a fine of up to $750

5—Amendment of section 97A—Visiting motorists

This clause makes a consequential amendment by deleting subsection (3) of section 97.

6—Repeal of section 98AAA

This clause makes a consequential amendment by deleting subsection (3) of section 97.

7—Repeal of section 9AAB

This clause makes a consequential amendment by deleting subsection 98AAB.

Mrs GERAGHTY secured the adjournment of the debate.

POST SUICIDE PROTOCOLS AND PRACTICES

Mr HANNA (Mitchell): I move:

That a select committee be established and inquire into-

(a) existing protocols for informing next of kin in cases of suicide and how such protocols might be improved;

(b) whether there are undue delays in completion of coronial inquiries into cases of suicide, the impact of any such delays on the families of suicides and how these delays might be ameliorated;

(c) ways in which SAPOL and the State Coroner might better serve the needs of families of suicides; and

(d) any other relevant matter.

I bring this proposal to the house because I have had the unfortunate occurrence of having to deal with three different families over the past six months, or so—certainly within the last year. In each of those families the son in the family has committed suicide. I have heard various descriptions of how the grieving families were led to greater anxiety through difficulties they encountered in dealing with either the Coroner's office or the police. There is no simple answer to the concerns that have been raised with me, but I will give a couple of examples in a very general form.

One case was a suicide late last year. The person concerned had done away with themselves in their car, in a place away from anyone else. It was only a short amount of time before the body was found, because the person concerned had left messages about what was going on. The family concerned has been badly disappointed by the inaction of Flinders Medical Centre. I will not go into more details about that; it is a matter which is before the Health Complaints Commissioner. That family, too, had some difficulties with the Coroner, because it takes so long to get a proper Coroner's report. The Coroner is dealing with about 4 000 cases a year, of which, I understand, about 60 are investigated in some detail. Some of those become quite lengthy inquests and take up a lot of time. Upon further investigation, it seems that one of the greatest causes for delay is in the forensic science laboratories, which come under the Department of Administrative and Information Services.

I acknowledge that the state government has increased funding to the Forensic Science Centre but, at first glance, it appears that there are still not enough forensic pathologists to ensure that unacceptable delays do not occur. For example, it is taking about six months to get a full autopsy report. At the very early stages, a provisional cause of death can be published by the Coroner but, particularly in the case of suicides, there is a real issue for the next of kin and others close to the suicide, such as girlfriends, boyfriends or whoever. The issue is knowing exactly what happened and why. When somebody dies of old age or even cancer there is often some lead-up to that dreadful event so that the family and friends have some time to cushion themselves to withstand the final blow. But with a suicide, there is often no clue beforehand, nothing to suggest such drastic action on the part of the person who then kills themselves. So, it is extremely important for the next of kin to understand what happened.

For example, that might mean having early access to any suicides notes or any descriptions of the scene where the person died so that there might be a better understanding. It is common practice, I understand, for suicide notes to be passed on to the appropriate recipient, but it is more than that. Quite often there are details about medication or details about antagonism with people whom the next of kin were unaware of, or there might be involvement in illicit drugs that the next of kin was not aware of, and the details of all of these sorts of issues need to be set out for the next of kin as soon as possible.

I turn to another example: a case where a young man was found hanging and where the family believed there were some suspicious circumstances. The police attended fairly shortly after the actual death. Some hours after that they visited the family home and informed the next of kin about what had happened, at least in general terms. The mother of the lad concerned was in shock and could not really take in all of the details that were being provided. Next the police issued their report to the Coroner, who then took it into account for the purposes of making the finding about the death. Once the police had done that, the suggestion given to my constituents was that it was out of their hands, and the only course was to wait for the Coroner to bring down the finding. As I indicated previously, that means a wait of, perhaps, up to six or eight months before really knowing what happened on the fateful night.

Just to provide a third example (of course, each of these cases is different), this was a case where a young man, for whom I had sought for some time to get better treatment for his condition, finally decided to do away with himself. He did that while he was a resident in supported accommodation. It was odd, I think, that the police did not advise the next of kin of what had happened; rather, it was left to the managers of the care facility to do that. That is another matter that is still being investigated. I pause here to assert my belief that there is not enough knowledge in our mental health system about autism and autism spectrum disorders. Too often, people with conditions such as Asperger syndrome are brushed aside. They are not considered to be ill enough to get adequate mental health treatment and, yet, there will be occasions when they are as ill as a person with paranoid delusions, for example. In any case, I bring this matter to the house because I suspect that there are many families out there who would benefit from telling their story and giving an opportunity for the Coroner, SAPOL and possibly also the Forensic Science Centre to examine their practices and see whether anything can be done better so that the absolute minimum of grief and anxiety is afforded to the parents concerned.

I will finish by highlighting that I believe that the problem of suicide in South Australia is a somewhat hidden one. The mental health authorities, as I understand it, keep track of suicide statistics, but it is my belief that there are a number of suicides not caught by those statistics because, unless a person is under the care of some mental health authority at the time of the death, I believe they are not going to turn up in those statistics. Because of the insidious nature of depression and the way it can creep up on people, and the way that people may decline to seek help for their problem, it often happens, I believe, that people will take their life without having sought proper professional help. I estimate that there are several hundred suicides in South Australia each year—more than the official statistics—and, if one looks at the national average, I believe that we are worse off. I do not know why, but I believe that to be the case. That is just to underline how important it is to deal with this particular issue.

I understand that some of the issues that might be examined would be of general interest and concern to those who have lost loved ones, whether from suicide or some other cause, but I have chosen in the wording of this proposal for a select committee to focus on the next of kin in cases of suicide, for the reasons that I have mentioned. I commend the motion to the house.

Mrs GERAGHTY secured the adjournment of the debate.

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY 2006-07

Mr KOUTSANTONIS (West Torrens): I move:

That the 59th report of the committee on the Emergency Services Levy 2006-07 be noted.

The Economic and Finance Committee has examined the minister's determinations in respect of the Emergency Services Levy for the financial year 2006-07. Section 10(5) of the Emergency Services Funding Act 1998 requires that the minister must refer to the Economic and Finance Committee a written statement setting out determinations that the minister proposes to make in respect of the Emergency Services Levy for the relevant financial year. Section 10(4) of the act requires that these determinations be made in respect of:

- the amount that, in the minister's opinion, needs to be raised by means of the levy on property to fund emergency services;
- the amounts to be expended for various kinds of emergency services;
- and, as far as practicable, the extent to which the various parts of the state will benefit from the application of that amount.

Pursuant to section 10(5a) of the act, the Economic and Finance Committee must inquire into, consider and report on the minister's statement within 21 days after it is referred to the committee.

The committee has fulfilled its obligations under the act. The committee notes the determinations proposed to be made by the Treasurer under section 24 and the determinations proposed to be made by the Minister for Emergency Services under section 28 of the Emergency Services Funding Act 1998 for the 2006-07 financial year. The committee also notes the Treasurer's compliance with his obligation under section 10(5) of the act to refer determinations to the Economic and Finance Committee of parliament.

The committee notes that total expenditure on emergency services for 2006-07 is projected to be $186.9 million. The total figure comprises $97.3 million from fixed and mobile property owners; $87.1 million in the form of government remissions, government property contributions and pensioner concessions; and $2.5 million from interest and certificate sales. The committee notes that for 2006-07 there will be no increase in effective levy rates for owners of fixed property or for owners of motor vehicles and vessels.

However, the committee acknowledges that growth in property capital values, the number of property assessments and motor vehicle registrations will result in estimated additional revenue of $3.7 million on levy payers. The committee also notes that the Community Emergency Services Fund cash balances were expected to reach $13.5 million by 30 June 2006, of which $3 million relates to working capital requirements. With respect to the expenditure of levy funds, the committee was told that $179.6 million is to be spent on direct emergency services, with the balance expended on collection costs and administration costs.

Regarding collection costs, the committee notes that costs have been reduced by a modest amount over the years. The committee accepts that the comparatively high collection costs for the property levy component of the ESL is due in part to the legislative arrangements used to formulate and collect the levy. However, the committee remains of the opinion that further efficiencies should be pursued.

It would be remiss of the committee not to inform parliament that property collection costs run at around $6 million per annum but we collect approximately only 10 times that amount. The committee recommends that a whole of government steering committee be established to consider and report back to the committee next year. The terms of reference for such a committee need not be limited to the collection of infrastructure and legislation pertaining to the ESL but could be expanded to include all state and local council levies and rates.

The committee notes that in the overall expenditure tables provided the committee an amount of $22.7 million was designated for 'other organisations for the provision of emergency services'. The committee considers this amount is a significant percentage of the total amount. The committee recommends that future ESL briefings be required to provide a detailed breakdown of actual allocations of this category,

and I commend the member for Goyder for this recommendation in the committee's report.

The committee was concerned that retirement village residents (and this is a concern that I raised) may not be accessing the concessions they are entitled to under the Emergency Services Levy, and I will briefly expand on that. Currently, you have a quarter acre or half acre block which is redeveloped which formerly might have had one or two residents residing on that block. A developer or a charitable organisation moves in and starts a retirement village. That property then goes from having one or two residents to about 24 to 50 residents but the titles are not changed, so people are missing out on concessional rates for water, electricity and emergency services. After posing this question to the Commissioner for Taxation at its hearing, the committee was pleased to hear that Revenue SA would follow up on this matter and determine if retirement village residents were indeed accessing all the concessions they may be entitled to under the Emergency Services Levy.

The committee notes evidence provided to the committee by the Country Fire Service in relation to the issue of controlled burning and management and the management of native vegetation. The committee requested further information from the CFS on the issue. At the time of the report being tabled, the committee had not received the information in question. The committee is, however, obliged under the act to publish a report within 21 days of its referral to the committee. The committee has subsequently received the information as sought and is now deliberating its contents. As such, the committee reserves the right to take further action, if appropriate. Given the above and pursuant to section 6 of the Parliamentary Committees Act 1991, the Economic and Finance Committee recommends to parliament that it note this report.

Motion carried.

PUBLIC WORKS COMMITTEE: WOODVILLE PRIMARY HEALTH CARE SERVICE

Ms CICCARELLO (Norwood): I move:

That the 214th report of the committee, on the Woodville Primary Health Care Service, be noted.

The western metropolitan region has a high density of people with multiple disadvantage and poor social health. However, no focused primary health care services are being provided locally in the area, except those provided from general practitioners and the Queen Elizabeth Hospital's outpatient and emergency departments. In July 2005, the Department of Health provided a grant of $750 000 to SHine SA to purchase properties on Woodville Road and Bower Street, Woodville from the Charles Sturt council. SHine SA is a non-government organisation which relies on government funding to deliver an essential primary health care service.

The grant was made on the basis that there would be a partnership arrangement in ensuring that development on the site will cater for the delivery of integrated best practice primary health care services in the western suburbs. The site is ideally located for access by clients as it is close to both the Queen Elizabeth Hospital and Port Road. Development will involve construction of a new two-storey building, having a gross floor area of 1 200 square metres, with 57 car parking spaces and associated site landscaping. The total capital budget is $5.75 million, which includes the land purchase cost. This will be funded through the proceeds from the sale of SHine SA's Kensington property to the Nurses Board of South Australia for $2 million and a $3 million operating grant to SHine SA from the Department of Health. The grant is subject to terms and conditions which will be formalised in a funding agreement.

The new facility will support a broad range of primary health care services through permanent and visiting service providers. It offers primary care client facilities, including clinic and counselling rooms, group rooms, medical records, library facilities, seminar and meeting rooms, reception and clinical support rooms, visiting consultant work areas and administration areas. The facility will also accommodate health promotion and illness prevention initiatives through the community participation processes and provide work force development of health, education and community workers, as well as postgraduate and undergraduate internships and clinical practice training for doctors, nurses and counsellors. The Woodville Primary Health Care Centre is designed to become a centre of primary health care excellence and best practice.

The service model will be client focused and community friendly. By improving access to health services and information, the facility will enable the community to make use of the services when the need first arises. The service model will increase levels of knowledge and understanding of health so that clients can better manage their own health needs. The centre will operate on a 9 a.m. to 9 p.m. basis seven days a week and provide services in partnership with the private, public and non-government primary health care providers and with other sectors, including education, local government, transport, justice and families and communities. The facility will focus on comprehensive primary health care, including early intervention, prevention and education, and specifically sexual health, mental health and substance misuse. It will also provide an information hub for the community and workers through the library resources and internet services to increase health literacy.

The community will participate through health promotion, community development, youth participation and peer education programs. It is intended to develop and implement a research and evaluation framework for the first three years of operation to measure achievements, results and impacts of intervention and to contribute a body of knowledge about best practice in primary health care service. The project is to be fully completed by June 2007 to allow the Nurses Board of South Australia to take vacant possession of the Kensington property at that time. Most services in the new facility will not be delivered by SHine SA, and so the committee has been concerned to establish why the facility will not be government built and owned, with SHine SA as a tenant. This option was closely examined by the Department of Health. However, crown law advice indicates that a transfer of ownership of the land upon which the facility is to be built has potential capital gains tax implications for SHine SA.

It would also require the minister to identify the most suitable builder which would exacerbate existing project time constraints and which would require the government to manage the project and accept dispute and cost escalation risks. The committee was also told that a 10-year search by SHine SA could not locate a suitable alternative site for its services and space is not available within the Queen Elizabeth Hospital. Based upon this evidence and the protection of the government's position by the grant conditions, the committee accepts that the ownership arrangements are appropriate. SHine SA's Kensington premises can be refurbished at a cost of $600 000, and so the committee has also been concerned

to establish that the $3 million grant is necessary to achieve the health goals of the organisation and the government.

The committee was told that the service delivery benefit outweighs the cost, with the move from Kensington to the proposed site. A significant proportion of SHine SA's clients are located in the western suburbs and have the most significant issues, as well as the least amount of disposable income to purchase services from private providers. Consequently, many do not get access to a service. SHine SA and the government are clear that the facilities have to be located within easy access for those communities. The proposed location will have a significant positive link to the Queen Elizabeth Hospital, as well as the transport links around Port Road. It could be seen that some people in the eastern suburbs will be disadvantaged by the relocation, but this group generally has greater access to local health care providers and private transport for travel to medical services.

The major goal of the proposal is to relieve pressure on the Queen Elizabeth Hospital. It is the committee's view that this will not be achieved unless the general practitioners service is equally inexpensive for clients to use. Consequently, it is pleasing to note that it may be a condition of access to the facility that the service is a bulk-billing service only. The committee examined why SHine SA is selling its Kensington premises to the Nurses Board of South Australia without first going to open tender and is satisfied that the options examined, which include student hostel accommodation, completely razing the building and selling the property to a developer would not give the same return. Pursuant to section 6(c) of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr HAMILTON-SMITH (Waite): As a member of the Public Works Committee and on behalf of the opposition, I rise to indicate that we have some concerns with this report. We can count in the Public Works Committee and this is a product of the committee. We raised some concerns during the course of our inquiries, and I will recap some of the issues that were raised during questioning as part of that committee inquiry.

In particular, the opposition has some concerns with the fact that the form of this development is that it will be gifted, in effect, at taxpayer expense, to a non-government entity, that is, SHine SA. We mean no disrespect to SHine SA, which has an important job to do, but as a matter of principle we feel that, if the government and the taxpayer are funding a development, unless there are exceptional circumstances, it would be in the best interests of the taxpayer for the government to own the development. I have to indicate to the chair that the opposition will be referring this entire matter to the Auditor-General for his comment, because we feel that this—and other matters that I will raise—is not good government. We will be interested in his advice on that matter since the government has resolved to go ahead with this.

As the chair has reported to the house, SHine SA is to sell its existing premises at Kensington for $2 million. For some mysterious reason, the government gifted that organisation $750 000 to buy land at Woodville and then the government is to give $3 million on top of that $2.75 million for a facility, at a total value of $5.75 million. I must say that, when I first saw the briefing paper from SHine on this, it looked to me like it was completely a SHine SA development, that is, that the whole facility would be used by SHine. We found out during the taking of evidence that, in fact, other medical professionals will operate from the facility and it is a mixed-use facility. I was somewhat assured by that because I can see that, in fact, it is a diverse service and I am sure it is one that is needed and will be used in Woodville to good effect. But the question arose as to why then, if it is a mixed service, SHine SA is to own it, and why the government should not own it and SHine SA should have some co-tenancy arrangement or some other arrangement.

When we questioned SHine and others on this, we were told that crown law had been consulted and had looked into it, and that it was all right with crown law. That is not my reading of its advice. It explored both the government ownership option and the SHine SA option and it felt that both were workable, but I do not see the crown law advice clearly coming out on one side or the other or recommending the option that the government has chosen. In fact, when discussing the government's chosen option of gifting the $5.75 million facility to SHine, the advice from crown law stated:

> The fact that the land at Woodville, purchased with a grant provided by the Minister for Health, vested in SHine SA on transfer, begs the question: was that the intent of the parties in the first instance?

I think that is a very good question. Why on earth would the minister gift $750 000 to SHine SA, a non-government entity, so it could go and buy land at Woodville, rather than buy it himself on behalf of the government and then look at putting in the taxpayers' $3 million (that is $3.75 million) and then having SHine SA's $2 million investment come into it in some other vehicle or through some other device than that which has been used?

The bottom line is that, because it is owned by a non-government entity, that entity, SHine SA, will now build the facility. As our report, tabled in the house, reveals—because that is the advice we were given—what that means is that the development will be built without the normal checks and balances that would usually be in place were the government to build the project itself. In fact, on page 6 our report states:

> As this is not a government-owned project, the risk management normally undertaken by the Department of Administrative and Information Services will be undertaken by SHine SA.

That means that, if they muck it up and the whole thing goes belly-up—and I am not suggesting that will happen, but if it were to happen—and if there were costs therefore to SHine SA they might very well finish up falling at the feet of the taxpayer, in any event. So, if we are at risk in any event, why would we vest ownership of this facility to a non-government entity? Why not take it on ourselves? At least we would have DAIS exercising its role, ensuring due probity, over the construction.

Given the mess the government is in on projects at the moment, with cost overruns all over the place and projects falling over budget and over schedule right, left and centre, I would have thought the message it would hear from this is that maybe it ought to get this one right. So, I think that whole question is one that needs to be answered by the Auditor-General, who is very well qualified and in the right position to give the parliament and the government advice on this issue, and I think his advice would be most warranted.

Of course, that is not the only concern we have. We also have the observation drawn out in the report that SHine SA is selling, in some private arrangement, its premises at Kensington to the Nurses Board without it going to open tender. Again, as a matter of principle, I do not know that that

is a very prudent device. I would have thought that, in the best interests of the taxpayer who, ultimately, has funded SHine SA and provided it with all its resources, it might be more appropriate to have an open tender process. I always worry when consultants are brought in and private deals are done through a sales arrangement or something similar being agreed to without the market having been tested. For all we know (and we will never know now) the value of the land currently occupied by SHine SA may be worth more than $2 million—we just do not know. Again, we will refer that matter to the Auditor-General.

The third principle here concerns the science that has been presented to the committee and whether or not this is the right decision to make—that is, to build a very grand facility valued at $5 million at Woodville. Presently, SHine SA has an outreach facility in Woodville. I do not think much science was presented to us to argue that its customers are in greater abundance down there. I am not saying that that is not correct, but we were not given much science to establish that the need was in the western suburbs. In fact, a lot of its customers, as I understand it, who looked at their web site were from the gay community. A greater preponderance of the gay community is in the eastern suburbs in places like Unley, for instance—and the former member for Unley would say that, as would others—rather than at Woodville.

I do not know if that is correct or where their customers are located. They tell us that they are located in the western suburbs, but I think that poor science was given to us to substantiate that claim, and it puts a question mark over whether that $5.75 million would have been better spent on the delivery of services to facilities and people who matter—people who are on treatment, for example—rather than on bricks and mortar. That is the challenge always facing the health system. Where do you spend your money? Do you spend it on service delivery or new buildings? Obviously, we need buildings, but I thought that the lease option was dismissed out of hand without much scrutiny. Some costing figures were given to us and, without exploring them in extraordinary detail, I think that they argued a poor case for the construction of a $5 million facility. Every dollar you spend on bricks and mortar is a dollar you do not spend on service delivery. That, also, is a weakness in this whole proposal.

Finally, we have the question of rent-free facilities being offered to private doctors and private medical services, as is to be the case, with no necessary guarantee that they will be bulk billing or providing a cheaper service or facility at the site. We are essentially giving a free kick to private enterprise to operate from the centre without necessarily a guarantee that the services delivered will be cheaper for ordinary South Australians, and that is another loose end that needs to be tied up. We will refer it to the Auditor-General. We are not completely happy with it. We did not object to the report, although we had some discussions and debate about it. We did not make a minority report; I am choosing to do that now in the house. I indicate to the government that in future, when these proposals come through the Public Works Committee, the opposition will look at them from the point of view of what is in the best interests of the taxpayer.

Time expired.

The Hon. L. STEVENS (Little Para): I am delighted to add some comments about this report and I am especially delighted to see that the first of a whole range of primary health care centres that are to be built in South Australia, as a direct result of recommendations from the Generational Health Review, is on its way. I note the member for Waite's concerns. I am surprised that there was no minority report, if these concerns were as serious as he framed them; however, I am sure that the Auditor-General will look at them, and we wait on his response. In the meantime, I highlight how important this proposal is.

As I said before, the Generational Health Review's major recommendation was that in order to deal with the health needs of our community into this century we needed to work out a way in which we could shift our emphasis from acute care to primary health care, that we needed to get in first and that it was better to have a fence at the top of the hill rather than an ambulance waiting at the bottom of the cliff. A major recommendation was that we needed to focus more on establishing well-integrated primary health care services throughout the state. A very important vehicle for this was to set up primary health care centres around communities, but not necessarily near hospitals, to enable links and the integration of services and, particularly, public access to primary health care services. This is the first one of these. This concept is in the State Strategic Plan, and it was very important to have made sure that it was in our plan; of course, the government accepted that.

In relation to the one on Woodville Road, it will be part of a health precinct. I remember talking to the Mayor of Charles Sturt, Harold Anderson, who was so pleased about this happening on Woodville Road. He explained to me, when I was health minister, that this would be part of a health precinct that the City of Charles Sturt wanted to develop close to the Queen Elizabeth Hospital. As the chair of the committee, the member for Norwood outlined that this service will not only include SHine SA but it will have a number of other organisations partnering with SHine SA to provide this access to primary health care services. Of course, it is the way we have to go. We need to partner with non-government agencies, state government, federal government and the private sector. This will be the first cab off the rank to look at best practice primary health care centres delivered at the grassroots to communities.

The member for Waite questioned SHine SA's evidence and whether the need for their services was greater in the western suburbs, or north-western suburbs, in contrast to the eastern suburbs where they have been located. All I can say is that perhaps the member for Waite would like to seek a more detailed briefing from SHine SA because I certainly know as a former minister for health that it is indeed the case that the breadth of services that SHine SA offers the community of all ages certainly is required and the need is greater in the western area than it is in the eastern suburbs. Certainly, the point is made in the report that people have many more choices in the eastern suburbs than in the western suburbs, where they intend to place this facility.

I also place on record my appreciation of the agency SHine. I believe that it does a fantastic job, as it did in the past as the Family Planning Association, and it continues that work. It has come in for very unfair criticism in relation to the SHARE program, which it has successfully implemented in many schools. I have a great deal of respect for the whole range of programs it delivers in terms of sexual health and the ethical way in which it delivers them. I congratulate SHine on what it has done in the past, and I think that, when it comes together with all the other services that will be located there, we will see some remarkable new and innovative

services delivered through that site to surrounding communities.

Finally, I think that the member for Waite's concern about subsidising the private sector by providing incentives for doctors and others to collocate is a very blinkered way of looking at things. We want people working together. We want GPs to come in with a whole range of services. I think it is a good thing to offer incentives, whether they be for non-government agencies or private sector operators. If we see that those incentives lead to much greater benefit, I think that that far outweighs any sort of ideological point that you do not offer incentives to the private sector. I find that quite amazing.

I think that getting GPs there will be good, and I notice that the report makes the point that this, hopefully, will take some pressure off the emergency department of the Queen Elizabeth Hospital. We know that many people attend emergency departments because they cannot get access to GPs. Hopefully, the GPs will bulk bill. This will be very important, because the issue of non-payment in an emergency department versus payment to a doctor who does not bulk bill is an important one for a community where there is not a lot of money. So, getting an arrangement with GP Solutions that enables them to be on site and bulk billing will be another extra benefit to the community. I offer congratulations all round and look forward to the facility being built. I think it is fantastic. It is money absolutely well spent—$5 million for a building that will collocate a whole range of health services and show the way of the future in delivering high-quality and integrated services at the grassroots.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I rise to speak in this debate as the local member of the electorate in which this facility will be built. First, I express my gratitude to the former minister for health, the current member for Little Para, for the agenda she put in place that has led to this facility. In fact, the Generational Health Review speaks to the very nature of this facility, and I could not be prouder that it is being built in my electorate. As the member for Little Para reminded us, one of the central elements of the Generational Health Review is that we have a focus on primary health care, on the wellbeing of people and on the bringing together of all these facilities in one accessible location. It is crucially important to redirect people away from acute care services, as it places massive strains on our capacity to deliver health care services.

The lead organisation for this development, SHine SA, deserves to be congratulated for coming forward with the proposal. I also indicate that I have great confidence in the nature of its work. I know that it has come in for some unfair criticism. There are always cheap shots to be had in the area of education about sexual health, and it is always quite an uncomfortable issue for people in the community to grapple with. The truth is that SHine carries out the role of educating, providing advice and counselling, and this makes a massive difference to the wellbeing of many thousands of South Australian citizens. It should be congratulated and not vilified for its role.

As the member for Little Para pointed out, it is indeed odd to criticise incentives for the private sector to pull together this collaboration while we have such a disjointed health care system, with the private sector, the commonwealth and the state involved in so many different options. I know that there are grand ideas about the commonwealth running health care or some other massive rationalisation but, while everybody talks about that, we are getting on with the task of pulling together practical solutions that make real differences for South Australians. If that involves giving a bit of an incentive to a private sector organisation, such as a GP service to relocate and make this work, so be it. It is about adopting a can-do attitude and making things work. It is quite bizarre that we are being criticised by those opposite, who would go to extraordinary lengths to provide incentives to the private sector to do—

The Hon. L. Stevens: Outsourcing hospitals.

The Hon. J.W. WEATHERILL: That's right. Leaving aside the whole notion of actually outsourcing hospitals and side deals, let us not forget the extraordinary lengths to which the previous Liberal government would go, it was said, in the name of benefiting the state. But we would have thought that this is a fairly judicious use of incentives to attract what is a high-quality service model. The other day, I had the benefit of meeting with GP Solutions, which, I understand, is the preferred provider of the GP services in this area. It did, in fact, confirm its intention to provide a bulk billing service. I do not know whether that is a further development since the Public Works Committee reported, but I was very pleased to hear that, because it is certainly a very important thing for my constituents, many of whom cannot afford to meet the additional costs that may well come with the private provision of medical services. In my first speech to parliament in 2002, I—

The Hon. R.G. Kerin: The one that you didn't get heckled in?

The Hon. J.W. WEATHERILL: That's right. I outlined—

The Hon. R.G. Kerin: And the last one that you didn't get heckled in.

The Hon. J.W. WEATHERILL: That's right. I outlined a vision for Woodville Road as a health care precinct. At that stage, I was hoping to persuade the then minister for health to make an investment in the Queen Elizabeth Hospital, which she duly did. Since that time, what has happened to Woodville Road is remarkable. The investment in the QEH hospital then spawned the development of a specialist centre across the road, and it has also led to the council buying up tracts of land along Woodville Road, which has led to the incorporation of a youth centre. Of course, with this development, which was also some council property made available for this purpose, it is now becoming a well-being and health precinct.

I would like to say that I had something to do with that, but it was more, I suppose, a fond hope back in 2002, but it was the wonderful work that occurred under the former minister and the ongoing commitment. I must pay tribute to the council. The role that it has played in this is bringing about a shared vision for, and the promotion of health and well-being in, the western suburbs.

Ms BREUER (Giles): I will speak briefly, because I was upset by the member for Waite's very ungracious comments about this project. It sounds like a wonderful project—something that I think any member here would welcome in their electorate, and I very much wish it was in mine. It sounds like a wonderful project. I think that the value of the SHine program in this state over the past few years is unsurpassed. I seriously wonder about the concerns the members opposite have about this project, other than that they are preparing to send their reports to the Auditor-General, etc. What is the real motivation behind this? Does it have

anything to do with project itself and the fact that it is a shared partnership? Or, is it because it is the SHine program and the SHine people who are actually running this project?

If you mention sex education, or if you talk about abortion counselling, gay sex or the SHine program, panic seems to set in, and many members of our community, and particularly people in this place, go into spasms. Everybody covers themselves in this false sense of morality. I believe that the real objection is the fact that SHine has been involved in this project. If it was the Arthritis Foundation running this project, would we have the same hooha about it? If the Arthritis Foundation proposed to set something up and offered primary health care to the aged people and the arthritis sufferers in our community, would we have the same carry-on? I believe that, once again, this silly morality has come out in regard to this project.

The SHine programs have proved themselves; they are wonderful programs. We need to have more. We need to get this information out, particularly to our young people. We need to tell them what the real world is about. We need to tell them what happens. We need to tell them how to help themselves in situations. We need to help them overcome situations. We need to educate our young people. I congratulate everybody who is involved in this project. I think that the concept of this community health centre is a wonderful idea. It is not just the SHine program; it is also all the other parties involved in it. It will be wonderful for people in the western suburbs.

Once again, I have a problem when people say, 'Oh, it's going to be in the western suburbs; therefore the rest of Adelaide misses out.' I live in the country. People in my area have to travel 300 to 600 kilometres to get support. I am sure—it does not matter where you live in Adelaide—you can get there within about 20 minutes to half an hour. You can catch buses if you cannot afford taxis or do not have your own transport. Do not give me this rubbish about it being placed in the wrong area. Anybody who wants access to that centre can get it very easily. You talk to people in Coober Pedy about having to travel to get information. It is absolute nonsense. I congratulate everybody who is involved in the program. Stop shilly-shallying about this; stop carrying on that it has to do with the project, and that the state government has given money to a particular program. It is the program that is the problem in people's minds, not the project.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT

Ms BREUER (Giles): I move:

That the 58th report of the committee, entitled, 'Upper South-East Dryland Salinity and Flood Management Act 2002 Report, 2004-05' be noted.

The Upper South-East Dryland Salinity and Flood Management Act 2002 came into force on 19 December 2002. The act provides that the committee take an interest in the scheme and report to parliament annually. The aim of the scheme is to improve the environment and agriculture production in the Upper South-East. The key issues of soil salinity and pasture inundation are being addressed in this scheme. The Department of Water, Land and Biodiversity Conservation oversees the management and implementation of the scheme for the Minister for Environment and Conservation and provides quarterly reports to the committee on the progress and success of the scheme.

The Mount Charles, Taunta and Bunbury drains make up the northern catchment drainage system. Their construction was completed during this reporting period. The Hon. David Ridgway attended the opening of these drains on behalf of the committee. In the central catchment drainage system, the construction of the Taratap and Kercoonda drains commenced and were still under construction at the end of this reporting period. The Didcoolum and Bald Hill drains, also in the central catchment, were in the design stage, and consultation was underway with landholders.

It was towards the end of this reporting period that the committee started to hear some objections to the drainage scheme from landholders. This led to further consultation between landholders and the Department for Water, Land, Biodiversity and Conservation as well as further consideration and review by the committee. The committee visited the region in September 2005, and the issues raised and outcomes will be discussed in the committee's next report to parliament for 2005-06. We undertook a lot of work in that period.

During this reporting period, the biodiversity offset scheme was implemented. This is a scheme that allows landholders to offset the levy that they are required to pay under the program by entering an agreement to conserve native vegetation that already exists on their property. Initially, case studies were undertaken to determine how best to assess the biodiversity of these properties, and the dollar amount to be awarded for the Biodiversity Significant Index. Following case studies, it was recommended by the Upper South East program board that the index be increased from the proposed $5 to $10 per biodiversity significant index per hectare. The Minister for Environment and Conservation approved this and the scheme commenced shortly thereafter.

By the end of the March 2005 quarter, 206 applications for the biodiversity offset scheme had been received, and by the end of the reporting period, 80 had been assessed. One quarter of those assessed were unlikely to be viable due to the lack of biodiversity on their property. Those not successful in receiving a biodiversity offset are required to pay the levy, along with the other landholders in the regions. Objections were received from some Zone C landholders to the second round of levy notices issued. They outline several reasons for this, including that the water is not originating on their properties but from Victoria, and that Zone C does not suffer from a salinity or flooding problem, unlike Zones A and B.

Although there was opposition to the program, particularly by Zone C landholders to the levy and landholders affected by the construction of drains, the committee received no complaints with respect to the minister exercising his powers under this act. It is noted that delays are occurring in the construction of the drains due to the issues raised by landholders regarding the alignment and construction of some of the drains. The committee believes it is important to have adequate consultation and to address the issues and concerns of these landholders prior to the construction of the drains.

I would like to thank those members of the community for raising issues with the committee, and the government departments for providing us with information. I also acknowledge the work of my fellow members on both the previous and the current Environment, Resources and Development Committee. In particular, I would like to thank the Hon. David Ridgway for his efforts in providing information to us, being a landholder in that area. I also want to thank

the committee staff, particularly Phil Frensham, who is our secretary, and Alison Meeks who worked very hard and dealt with some very difficult issues over the last 12 months, and prepared much of the work for us.

Motion carried.

RIVER TORRENS LINEAR PARK BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

We need to use all means possible to protect and enhance valuable public open space for the use and enjoyment of future generations.

The sale of the former University of South Australia campus at Underdale has highlighted inadequacies in the current legislation in terms of the ability to dispose of land in public ownership that forms part, or has the potential to form part, of the River Torrens Linear Park.

When the former Liberal Government approved the unconditional sale of the land by the University of South Australia in June 2001, and the Governor assented to that sale on 1 October 2001, there were no exclusions to retain any portion of the land along the River in public ownership. A significant section of the former campus site is located across the River Torrens at Underdale, so that access along the Linear Park relies on retention of this land.

While the full enjoyment of the Linear Park could easily have been lost to future generations, and access along the Linear Park between the upper sections of the River and the lower permanently severed, this has been avoided through extensive negotiations with the new owners and future developers of the land. Reactive protection should be avoided; appropriate long term measures for preservation of the Park are required.

The Government is committed to giving the River Torrens Linear Park greater protection. The Park is a key feature of metropolitan Adelaide that provides pleasure to many in the community and is a major environmental, cultural, social and recreational asset.

The sale of the former Underdale campus illustrates the need for 'watertight' protection. It is the Government's intention with the River Torrens Linear Park Bill to provide such protection.

The Bill seeks to reflect that:

- the Linear Park is of national significance; and
- the Park is for the public benefit and should generally be available for the use and enjoyment of the public; and
- land within the Linear Park should be retained and government should not sell land within the Park out of government ownership without the approval of both Houses of Parliament.

The most important of these principles relates to the sale of land. The legislation requires that the State Government, State agencies and authorities and local councils should not sell or otherwise dispose of land within the Linear Park out of government ownership without the approval of both Houses of Parliament.

The boundary of the Linear Park is defined by a General Registry Office Plan (called a GRO Plan), a copy of which will be available for inspection with local councils and the responsible government department. The land within the GRO Plan will be defined as the River Torrens Linear Park and subject to the provisions of the legislation.

While it will be necessary for Parliament to agree to the sale or other disposal of land within the GRO Plan (except for an intra-government sale), agreement will not be required to amend the boundary for the purpose of adding land to the Linear Park. The Minister will be able to amend the GRO Plan to include additional land. In strictly limited circumstances, the Minister will be able to reduce the area of the GRO Plan. This can only occur where a variation to the GRO Plan is necessary to ensure consistency with a road process under the *Roads (Opening and Closing) Act 1991* or another Act of Parliament.

Nearly all land located along the River Torrens is now in the ownership of either State or local government. It is not the intention of the legislation to define areas for future acquisition as Linear Park. This is the role of zoning, which is undertaken through Development Plans under the *Development Act 1993*. The *Development Act* provides for public consultation in the event that it is necessary or appropriate to consider an extension of the areas set aside for the Linear Park.

The boundary will include what is known as the "Aqueduct Land" currently in the ownership of SA Water. This land is to be included in the boundary because, as a consequence of its water related infrastructure significance and its topography, it is not suitable for residential development. The land can be described as a tract of land that runs parallel to the north side of the River Torrens and is a water catchment area that collects water that runs into the Hope Valley reservoir.

The Bill enables the acquisition of land subject to and in accordance with the *Land Acquisition Act 1969* for the purpose of increasing the area of land within the Linear Park, while at the same time repealing the *River Torrens Acquisition Act 1970* that includes very similar powers. It is not envisaged that there will be the need for significant acquisition of land.

The *River Torrens Linear Park Act 2006* will help to enhance and preserve the River Torrens Linear Park for future generations.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation.

3—Interpretation

This clause provides definitions for a number of terms used in the measure. The ***River Torrens Linear Park*** is the Linear Park as defined from time to time by the Plan. The ***Plan*** is the River Torrens Linear Park Public Lands Plan deposited in the General Registry Office by the Minister for the purposes of the definition. The Minister must identify the Plan by notice in the Gazette. ***Council*** and ***public road*** both have the same meaning as in the *Local Government Act 1999*.

4—Variation of the Plan

The Minister may vary the Plan by depositing an instrument in the GRO. However, a variation may not be made unless the Minister has given written notice of the proposed variation to any council that would be affected by the variation. The notice must specify a period (of between 3 and 6 weeks) within which such a council may make a submission, and the Minister must give consideration to any submission made by a council within that period. A variation having the effect of reducing the area of the Linear Park can only be made if it is in accordance with a resolution passed by both Houses of Parliament.

5—Sale of land

Land within the Linear Park may be sold or otherwise disposed of only if the sale or disposal is in accordance with a resolution passed by both Houses of Parliament. However, the section does not apply to the sale or other disposal of land to a State agency.

6—Special provisions relating to roads

An area identified as a *road area* in the Plan on the commencement of clause 6 will be taken to be a public road established in accordance with the *Roads (Opening and Closing) Act 1991*. The Plan may be varied, by instrument deposited by the Minister in the GRO, to ensure consistency with a road process under the *Roads (Opening and Closing) Act 1991*. The instrument deposited by the Minister will have effect despite any other section of the Act.

7—Effect of other Acts

The Minister may, by instrument deposited in the GRO, vary the Plan to ensure consistency with the operation or effect of another Act enacted after the commencement of this section. An instrument deposited by the Minister will have effect despite any other section.

8—Related matters

For the purposes of the provisions of this Act, the Plan may be varied by the substitution of a new plan. Public notice of an instrument deposited by the Minister in the GRO under

this Act must given within a reasonable time after the instrument is deposited.

The Minister must ensure that copies of the Plan are kept available for public inspection at the principal office of the Minister's department. Each council within whose area the River Torrens Linear Park is situated must keep copies of the Plan available for public inspection at the council's principal office. Copies of the Plan may be kept at such other locations as the Minister and councils think fit.

9—Acquisition of land

The Minister may acquire land for the purpose of increasing the area of the River Torrens Linear Park. An acquisition of land for this purpose is subject to, and must be in accordance with, the *Land Acquisition Act 1969*.

A person who wilfully damages land following service of a notice of intention to acquire the land is guilty of an offence. The maximum penalty for the offence is a fine of $100 000 or imprisonment for 12 months. If the Minister has reasonable cause to suspect that a person may commit that offence, a police officer may enter on the land and exercise such force as may be necessary or expedient to prevent the commission of the offence.

10—Regulations

The Governor may make such regulations as are contemplated by the Act or as are necessary or expedient for the purposes of the Act. However, subsection (3) requires that notice be given to the Local Government Association of a proposed regulation and that the Minister give consideration to any submission made by the Association in relation to the proposed regulation.

Regulations may make different provision according to the matters or circumstances to which they are expressed to apply and may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or a prescribed person or body.

Schedule 1—Repeal

1—Repeal of *River Torrens Acquisition Act 1970*

This clause repeals the *River Torrens Acquisition Act 1970*.

Mr HAMILTON-SMITH secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (DANGEROUS DRIVING) AMENDMENT BILL

Second reading.

The Hon. K.O. FOLEY (Deputy Premier): I move:

That this bill be now read a second time.

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

Leave granted.

Before the last election, the Labor Party gave an election promise in these terms:

> 'The Rann Government … will make it a criminal offence for people to engage in high speed or dangerous police chases. Those convicted will face a mandatory loss of licence for two years and maximum imprisonment of five years. Offenders will be liable for prosecution for more serious offences if death or serious injury is caused by the pursuit, or if the lives of members of the public or police are deliberately or recklessly endangered.'

The criminalisation of acts of endangerment is not new. The general and most serious offences of acts recklessly endangering life, serious harm and mere harm are to be found in s 29 of the *Criminal Law Consolidation Act*. The applicable maximum penalties for this sequence of general endangerment offences (graded according to the harm endangered) are, respectively, for basic offences,15 years' imprisonment, 10 years' imprisonment and 5 years' imprisonment aggravated to 18 years, 12 years and 7 years respectively. As I will explain, there is a gap in coverage of endangerment behaviour. This Bill is designed to fulfil Labor's election policy.

At the other extreme of offences, a person engaging in a dangerous vehicle chase with police would necessarily commit more minor offences under the *Road Traffic Act*. The most obvious are ss 42 (failure to stop) and 46 (reckless and dangerous driving). They say:

Power to stop vehicle and ask questions

42. (1) A member of the police force or an inspector may—

(a) request the driver of a vehicle on a road to stop that vehicle;

(b) ask the driver or the person apparently in charge of a vehicle (whether on a road or elsewhere) questions for the purpose of ascertaining the name and place of residence or place of business of that driver or person, or of the owner or the operator of the vehicle, or the nature or constituents of the load on the vehicle, or for the purpose of estimating the mass of the vehicle.

(2) A person must forthwith—

(a) comply with a request made under subsection (1) to stop a vehicle;

(b) truthfully answer any questions put under subsection (1).

The applicable penalty is the general penalty under the Act (s 164A). The maximum is a fine of $1 250.

Reckless and dangerous driving

46. (1) A person must not drive a vehicle recklessly or at a speed or in a manner which is dangerous to the public.

Penalty:

For a first offence—a fine of not less than $300 and not more than $600.

For a subsequent offence—

(a) a fine of not less than $300 and not more than $600; or

(b) imprisonment for not more than three months.

(2) In considering whether an offence has been committed under this section, the court must have regard to—

(a) the nature, condition and use of the road on which the offence is alleged to have been committed; and

(b) the amount of traffic on the road at the time of the offence; and

(c) the amount of traffic which might reasonably be expected to enter the road from other roads and places; and

(d) all other relevant circumstances, whether of the same nature as those mentioned or not.

The maximum penalty for this offence will become 2 years' imprisonment when the Statutes Amendment (Vehicle and Vessel Offences) Act 2005 comes into operation later this year.

If the police chase led to damage to person or property, a vast range of possible offences may have been committed, including manslaughter, dangerous driving causing death or harm, one or more of the harm offences that will come into effect when the *Statutes Amendment and Repeal (Aggravated Offences) Act 2005* was proclaimed and, if appropriate, obvious property damage offences. There is no shortage of criminal law coverage here.

But there is a gap. If we set aside the cases in which damage of one kind or another is caused, and there are therefore a range of appropriate offences, and concentrate on cases in which no damage is caused and the aim of the criminal law is on the fact of the chase itself, it can be seen that there are serious offences of general endangerment and very minor traffic offences of failure to stop and reckless driving. Therefore, what we need is an intermediate offence of *dangerous driving with the intention of avoiding or preventing apprehension by the police*. If the penalties are viewed as a hierarchy, it will send the right message if mere dangerous driving is two years, the basic offence of dangerous driving with intent to avoid apprehension is set at three years, rising to five years if there are aggravating factors. In any event, a mandatory two year licence disqualification seems appropriate.

The proposed aggravating factors have been selected with the aggravating provisions in the *Statutes Amendment (Vehicle and Vessel Offences) Act 2005* (to be proclaimed shortly) in mind. They are:

- that the vehicle was stolen or being illegally used and the defendant knew that to be so; or
- that the defendant was driving the motor vehicle while disqualified or while suspended under the *Road Traffic Act* and the defendant knew that to be so; or
- originally, that the defendant was driving with a B.A.C. over 0.15, but the Government accepted an amendment in another place to lower that to 0.08 and include drug driving, subject to costings being obtained; or
- the defendant was simultaneously committing the offence of driving while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle.

However, the creation of this new targeted offence should not be allowed simply to load up the charge sheet with one more offence. It should be aimed directly at those who cannot be brought to book by other more serious offences. It is there to fill a gap of seriousness. Therefore, a person should not be able to be convicted of both this offence and the general reckless endangerment offences although it should be possible for the prosecution to charge the new offence as an alternative if it wants to do so. In that way, it will fill the intended gap while minimising the load on the courts and the charging system. However, to avoid complicating every prosecution in which the alternative is possible on the facts, it should only be put to the jury if the prosecution charges it in the instrument of charge as an alternative. This minimises the complications of directing a jury in these kinds of case. The offence of dangerous driving will be an automatic alternative however.

It is also necessary to amend the existing provision about alternative verdicts that applies to the charges of causing death, serious harm and harm by dangerous driving to take the new offence into account. Therefore, it is proposed to amend s 19B of the *Criminal Law Consolidation Act* to make the proposed offence an alternative to these charges. It is necessary to cater for the case in which the causing offence is charged but the jury is not satisfied that the relevant death or harm is caused by the pursuit in question. In addition, it is proposed that the offence of reckless and dangerous driving and the offence of careless driving be alternatives to the proposed pursuit offence. The rationale is the same. This offence is intended to fill a gap in the hierarchy of serious offences and not just add another offence to the existing pile of charges that may result from a single incident.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 5AA—Aggravated offences

This clause amends section 5AA of the *Criminal Law Consolidation Act 1935* to specify the circumstances that will constitute an aggravated offence for the purposes of proposed new section 19AC. The circumstances prescribed are that—

- the offender was driving or using a motor vehicle that was stolen or was being driven or used without consent; or
- the offender was driving a motor vehicle knowing that he or she was disqualified from holding or obtaining a driver's licence or that his or her licence was suspended by notice under the *Road Traffic Act 1961*; or
- the offender had a blood alcohol concentration of .08 grams or more of alcohol in 100 millilitres of blood; or
- the offender was driving a motor vehicle in contravention of section 47 or 47BA of the *Road Traffic Act 1961*.

The provision also amends section 5AA(1a) (which specifies the circumstances that will constitute an aggravated offence for the purposes of section 19A of the *Criminal Law Consolidation Act 1935*) to make that provision consistent with one relating to new section 19AC. The provision is therefore amended to include, as aggravating circumstances, category 2 drink driving offences and offences against section 47BA of the *Road Traffic Act 1961*.

5—Insertion of section 19AC

This clause inserts a new provision in Part 3 Division 6 as follows:

19AC—Dangerous driving to escape police pursuit etc

This clause makes it an offence to drive a motor vehicle in a culpably negligent manner, recklessly, or at a speed or in a manner dangerous to the public intending to escape pursuit by a police officer or to entice a police officer to engage in a pursuit. The penalty for a basic offence is 3 years imprisonment and for an aggravated offence is 5 years imprisonment. In addition, the offender must be disqualified from holding or obtaining a driver's licence for a period of not less than 2 years.

Subclause (3) makes the relationship between this new offence and an offence under section 29 (commonly referred to as the offence of "reckless endangerment") clear. A person cannot be guilty of both the section 19AC offence and reckless endangerment in respect of the sam conduct and the section 19AC offence is not available as an alternative verdict in a trial of an offence of reckless endangerment unless the offence against section 19AC was specified in the instrument of charge as an alternative offence.

6—Amendment of section 19B—Alternative verdicts

This clause makes a consequential amendment to the alternative verdicts provision in Part 3 Division 6 to provide that the new section 19AC offence can be put as an alternative verdict where a person is charged with an offence against section 19A that is alleged to be an aggravated offence because it was committed in the course of attempting to escape pursuit by a police officer. In addition the *Road Traffic Act 1961* offences of dangerous driving (section 46) and careless driving (section 45) are specified as alternative verdicts that are available in a trial of an offence against new section 19AC.

Mr HAMILTON-SMITH secured the adjournment of the debate.

SUPERANNUATION (ADMINISTERED SCHEMES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 339.)

Mr HAMILTON-SMITH (Waite): I rise to indicate that the opposition will be supporting the measure, and it commends the government for bringing it to the house. The purpose of the bill, as we understand it, is to establish the legislative framework that will enable a superannuation scheme that is wholly or substantially funded by money provided by the government to have its administrative function transferred to Super SA. I take this opportunity to thank Mr Deane Prior, the Director of Superannuation Policy from the Department of Treasury and Finance, and officers of the minister's office who assisted me with a briefing; they helped me through the process of getting to grips with this bill. The legislation will enable the trustees of qualifying schemes (as they are described in the bill) to elect to have the assets of the superannuation fund invested and managed by the Superannuation Funds Management Corporation of South Australia (known as Funds SA); and the responsibility for the fund and scheme taken over by the South Australian Superannuation Board (often referred to as the Super SA board). The bill also seeks to make some consequential amendments to the Superannuation Funds Management Corporation of South Australia Act 1995 as a result of the arrangements proposed in the bill. The bill contains some minor technical or operational amendments to the Superannuation Act 1988.

The legislative framework established by this bill will enable a qualifying scheme to be declared by the minister as a superannuation scheme. It will be taken to be established under the Superannuation Act. It will be administered by Super SA, with Funds SA as the fund manager or the trustee (which is the South Australian Superannuation Board). As has been explained, we understand that there is some urgency with this bill and there is one fund, in particular—I think the Nurses Fund—that needs this legislation passed fairly quickly; and there are a number of others, including the South Australian Metropolitan Fire Service scheme—and others which have been mentioned to me privately—that ultimately might want to come into this scheme. I say to the minister that he might want to elaborate, so that we can avoid going into committee, on what other entities might be seeking to

come in other than nurses and firemen. Perhaps he could reassure us on that.

The Hon. K.O. Foley: Ambos.

Mr HAMILTON-SMITH: Yes, other than those two. We would also be interested to know how this might impact, if at all, on choice legislation that has been introduced and whether or not that may have an impact on the measure.

A qualifying scheme, as I have mentioned, is defined in the legislation to be one where the operations of the employer and the members are wholly or substantially funded by money provided by the government of the state, an agency or instrumentality of the Crown or some other public authority prescribed by regulations. There is already one superannuation scheme, as I have mentioned, that has indicated to the government that it wishes to transfer its administrative functions to Super SA, and I pointed out that I understand that to be the Nurses Board. I understand that the reason for their enthusiasm to see this measure passed is to have trustee responsibility transferred to the South Australian Superannuation Board because of the ever-increasing complexity of dealing with superannuation by trustees who are not full-time superannuation professionals (and who I understand are not remunerated), and the pressures of managing the schemes and acting as board members and trustees are becoming an ever-increasing burden.

The costs and burdens of administering a scheme in the commonwealth regulated environment have also had an impact on the trustees' decision. The scheme, as I mentioned, that is immediately before us is the South Australian Ambulance Service Superannuation Fund, but with others to follow. The government has advised that appropriate union representation has supported the changes and that the unions are behind the measure, which I think is very much a positive factor for its being supported. It is likely that trustees responsible for other schemes, as I have mentioned, will consider taking similar action, but I have asked the minister to tell us who they might be. The government has advised that the most likely other scheme is the fire service, but we will hear if there are more in a moment.

The bill provides for phased transition of a qualifying scheme in moving over so that the switch in administration to Super SA and the South Australian Superannuation Board is a successful and well-managed one. This is to provide for maximum flexibility in the handling of the transition, and we will see how that unfolds.

I understand the current plan is to have the ambulance service scheme administered as early as 1 July this year, and note that the bill also establishes a facility for the transfer of the scheme's assets to Funds SA, the manager of the state government superannuation investments. The transfer of fund assets to Funds SA will be subject to a decision by the relevant trustee. Of course, the house should note that we are talking about a fairly significant amount of money, particularly in respect of nurses, but if we take into account the South Australian Metropolitan Fire Service, as well—

The Hon. K.O. Foley: Ambulance officers, not nurses.

Mr HAMILTON-SMITH: I beg your pardon—ambulance officers as well as the South Australian Metropolitan Fire Service, it is a substantial amount of money that will be coming in to an already large amount of money under management.

I imagine that the members of the funds will have a keen interest in this measure. I note that, in the case of the South Australian Ambulance Service Superannuation Fund, there is quite an amount of money under management. That superannuation is invested in a range of investments that includes overseas fixed interests, Australian fixed interests, property, overseas shares, Australian shares, cash and other investments. I was assured during the briefings that the team that now will be managing these investments is very capable and polished, and that it will make sensible and prudent investments on behalf of the members of the ambulance service; and, no doubt, since the unions have been involved, they are obviously quite confident of that.

Relieved, I am sure, will be the directors of the ambulance service fund, who I understand still are, in regard to representatives, Peter McEntee, John Cahill and John Baseley, with employee representatives being Don Hawking, Chris Lemmer and Laura Reed. I imagine that means they will be able to go home and relieve themselves of the responsibility for this fund and that Mr Prior will take on the burden of now managing all their responsibilities and see that the fund is well looked after.

If the Metropolitan Fire Service is to come into the scheme, I would be interested to know when the government thinks that might occur—if it is able to guesstimate, if you like, when that might happen. The opposition notes that investment returns in the South Australian Metropolitan Fire Service fund have been fairly good in recent years, with the share market up 26 per cent and overseas shares up nearly 10 per cent, as a result the fund having been able to produce a return of 13.3 per cent for the year past, well ahead of inflation at 2.5 per cent. I do not know whether the new arrangement will be able to deliver a similar or better income, but—

The Hon. K.O. Foley: It is up in the high 20s at present.

Mr HAMILTON-SMITH: Is it? Good! If it is in the high 20s, as the minister assures the house, no doubt the firemen and the ambulance officers of the state will be overjoyed by the new arrangement.

The bill will require Super SA to maintain proper financial accounts in respect of each scheme that is declared by the minister to be administered or managed by Super SA, and any administered scheme will be required to have its financial accounts and operations audited by the Auditor-General on an annual basis, and that is reassuring. The legislation also requires Super SA to submit an annual report to the minister on the operation of the legislation in relation to any administered scheme, and the report will be required to be tabled in parliament, which of course is very reassuring to an opposition.

In summary, the opposition understands why the government is taking the measure. We understand why the ambulance officers want it to be passed, and later the Metropolitan Fire Service. It seems like a sensible and well-considered measure. We will see how it unfolds. We look forward to receiving the annual reports. If the minister could address the issues I have raised, I see the bill passing without needing to go into committee.

The Hon. K.O. FOLEY (Treasurer): I am advised that the ambulance employees super fund will commence on 1 July this year. The firefighters are not expected until 1 July of next year, but they will be applying to be an administered scheme under this act. Choice legislation has no impact on this, or vice-versa, I am advised. There are two other potential funds that could apply. I would rather not disclose or make public those names, but I am more than happy to share that with the honourable member privately. I think that is about it. I thank the shadow minister for his support and Mr Deane

Prior, who is well known to us all, and his officers for preparing the legislation.

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

Ms BREUER: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (ROAD TRANSPORT COMPLIANCE AND ENFORCEMENT) BILL

In committee.

(Continued from 6 June. Page 432.)

Clause 14.

Mr HAMILTON-SMITH: As I recall, we were dealing with my amendment No. 4 on paper 9(2), which was an amendment to clause 14, section 40Q, page 36, line 6, about inserting the word 'heavy' before the word 'vehicle'. The minister acknowledged our concern that an unintended consequence of this clause might be that it could apply to any vehicle—and any vehicle in the act is literally described as any vehicle—and that we could find small business people or families being pulled over and having the act applied to them when they were not necessarily the target of the legislation. I think the minister indicated that the target was really light vehicles and heavy vehicles, but he undertook between the houses to look at our concern and maybe tighten up this clause by inserting the word 'heavy' before the word 'vehicle'.

We are happy with that; that is, if he could take that on board. We feel that, as it is expressed, it broadens the act to cover a whole range of vehicles that might not be the intent of the national legislation. That is the point of it.

The Hon. P.F. CONLON: To make it absolutely clear, it was intentional that it cover heavy and light vehicles. What I can say is that that is not a necessary part of the national legislation. My advice is that Victoria has gone with heavy vehicles only and New South Wales has heavy and light. I am happy to listen to an argument between the houses about why it should be restricted to heavy vehicles and take some advice about the effect of that. But what I have said before and what I will say again: I have to pursue the national agreement but where I do not have to I am quite happy to consider amendments without giving an undertaking that we, of course, would accept them.

The Hon. G.M. GUNN: In relation to the proposition put forward by my colleague, it is the same as the amendment that I have. It would be quite unreasonable if ordinary runabouts and utilities were included in this provision, because I can well imagine the situation, particularly in the northern parts of the state, in the opal fields, where some of the vehicles are used purely for practical purposes and would not meet the requirements we have down here in Adelaide, if these over-zealous inspectors that you will have racing around the country do not have much of a sense of humour, and these police officers that come from Adelaide in their pursuit vehicles do not have any common sense. I dealt yesterday with a case at Burra. For once in their lives the Victorians appear to have got it right. I know the difficulties in New South Wales, because in attempting to get a carrier and some reasonable access over the last week in New South Wales I realise how intransigent they are, and I would hate to see that happen here.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 37, line 8—Before 'vehicle' insert heavy.

I move this amendment for the same reasons as I explained before.

The Hon. P.F. CONLON: My response is the same.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 38, lines 22 to 32—Delete subsection (1) and substitute:

(1) This section applies to the following premises:

(a) premises at or from which a responsible person carries on a business involving or related to the transport of goods by a heavy vehicle by road, or that are occupied by a responsible person in connection with such a business, or that are a registered office of a responsible person who carries on such a business;

(b) the garage address of a heavy vehicle;

(c) the base of the driver or drivers of a heavy vehicle;

(d) premises where records required to be kept under an Australian road law, or under an approved road transport compliance scheme, in relation to a heavy vehicle are located or where any such records are required to be located.

This amendment, although it is presented slightly differently, is essentially the same as the earlier two amendments. It seeks to amend section 40S by inserting in various parts of subsection (1), through (a), (b), (c) and (d), the words 'heavy vehicle' back into the legislation, rather than the word 'vehicle'. So it is the same argument as before about the applicability of the legislation.

The Hon. P.F. CONLON: I have the same answer—oppose it and might look at it.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 39, line 29—Delete 'free of charge' and substitute:

(provided that an amount equal to the reasonable cost of using the equipment is paid or offered to the occupier of the premises)

This one deals with the use of photocopiers and other equipment in offices which are being inspected by these particular characters. I am of the view that in small offices particularly, where they have very limited equipment, if they are going to use this equipment they should be like any normal person and pay for it. I cannot see any reason why the long-suffering taxpayers should pay for having documents photocopied.

The Hon. P.F. Conlon interjecting:

The Hon. G.M. GUNN: If the minister thinks that this particular part is a part of the national arrangement, then I would have to say he is trying to pull the wool over our eyes, because if you use someone's property and you incur an expense to them, then you ought to pay for it—simple as that. If you go down to one of these places and get photocopies, if you want to run off 50 copies, you are going to be charged 20 or 30 cents each. If I have to use the photocopier in Port Augusta down at the office shop, I pay for it. So, if Sir Humphrey Appleby or one of his henchmen go into someone's office—and certainly not to do them any good, but to make life difficult for them, because this legislation has a great element of wanting to make life as particularly difficult as possible for people reasonably going about their business—then to want to use their equipment and not pay for it I think is right over the top, and therefore I think we might see how many people in the house are with this one.

The Hon. P.F. CONLON: I will look at it between the houses. The purpose of this subsection, as I understand it, is that officers do not have to remove documents which might

inconvenience the person more. Frankly, I can see the merit in people's being compensated, but we cannot have the whole thing fall down because of an argument about what the reasonable costs are for using a photocopier. I am quite happy to look at it between the houses, and I can see the merit, but we cannot have something that makes it administratively impossible. We might be able to do something; we will have a look.

Mr HAMILTON-SMITH: Regarding my colleague's amendment and subclause (7) of which subparagraph (d) is a part, about photocopying, I notice that subclause (7)(a) refers to 'the power to inspect and take copies of or extracts from any records located at the premises'. I emphasise that it refers to any records whatsoever. In light of my friend's amendment that there be a fee, I wonder whether that is open to abuse. Does it give the power to an authorised officer literally to take a copy of any record, even if it is unrelated to the matter? I give the example of pay records or—

The Hon. G.M. Gunn: GST.

Mr HAMILTON-SMITH: Yes; tax returns, financial records or other material which could be of a confidential nature and which, in the view of the proprietor, are not relevant to the inquiry but, because the power is there to photocopy any record, they are copied. Could the minister give us assurance that the proprietor's photocopier will not be used to photocopy just anything at all?

The Hon. P.F. CONLON: I can give you that assurance. The power applies, as the section states, to documents required to be kept under an Australian road law or under an approved road transport compliance scheme. I am not interested in any GST records.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 40, lines 2 to 17—Delete subsection (1) and substitute:

(1) This section applies to the following premises:

(a) premises at or from which a responsible person carries on a business involving or related to the transport of goods by a heavy vehicle by road, or that are occupied by a responsible person in connection with such a business, or that are a registered office of a responsible person who carries on such a business;

(b) the garage address of a heavy vehicle;

(c) the base of the driver or drivers of a heavy vehicle;

(d) premises where records required to be kept under an Australian road law, or under an approved road transport compliance scheme, in relation to a heavy vehicle are located or where any such records are required to be located;

(e) premises where the officer concerned believes on reasonable grounds that—

(i) a heavy vehicle is or has been located; or

(ii) transport documentation or journey documentation relating to a heavy vehicle is located.

The thrust of this amendment is the same as for the amendments I moved previously to insert the words 'heavy vehicle' instead of 'vehicle'.

The Hon. P.F. CONLON: The same reply applies. I point out at this stage that there is a purpose for not restricting the search to premises relating to heavy vehicles as a result of recommendation 11 from the Kapunda Road Royal Commission, clarifying the requirements and inserting 'in search of premises for evidence under the Road Traffic Act 1961'. There was a reason why it is intended to extend beyond heavy vehicles. Given what has occurred here, we will have a look between the houses to see if that is the best way of doing it. There was a deliberate intention for it to reach beyond heavy vehicles. We have listened to the force of arguments.

The Hon. G.M. Gunn interjecting:

The Hon. P.F. CONLON: No, you cannot. The notion that you can use a power given for one purpose to do something else is wrong at law; it can be challenged at law. You cannot go beyond the power given; that is a tenet of administrative law. I give substantially the same answer. We will have a look at the arguments between the houses.

The Hon. G.M. GUNN: I am pleased that the minister has given that assurance, because bureaucrats do not always take notice. I will give an example. WorkCover used to send notices to people demanding copies of group certificates which included people's income tax and, when it was brought to my attention, I spoke to someone in the taxation department who said that it was a highly illegal request. These people do try it on.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 44, after line 28—Insert:

(2a) A direction given to a person under subsection (1) must allow the person a reasonable period to obtain legal advice before the time stated when the records, devices or other things are to be produced.

If we believe in democracy and in a decent society, people have the right to get advice, the right to challenge, question and object. Just because someone has dreamed up something that may make this easy to administer, there is no reason in the world why, in a society such as ours, people should not be able to get their lawyer to advise them on whatever answers or questions they may like to pose or have the lawyer present. As he is someone with a background in the legal profession, I would be surprised if the minister did not think it appropriate to get legal advice. I pointed out to the minister previously that you are at a grave disadvantage when you challenge the government and its agencies or instrumentalities, particularly these people who have not had proper training. When you put a uniform on them, they get all important. They are the Captain Mainwarings of this world who strut around and, when they have a lawyer present, they become far more reasonable. It is a reasonable question that I put forward.

The Hon. P.F. CONLON: In ordinary circumstances, directions will be required to be complied with within a certain period of time. If a person wants to take legal advice in that period of time, they should feel free. Legal advice will not prevent it being an offence not to produce documents. It seems to me that the member for Stuart again seeks to guard against powers being used not for the purposes of the act. That is unlawful. It is unlawful with or without legal advice. Powers exercised for the purposes of the act are lawful. I do not believe that this act would be administratively possible or have its administrative effect if people were able on every occasion simply to say, 'Well, I am not doing anything until I've got my lawyer.' I point out that there is no such provision in New South Wales or Victoria. I do not think it is possible to do. Again, we will look at all these amendments, but I put on record that I do not think it is possible to do this.

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

The Hon. G.M. GUNN: I again emphasise to the committee that it is, in my view, one of the fundamental rights in a democracy that people have access to legal representation. When one considers the draconian nature of this legislation and the penalties that can be prescribed, and when one reads all the clauses, an inspector or the police can

make a mistake but still be right and then deny people justice. It is something that will not stand the test of time. No matter what Sir Humphrey in the department thinks, let me tell you that this will be changed. No decent society or group of people will tolerate this sort of behaviour. I am never one for direct action, but one of the things I foresee—and there is nothing surer—is that one day you will push the truckies of this country just too far and they will bring the nation to a halt just like that. They can bring this nation to a halt.

An honourable member: They did once.

The Hon. G.M. GUNN: I am just telling you a fact. I have made the point, and I say to the boffins in the departments of transport around Australia, 'No matter what you think now, people are not going to continue to wear this nonsense.'

The Hon. P.F. CONLON: I think I've said all I need to say.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 45, after line 25—Insert:

(2a) An authorised officer or police officer giving a direction to a person under subsection (1) must warn the person that the person is entitled to refuse to provide information if to do so might tend to incriminate the person or make the person liable to a penalty.

I thought that in our system of democracy you were presumed to be innocent until proved guilty. This amendment restores that provision. Heaven help me, minister, I thought one of the things you would have practised as a lawyer was that surely people had a right to be properly cautioned before answering questions. The thing that perturbs me more than anything else is that, when people become ministers and are advised by Sir Humphrey, they fail to understand that the average citizen is at a tremendous disadvantage when they are confronted by these people. They have no understanding of these laws.

People can think that I am being unreasonable and unfair, but all I am doing is sticking up for people and for long-proven principles. If anyone argues against this, why do we even have the courts? Why don't we just let the police determine the matter? These disgraceful on-the-spot fines are bad enough. I hope that everyone has had their dinner tonight because I can tell you that they will all be brought in here in a minute. This is absolutely fundamental.

The Hon. P.F. CONLON: It would be peculiar to create a system of enforcement and compliance with penalties where, in pursuit of the enforcement, you ask people to provide information but, if that information showed they were in breach of the bill, they did not have to provide it. It would render pointless, it seems to me, the whole point of having the laws we seek to create here. I am sorry; I simply cannot accept the amendment.

The Hon. G.M. GUNN: Surely the minister understands that there are provisions in this legislation which turn on its head the accepted the process that you are innocent until proven guilty. One of the unfortunate things is that, obviously, the backbenchers do not read these bills, or they do not have the wit or the wisdom to challenge ministers behind closed doors. That is one of the differences between this side of politics and that side. When we were in government, these sorts of things just diminished; they just got ripped into gear. They would not tolerate this sort of behaviour. I have seen ministers do cartwheels behind closed doors, but some of us just said, 'Well, that's it; we will not agree to it.' Nor should we agree to it.

These are unreasonable acts. There are always consequences. The consequences will be that the director and the deputy commissioner of police will earn their keep because the day this is proclaimed questions will go on the *Notice Paper* by the dozen. I look forward to the budget estimates committees, because if the minister thinks I am being difficult here, see how we go there.

The Hon. P.F. CONLON: Section 41K provides an exception to the use of the information so that it cannot be used in any other proceedings except, in fact, if it is in relation to a false or misleading statement. It would render pointless having the laws if there is no ability to require people to provide information for the purposes of this law. I do not know; perhaps we are at cross purposes, but I am finding it hard to understand the member for Stuart's argument.

The committee divided on the amendment:

AYES (14)

Chapman, V.A.	Goldsworthy, M. R.
Griffiths, S. P.	Gunn, G. M.(teller)
Hamilton-Smith, M. L. J.	Kerin, R. G.
McFetridge, D.	Pederick, A. S.
Penfold, E. M.	Pengilly, M.
Pisoni, D. G.	Redmond, I. M.
Venning, I. H.	Williams, M. R.

NOES (29)

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

PAIR

Evans, I. F.	Rann, M. D.

Majority of 15 for the noes.

Amendment thus negatived.

The Hon. G.M. GUNN: I move:

Page 46, line 28—Delete ', but not otherwise' and substitute:

if the person given the direction is qualified to drive the vehicle, but does not authorise the giving of a direction

There is a real concern in relation to these matters, and I put to the minister in the clearest and simplest terms that people giving any directions need, first, to be qualified and, further, it is a course of action which needs to be dealt with in the most cautious, particular way. My amendment is appropriate and responsible in view of all the circumstances which can be created by the provisions of this bill—which, unfortunately, is going to become an act.

The Hon. P.F. CONLON: The authorised officer will not be requiring anyone to drive the vehicle who is unlicensed to drive it or who, I understand, does not have the powers to run the engine. The responsible person is, I have to say, in most cases going to be the driver, but there is certainly no intention—and there is no capacity under the bill, unless I am seriously misled—to require someone who is not qualified to

drive the vehicle to do so. That is provided for later in another section, apparently. Anyway, we are talking here about running an engine, and I am not certain that it requires a person to be licensed to drive a heavy vehicle. But, in most cases, the responsible person will be, in fact, the driver of that vehicle.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 47—Delete new section 40Z.

The reason I propose this amendment is that the section (as written) provides for a responsible person to whom a direction is given by an officer, an authorised officer, or a person authorised by an officer to run an engine. The authorised person may run the engine (even though the person is not qualified to drive the vehicle) if the officer believes on reasonable grounds that there is no other person within the vicinity who is more capable of running the engine, etc. The authorised person may use reasonable force—whatever that is; it is not specified—in complying with the direction to run the engine or when acting under the authority of section 40Y(7) to run the engine. It is immaterial, the clause says, that the authorised person is not authorised to run the engine. Then it goes on to state:

> The authorised person is, in complying with the direction to run the engine or when acting under the authority of section 40Y(7) to run the engine, exempt from any other road law to the extent that the other law would require him or her to be licensed or otherwise authorised to do so.

It is the view of the opposition that this clause which enables a person who is unlicensed and possibly unfamiliar with the vehicle concerned—it could be a complex, articulated vehicle worth perhaps hundreds of thousands of dollars, with expensive and complicated operating devices—to get in and turn on the engine and operate the vehicle. It is our view that that presents a risk to the vehicle and therefore a risk to the property of the operator. Our view is that the entire clause should simply not be in the bill and should be deleted.

We acknowledge that, in the normal course of events, the authorised officer would probably ask the owner or operator to operate the vehicle. I understand that this provision might be there in the event that the driver or the operator refuses to do so, but nevertheless we are empowering here an authorised officer or a person to simply get into someone else's very expensive and very complicated articulated vehicle and operate the vehicle, even though they may have no knowledge whatsoever of what they are doing, perhaps resulting in significant damage to the vehicle, or even a risk to the public or to the safety of people at large, as a consequence of being in control of a vehicle which they have never driven before and which they have no qualification or experience in driving. Frankly, we feel that it is a reckless section.

The Hon. P.F. CONLON: The provision exists to ensure that a person cannot avoid the consequences of having possibly committed offences by refusing to run the engine. What the opposition and the member for Stuart—and I must say that they agree on everything, which I find astonishing—are proposing is that a person can avoid the effect of the law simply by refusing to run the engine, and no-one else should be allowed to run the engine, unless we can find someone qualified to drive the heavy vehicle. There are a whole load of constraints in this section requiring the officer to attempt to find the most qualified person. At the end of the day, what it is all about is that the member for Stuart and the shadow minister—surprisingly, the shadow minister for transport—simply believe that it should be possible for heavy vehicle operators to avoid the effects of reasonable laws.

I just cannot agree, I am sorry. It is the same point over and over. The member for Stuart simply wants it to be the case that, if you drive a heavy vehicle in the country, there is no law that you have to abide by. I just cannot agree with it.

Mr HAMILTON-SMITH: Could the minister list the offences that he envisages might require an officer to operate the vehicle unlicensed and without any experience in operating the vehicle—

The Hon. P.F. Conlon: Running the engine.

Mr HAMILTON-SMITH: Well, operate the vehicle, if you are running—

The Hon. P.F. Conlon: Run the engine.

Mr HAMILTON-SMITH: Perhaps I will ask the question and the minister can answer it.

The Hon. P.F. Conlon: Try to get on the section.

Mr HAMILTON-SMITH: This section authorises a person to run the engine—that is operating the vehicle.

The Hon. P.F. Conlon: Not operate the vehicle, run the engine.

Mr HAMILTON-SMITH: That is operating the vehicle. If you turn the engine on—

The Hon. P.F. Conlon: I have to tell the honourable member that I would be happy to have him run the engine. I would not be happy to have him operate the vehicle.

Mr HAMILTON-SMITH: That may be so, but in the view of the opposition, if you turn on the engine, you are operating an engine. What offences is the minister concerned about?

The Hon. K.O. Foley: Is this filibustering?

Mr HAMILTON-SMITH: No, we genuinely want an answer. Can the minister tell me what list of offences he envisages will require an authorised officer to—

Members interjecting:

The CHAIR: Order!

Mr HAMILTON-SMITH: —run the engine, so that we can move on.

The Hon. P.F. CONLON: For the benefit of the shadow minister, who apparently does not believe in laws for heavy vehicles, it is necessary to run the engine, for example, in order to examine the engine management system which will tell you whether the vehicle has been speeding. It is also necessary to run the engine when the vehicle is to be moved by being towed and you need to decouple a trailer from the prime mover. Of course, if you do not think it is necessary to enforce heavy vehicle laws, you feel free, but I tell you that you are absolutely on your own. I stress again that every minister in Australia agrees with this—your commonwealth colleague agrees, the Road Transport Authority agrees, the Transport Workers Union agrees and the RAA—your great friends—agree. The honourable member is on his own. However, if it continues to be his view that we should not enforce safety laws on heavy vehicles, I think he will be in a very lonely place.

Mr HAMILTON-SMITH: I remind the minister that just because other ministers might think that this is a great idea, it does not mean that the opposition does. I remind the minister that, although industry groups support the thrust of the bill, there is a lot of detail in the bill of which much of the industry is not aware because they simply have not been informed about it. I ask the question on this third attempt. The minister has mentioned two possible offences which he thinks might require this clause. How will an authorised officer who is not qualified to operate the vehicle, who is not trained to

operate the vehicle and who does not understand how to operate the vehicle determine any outcomes from running the engine if he does not understand?

We are talking about reading the engine operating system to determine whether the system has been exceeding the speed limit; and we are talking about the decoupling of trailers. I ask the minister: if the person is unqualified and unlicensed, how will they know how to do these things? Would it not be better if the minister had a requirement in this clause where, provided the authorised officer or police officer was qualified and experienced in operating the vehicle, he should be able to do it?

The Hon. P.F. CONLON: The provision exists where a responsible person, usually the owner and/or driver, refuses to run the engine—not operate the vehicle—because running the engine would either expose them to penalty or would allow the authorised officer to go about their job. The preference of the government and the authorised officer would be that people comply with directions but, if the opposition's suggestion is that the vehicle owner or operator can simply refuse to comply in the middle of nowhere, if there is no-one else that means that you do not have to do anything about it. You can keep asking questions, but we do not agree.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 48, line 8—Delete '72' and substitute: 48

People can get their blood pressure up as much as they like but, in view of the comments that have come across, unfortunately there are very few people who have had the opportunity to read this stuff. I had one carrier ring me at 10 o'clock last night who had just been made aware of it. He has been loading grain for 40 years and he said that these provisions are impossible to comply with. Mr Quinn rang the member for Flinders today and told him—

Mrs GERAGHTY: I rise on a point of order. While I have great respect for the member for Stuart, I ask what his comments have to do with the clause and with his amendment.

The Hon. P.F. CONLON: We oppose the amendment.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 48, after line 26—Insert:

(ai) the name of the magistrate issuing the warrant; and

This amendment ensures that if a warrant is issued then the name of the magistrate is clearly visible so that the person who has the warrant served upon them is aware of the issuing magistrate. That appears to me to be the simplest, most reasonable and most appropriate amendment that anyone could move and I cannot imagine how anyone would countenance not agreeing to it.

The Hon. P.F. CONLON: I apologise to the house; I agree with the member for Stuart.

Amendment carried.

The Hon. G.M. GUNN: I move:

Page 48, after line 28—Insert:

(ia) that the powers conferred by the warrant may only be exercised at a reasonable time of the day; and

This also deals with the issuing of warrants. It is an amendment to section 41B and what it indicates is that warrants must be issued at a reasonable time of the day, not at 5 o'clock in the morning, or 11 o'clock at night.

The Hon. P.F. CONLON: I can't accept it. The magistrate is required by this law only to issue a warrant subject to conditions and limitations and where it is reasonably required. This would be too restrictive. For example, I know some intelligent people who like watching *The Bold and the Beautiful*. I do not think it would be fair to say that they could not serve a warrant because the people in question liked watching *The Bold and the Beautiful*. It is far too restrictive.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 48, line 30—Delete '90' and substitute: 45

On page 48, new subsection (5)(ii) provides:

A warrant under this section—

(a) must specify. . .

(ii) the period for which the warrant will be in force (being a period not longer than 90 days). . .

Why would anyone want to have this particular provision for 90 days, which appears to me to be far too broad and all-encompassing? If you have an investigation, 45 days is far too long anyway, in my view, but I have tried to be reasonable and I think 45 days is an appropriate time for a warrant to be enforced. Therefore, if they need extra time they should have to go back and justify to the magistrate that it is necessary, it is desirable, and there are good reasons for it.

The Hon. P.F. CONLON: It is a rare occasion when the member for Stuart is asking for something far more reasonable than he normally asks for. In the vain hope that it will encourage a more cooperative approach to the bill, and without going to caucus, I will take the risk of saying we will agree to it. It is not going to offend anyone, I do not think, except possibly those who would like a nice, comfortable time with 90 days.

Amendment carried.

The Hon. G.M. GUNN: I move:

Page 51, after line 15—Insert:

(5a) If an authorised officer or police officer issues an embargo notice under this section—

(a) in relation to a vehicle otherwise than by serving a copy of it on the registered owner of the vehicle, the authorised officer or police officer must also, as soon as reasonably practicable, cause a copy of the notice to be served on the registered owner of the vehicle; or

(b) in relation to premises otherwise than by serving a copy of it on the occupier of the premises, the authorised office or police officer must also, as soon as reasonably practicable, cause a copy of the notice to be served on the occupier of the premises.

It seems to me to be self-explanatory and it clearly indicates that the appropriate people would be aware that such a notice is in force.

The Hon. P.F. CONLON: This, as with so many of the amendments of the member for Stuart, is simply about making the bill more difficult to enforce. That has been the consistent approach throughout the current provision. It only allows a notice to be left in a prominent place after the enforcement officer has first taken all reasonable steps to locate the occupier of the vehicle or the premises. As I said, as with so many of the amendments of the member for Stuart, this is simply designed to make the law more difficult to enforce. I will give the member for Stuart credit; he is entirely consistent. He has sought to undermine the bill every step of the way and this is simply another step.

The Hon. G.M. GUNN: It is unfortunate that the minister would adopt such an attitude because I have had some experience in this area. Having been in this place for a considerable amount of time, I have seen governments and ministers legislate on behalf of their bureaucracies without

any real consideration of the long-term effects on reasonable people trying to go about their lawful business.

I say to the minister that it is not him trying to deal with these people when confronted by them. So, I have made the point clearly. There are no ulterior motives in my mind to do this. I am doing what I have been sent here to do, and that is to go through each one of these clauses, clause by clause. We are not here to rubber stamp and say, 'Let's go home early.' We are not here to do that. We are actually making new laws with these provisions—people seem to forget that—and it should not be done lightly. It should not be done easily. It should be done thoroughly and carefully. So I think this is a good provision.

The Hon. P.F. CONLON: The honourable member must understand that, if it is contested in a court, the duty of proof is on the prosecutor, so the prosector has to prove that the authorised officer took all reasonable steps. It is not up to the person defending it to show that they did not. It is up to the prosecutor to show it unless, of course, prosecutions have changed since my day. It is up to the prosecution to prove it. It is simply proposing an unnecessarily burdensome step.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 51, after line 26—Insert:

(6a) Subsection (6) does not apply if the embargo notice is unreasonable.

I know the minister will be pleased with me moving this amendment. It is, in my judgment, fair and reasonable because the minister, in his explanation, failed to say one thing. The average citizen does not have access to advice and is not able to afford legal representation when dealing with these issues. Therefore, that is what brings this whole process, in my view, into question. So I move this amendment because I consider it not only fair but reasonable, just and proper.

The Hon. P.F. CONLON: Like so many other parts of the bill, it is just an encouragement for people to argue that the notice is not reasonable. It is the same thing we have said earlier in other areas where the member for Stuart has wanted the orders and directions to be reasonable. I say again, as I said last night, I expect authorised officers and the police not only to be reasonable but to act according to the law and for the purposes of the legislation. I do not think it needs to be written in there as an invitation to challenge that. The correction for those people are, in the case of public servants, the provisions which attach to their employment, and, in the case of police, the substantial bodies of operations or the operational guidelines for them. That is the requirement: to be reasonable and act lawfully. It is just silliness to put in there an invitation to challenge an order or notice on the basis that it is not reasonable. It is again simply an attempt to make the law unenforceable. At least it is consistent.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 52, line 26, after 'taken'—Insert:

, and the Crown will be liable to compensate any person for loss suffered in consequence of the action taken

This section deals with obligations upon an officer for restoring a vehicle or premises to its original condition. I remind the house that an authorised person or police officer can take action in the exercise of their duties under this act in relation to a vehicle or its equipment or load, which may result in damage caused by the unreasonable exercise of power or by the use of force not authorised under this division. This clause, in the minister's bill, states that an officer in these circumstances must take 'reasonable steps' to return the vehicle, equipment, load or premises to the condition it was in immediately before the action was taken. It seems to me—and I am sure that my friend the member for Stuart would agree with me—that this is a pretty unreasonable provision. It is virtually saying that if an authorised officer—and I remind the house that this could be a contractor or someone not even on the public payroll—causes damage as a consequence of unreasonable exercise of the power or by the use of force that was not authorised under this division, that is all right. All they then have to do is take reasonable steps to return the vehicle to its original condition. What is the value of an articulated vehicle that might be used for stock carriage or grain carriage—$500 000?

So, we are talking about a vehicle worth about $500 000, a family business that has mortgaged the home and borrowed heavily to invest in this vehicle; it is their livelihood. We are saying that if a contractor, who is not even a government employee, damages the vehicle because they have been totally unreasonable and acted beyond that which is authorised under the act, it is all right as long as they take reasonable steps to fix the damage. That is okay. I do not know what reasonable steps are. It seems to the opposition that it would be fair for the Crown to be liable to compensate that family for any loss suffered as a consequence of action taken. Can the minister help me with this? I am trying to convince him. I know that he is a reasonable man. Is there some way around this?

The Hon. P.F. CONLON: I cannot accept the amendment, because I have to make sure that it does not have unintentional consequences, but I am happy to look at drafting an amendment. I point out that 'reasonable' is a word that your colleague has relied upon about 40 times so far tonight. It seems odd that it is not open to the government to rely upon it, but the member for Stuart can rely consistently upon it. We are happy to look at an amendment, and we may even write one ourselves, if it covers loss attached to those matters contained in the act, namely, vehicle, equipment, load or premises.

Mr HAMILTON-SMITH: I thank the minister for being so reasonable. I take it that, between the houses, the government will draft an amendment.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 52, lines 27 to 42 and page 53, lines 1 to 3—Delete new section 41K and substitute:

41K—Self-incrimination

A person may refuse to provide or produce any information, document, record, device or other thing in compliance with a direction under this division if to do so might tend to incriminate the person or make the person liable to a penalty.

This is one of the most substantial amendments in that it sets out to protect people from self-incrimination. Section 41K of this bill provides:

It is not an excuse for a person to refuse or fail to provide or produce any information, document, record, device or other thing in compliance with a direction under this division on the ground that to do so might incriminate that person or make the person liable to a penalty.

The fundamental principle of our British system of justice, contrary to the European system, is that you do not have to incriminate yourself. I thought everyone understood that. There is no rhyme nor reason why we should depart from that fundamental principle. One of the things the Liberal Party has stood for is always to oppose when you reverse the onus of proof.

The Hon. P.F. Conlon: We have put it in lots of acts.

The Hon. G.M. GUNN: That does not make it right, proper or reasonable.

The Hon. P.F. Conlon: But you guys did when you were the government—you put it in lots of acts.

The Hon. G.M. GUNN: Normally they didn't do it with my concurrence. For as long as I am in this place—and you have to put up with me for a while yet, and if they continue to provoke me I may come back again—I will argue against this. To have the effrontery to say they will use the evidence against someone is a nonsense. Who believes that? What are you going to do with it? Of course they will concoct it a bit and use it against a person. I do not know what members opposite are doing—they are obviously not paying attention. They are elected here and paid to be legislators. Members opposite should know that these sort of provisions are dangerous and improper. This committee should not let this matter go without challenge.

The Hon. P.F. CONLON: The amendment is calculated to make it far more difficult to enforce the provisions. This is not an usual provision: it applies in a number of pieces of legislation, namely, the Environmental Protection Act. There are still provisions against self-incrimination. There are provisions that mean that the information provided is not admissible in other proceedings in respect of an offence, except in relation to a false and misleading statement. It is necessary for the proper administration and enforcement of these quite reasonable laws, no matter what you say, for these provisions to exist. Having talked about this now for three days, we simply cannot agree, Graham.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 53, after line 22—Insert:

41NA—Abusive language or wrongful obstruction or use of force by authorised officers etc.

If an authorised officer, police officer or person assisting an authorised officer or police officer—

(a) addresses offensive language to any other person; or

(b) without lawful authority, hinders or obstructs or uses or threatens to use force in relation to any other person,

the officer or person is guilty of an offence.

Penalty: $10 000.

41NB—Undue interference or unreasonable conduct by authorised officers etc.

If an authorised officer, police officer or person assisting an authorised officer or police officer unduly interferes with a person's lawful business or otherwise acts unreasonably in the exercise, or purported exercise, of powers under a road law, the officer or person is guilty of an offence.

Penalty: $10 000.

41NC—Improper access to documents or records

If an authorised officer, police officer or person assisting an authorised officer or police officer exercises, or purports to exercise, a power under a road law in relation to a person in order to obtain access to the person's documents or records for a purpose not related to the enforcement of a road law, the officer or person is guilty of an offence.

Penalty: $10 000.

41ND—Objections to directions to be noted

If a person makes an objection to an authorised officer or police officer about a direction given to the person by the authorised officer or police officer, the authorised officer or police officer must—

(a) make a written record of the making of the objection, the matter to which the objection relates and the person's claimed grounds (if any) for the objection; and

(b) deliver the record of the objection to the officer to whom the authorised officer or police officer is required to report in his or her employment as an authorised officer or police officer.

Penalty: $5 000.

This relates to abusive language, wrongful obstruction or use of force by authorised officers. This provision has been put in bill after bill at my suggestion. It is in other legislation involving the Department of Transport and there is no rhyme nor reason to change the rule. I recall the first occasion many years ago late one night when I forced the issue and a minister agreed. It upset the head of the department, but the principle was established.

It states that a officer cannot use offensive language to any other person or, without lawful authority, hinder, obstruct or use or threaten to use force in relation to any other person, and if they do they are guilty of an offence and a substantial penalty is provided. It appears to me that people are being called to answer all sorts of questions by officers, and they are threatened with all sorts of penalties. If officers act improperly they should also suffer a penalty. If members believe in even-handedness, justice, fairness and common-sense, they must agree to this amendment. This amendment is one we will look forward to dealing with up the corridor, as well as the amendment that relates to self-incrimination.

The Hon. P.F. CONLON: The only provision that we know of like this is something that, I suspect, the honourable member got the Hon. Di Laidlaw to insert for him—

The Hon. G.M. Gunn: Susan Lenehan.

The Hon. P.F. CONLON: —the Hon. Susan Lenehan—where there is a $1 250 fine under the Motor Vehicles Act for inspectors using offensive language. I did not realise that our inspectors were so bad that we had to prevent their being abusive. The ordinary protections are those under the code of conduct for public sector employees. I know that the point will be made that we may appoint people who are not public sector employees; and, because I am not sure that we should be doing it, that is one thing I have promised to look at between houses. Of course, regulation 17 under the Police Act prohibits employees from using abusive language for which there is a penalty of $1 250.

I think those measures are quite adequate to deal with the offence concerning the honourable member. However, the honourable member must be fair because, if this were to apply to everyone and they were to be penalised for abusive language, certain MPs who ring transport officials to explain what they think of them might be subject to penalties for abusive language. They might get a good 'Broganing', as they say. I would be slow to pursue this sort of thing.

The committee divided on the amendment:

AYES (11)

Chapman, V. A.	Griffiths, S. P.
Gunn, G. M. (teller)	Hamilton-Smith, M. L. J.
Kerin, R. G.	McFetridge, D.
Pederick, A. S.	Penfold, E. M.
Pisoni, D. G.	Venning, I. H.
Williams, M. R.	

NOES (24)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Fox, C. C.
Geraghty, R. K.	Hanna, K.
Kenyon, T. R.	Key, S. W.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rau, J. R.
Simmons, L. A.	Stevens, L.
Weatherill, J. W.	Wright, M. J.

PAIR(S)

Evans, I. F.	Rann, M. D.
Goldsworthy, M. R.	Foley, K. O.
Redmond, I. M.	White, P.L.
Pengilly, M.	Hill, J. D.

Majority of 13 for the noes.

Amendment thus negatived; clause as amended passed.

Clauses 15 to 23 passed.

Clause 24.

Mr HAMILTON-SMITH: I move:

Page 60, line 12—Delete 'If the breach concerned is a minor risk breach, the' and substitute The

This amendment concerns the liability for breaches of mass dimension road restraint requirements. The opposition is of the view that subclauses (2) and (3) are not required in their current form.

The Hon. P.F. CONLON: I make two points. The amendment goes against the national agreement—and I could not agree to it. The defence proposed here is an improvement on the Road Traffic Act where no defences at all are available. We are improving the defences available. It is seen as being somewhat ridiculous for a severe risk mass breach, being overloaded by 20 per cent or more, for an operator to say that they did not know. It is not appropriate. This is an improved defence on no defences available in the Road Traffic Act, and it is inconsistent with the national agreement.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 60, lines 15 to 19—Delete subsection (3).

The Hon. P.F. CONLON: No.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 62, lines 8 to 16—Delete subsections (7) and (8).

This would delete new subsections (7) and (8). These two new subsections would allow a proceeding to commence within two years or, with the authorisation of the Attorney-General, at a later date. Subsection (8) then goes on to provide that documents that are apparently genuine and signed by the Attorney-General for proceedings against this section 'must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation'.

Why would we want to extend a matter for that long? Surely, that in itself is a miscarriage of justice. I cannot see any reason a person should have these sort of penalties hanging over their head while people dither about in relation to charges that may be pending against them; either they get on and charge them, or they forget about it. It should not be hanging around that long. I think it could clearly be classed as a miscarriage of justice if people had to wait three years before they were charged. It is an absolute nonsense.

The Hon. P.F. CONLON: The whole reasoning behind a chain of responsibility is that investigations that are likely to be complex and across jurisdictions take a long time. Having chosen to go down a chain of responsibility path with this bill, it is necessary to have these provisions. I would hope that prosecutions are brought on speedily, but we cannot rule out that, in a complex investigation crossing borders, it will not take a long time.

Amendment negatived.

The Hon. G.M. GUNN: I move:

New section 129, page 64—Delete '; minimum $300' wherever occurring.

The new sections appearing on pages 62 and 63 are fundamental sections, because they deal with the liability of someone who loads a vehicle and someone who packs it. Therefore, there are very considerable sanctions for people who are not aware of the weight and the density of the subject they are loading and may inadvertently overload a vehicle, and the packer and the loader can be held responsible. That appears to me to create some difficulties, particularly when weighbridges are not available. Therefore, I am strongly of the view that these are wide-ranging penalties that will have some unintended consequences, and I hope that all members of this committee are aware of what the consequences will be in relation to this. How far are we going to carry the definition of a loader? Is it the person who is loading grain? Who is it? Is it the owner or is it the person who comes down to pass the time of day with the contractor or the truck driver? How far are we going to take it?

I think that the minister needs to give us a clear and precise explanation, because this is where the ripple effect of this legislation will flow through and become a wave by the time it hits some people; make no mistake about that. Last night, when I got back after this process in this place, a truck driver rang me. He has been carting grain for 40 years, and he said, 'I defy anyone to comply with these provisions if you want to load up to your limit, because the density of grain changes from year to year and from variety to variety. It is going to be impossible and, therefore, it is going to cause some hassles.' I say to the minister: I hope you have thought it through. Thousands of people are going to get into trouble with this. I can tell you that I for one will be going to the silos, walking along the lines, talking to people and telling them what their rights are and that, if they get pinged with their first few loads, we will block up the whole system. I look forward to getting on the local television and giving these blokes a cheerio; make no mistake about that. If they think I have been a bit grumpy towards them now, it is nothing to what they are going to get.

The Hon. P.F. CONLON: There are two things. First, it is obvious that the member for Stuart does not believe the reasoning behind the chain of responsibility, but that is what the national agreement is. I know that he does not agree, because he has opposed virtually every clause, but that is what the national agreement refers to—a chain of responsibility. Secondly, the minimum offence applies only to second and subsequent offences. So, in the circumstances you describe (and I do not know a lot about farming), I reckon that, if you load the grain at one end, when it gets to the other end where you are selling it and they are paying you for it, they will weigh it. I would imagine that if you were a farmer you would be pretty interested in what the weight was. That is just my guess. The next time the bloke comes back to refill the truck, you will know how much weight is in it. So, this applies to the second and subsequent times the truck goes out. I must say that I am struggling to understand what is unreasonable about that.

Mr VENNING: I support the member for Stuart's amendment. This is really the worst section of the whole bill. As to what the minister has just said, yes, you have to understand that farmers generally know approximately the legal limit of the truck. You cannot head off to the silo a tonne underweight, especially when you are doing—

The Hon. P.F. Conlon: The first trip is all right, Ivan.

Mr VENNING: The minister make that point, and I support that. Some of these weights and measures people can come onto the weighbridge and watch the scale go around.

I believe that, if you are overloaded on the weighbridge, you are warned. If you are nearly a tonne overweight, you get a warning and, if you do it again, there is no excuse and you are gone. But they can stand there and watch the dial go around, give that warning and say, 'Look, that's a tonne. We'll let you go this time, but don't come back with it like that. Have a good look at your load and just cut it down a bit.' Understand, minister, that with modern trucks (and we have one) the sides of the vehicle are flexible. They stand up straight and, when you fill up the vehicle, the body bellies out. The member for MacKillop would know that, if you half fill a truck on one side of the paddock and drive across to the other side of the paddock, not only does the grain shake down but the body of the truck also pops out, and you are then filling up the body with the body already extended. So, if you fill up to the normal line, you do not realise that all of a sudden you have filled up the bigger body, because it has already shaken down as you drove across the paddock.

Your experts will tell you that modern airbag suspension has these gauges. All the modern trucks with airbag suspension have these gauges in them now, and you are able to tell pretty closely what is in the truck as long as it is standing on perfectly flat ground. You only have to have a rock, a twig, a hole, or some imperfection in the paddock under the weighed axle (only one axle is active in relation to the gauge) and you are out anyway.

All these things can weigh against a person who does not intend to break the law, but with this draconian clause you are going to make it very difficult. For every person who is trying to make a living—and it is difficult enough—you are not giving them the benefit of the doubt, particularly with the previous clause that we lost a while ago. The onus is not there. The onus is on the owner to prove that he or she is not breaking the law, or did not intend to break it. I am on the record, because this will certainly come back to bite us, and it will bite you, minister, and your department. All we are asking for is a reasonable warning. Habitual over-loaders—hit them with the book; hit them with everything, but the person who has made an honest mistake should be given the benefit of the doubt. This is pretty heavy duty.

The Hon. P.F. CONLON: I have sympathy for the position put by the member for Schubert. I am talking to two guys doing it tough in the grain industry in here: the member for Stuart, whose dad certainly knew where to put a farm, and the member for Schubert, who has not done badly for a few years. I do sympathise with places, particularly in the Far West, such as Thevenard. It is a very tough business. The provisions we are referring to relate to second offences. You get a warning first. Secondly, unlike Victoria, we do have a reasonable steps defence.

It is certainly not my intention to punish farmers. I know that you believe that the gremlins and bogeymen in the Department of Transport do have this intention. It is certainly not my intention to punish farmers who are making a reasonable attempt to get their grain to market, but we cannot simply absolve the grain loader from any responsibility for the load, and that is the whole reasoning behind it. I do not think that you will ever agree with me, but it refers to second and subsequent offences, and it has a reasonable steps defence in it. I point out that, in the Victorian legislation, they did not allow a reasonable steps defence, and I think that is pretty tough.

The Hon. G.M. GUNN: There is a substantial provision in the bill. Can the minister explain what the tolerances will be for an overloaded axle? I am told that the existing tolerances will be drastically reduced. Can the minister give some indication of what will be regarded as a fair and reasonable tolerance?

The Hon. P.F. CONLON: I will get you that information. Administrative tolerances will be changed and re-posted soon. I am sorry that I cannot give them to you now, but they will continue to operate. There are tolerances applied administratively, and I understand the problems to which you refer. At the end of the day, there is a difference of opinion. You reckon it's wrong: everyone thinks it's right to pursue the chain of responsibility. What are the new measurement adjustments? This does not give sufficient information; I will get that for you. At the end of the day, the bill is about a chain of responsibility, and the responsibility does run to that person loading the grain. If you are right, the Legislative Council will defeat the bill for you. The point I make is that the exceptions for the grain industry for which you have asked have been quite strongly opposed by the SA Rail Transport Authority.

The Hon. G.M. GUNN: As I indicated to the minister earlier—

The Hon. P.F. Conlon: As recently as two days ago.

The Hon. G.M. GUNN: Yes. When the rural community and the grain card have signed out what has taken place, I think those people will have to be accountable to their members. I have had a couple of people absolutely irate that the South Australian Road Transport Association would take such an unreasonable approach. I tried to speak with the Farmers Federation again today. Having spoken with them a few weeks ago, I know that their members are unaware of it. How many people would have taken the trouble, or even have had the opportunity to—

The Hon. P.F. Conlon: You might be right, Graham, but what am I supposed to do with that?

The Hon. G.M. GUNN: I did give you a chance earlier.

The Hon. P.F. Conlon: I don't have the letters; all I have is the industry saying I should do it.

The Hon. G.M. GUNN: It is one of those things where you have professional people who sometimes get overly enthusiastic with their attitude, and sometimes do not quite see the oats for the chaff. We, on this side, will have a clear conscience, and we will be able to say to people, 'We did our best; we warned you so,' and when they get slugged, when they ring up the member saying how these people have treated them, we can send them the *Hansard* report and say, 'Well, give us the name of the officer, that is all we can do.' One unreasonable act will generate another one. I am sorry about it, and I think that these propositions that I have put up here are pretty fair.

Mr VENNING: This is my second contribution relating to the same provision. Minister, I put the scenario to you: the truck is in the paddock, and the farmer is filling up the truck over the side with the harvester. In the old scheme, the truck driver would be looking at the load and he would say, 'Enough, that's it,' and give the old hand wave and shut the machine off and that is a load. Under this new regime, the truck driver is going to say, 'Let her go; I am not going to get pinged for this. Fill her up. The more tonnes that go in the truck, the more I get paid. We're off down the road, and if I get pinged, who cares? The cocky filled it, and he's going to wear it.' Do I have that right; is that the scenario?

The Hon. P.F. CONLON: No, the fact that you get pinged for loading it does not absolve the driver. The driver has responsibilities too. Can I short circuit this debate by saying that I have never loaded a grain truck, and I do not

know that you are wrong. I do know that not only is it a national agreement, but the only correspondence from industry that I have ever had on this is encouraging me to proceed quickly with the bill, and to oppose exemptions of the nature you suggest. With my hand to God, I have never received a letter of any kind that I can recall—I have never seen one—opposing the bill. I understand that you might be right, and I am not arguing that you are wrong. I am saying that it is very hard for me to proceed on any other basis with a national agreement that the industry supports. I understand your viewpoint but I simply cannot accede to it.

The Hon. G.M. GUNN: Can I say—

The CHAIR: Order! The member for Stuart has no further opportunity to speak.

The Hon. G.M. GUNN: I am moving these amendments.

The Hon. P.F. Conlon: You have moved them.

The Hon. G.M. GUNN: I was going to pull back; I will move each one now.

Ms BREUER: Can I reinforce what the minister is saying. I think that the member for Stuart is mischief making, and I think that the member for Schubert is also. I am a country Labor member, and I have to say that when there is anything that the government presents that is controversial in the country, I get emailed, I get phone calls, I get visits, and I get people contacting me. I have a considerable amount of farming area in my electorate as well, and I have not had any contact on this issue whatsoever. From my understanding, it is fully supported by the industry, and it is fully supported by people out there. The member for Stuart is mischief making, he is filibustering, he is trying to make this go on for as long as he possibly can. Let's get on with it; let's get through it. If people are not doing anything wrong, they have nothing to worry about.

What is the member for Stuart on about? Why he is going on and on and on, keeping us here? I have had no contact whatsoever from anyone who has complained about this, and they complain about a lot of other things. Let's get on with it, and let's get this legislation through. If you are doing the right thing, you are okay. We understand that those who are looking after this are not out to get people. They are only out to get people who are doing things wrong. Stop this silly nonsense and get on with it.

Mr VENNING: It makes me cross to hear people stand in this place and say things that people do not understand. The basis is this: we are changing the rules from the person who was responsible as a truck owner. The truck owner usually knows his truck. Often, the carrier who does dozens of loads a day knows the truck and knows what the legal load is, especially after the first couple of loads in each season. What we are doing is taking the onus away from that person and putting it on the harvester driver, which is usually the farmer, the farmer's son or the farm worker. That is what the government is doing. I just do not think that is fair or proper, I really do not.

The truck driver is going to say, 'You beaut, fill her up.' He knows almost exactly to the half inch where full is on that truck—because he knows that if he does not know he will get pinged. And 97 per cent of them do the right thing because they know good roads are their asset. They drive on them every day, and they do not want to wreck them. We have the central thugs and they deserve to have the book thrown at them, but I take objection to the member for Giles saying I am wasting the parliament's time. I am here to represent my people. I happen to know, because I happen to be one. I sit my bot on a harvester every harvest and I do a couple of days just to keep my eye in, for reasons just like this. So, I do actually know what I am talking about and I take objection to the member for Giles, who would not have a clue what she is talking about.

The Hon. P.F. CONLON: I want to gently—very gently—disagree with the member for Giles, because I am very fond of the member for Giles.

Mr Venning interjecting:

The Hon. P.F. CONLON: No, I do not think Lyn has ever voted for me in anything and, as far as I ascertain, no-one wants my job, oddly enough. I can understand the genuine concern of the members for Schubert and Stuart. I think they overstate the threat, and that is a matter of a difference of opinion. As I said, it is a second load and it has a reasonable steps defence. Also, I assure them it does not absolve a driver from liability if he has not taken reasonable steps. If that driver knows you are overloading his truck, he is in trouble, as he should be and as the members for Schubert and Stuart would agree.

I place on the record that I have great sympathy for grain farmers, particularly in the Far West. I remove from here any of the Gunn family because their father was the greatest bloke at picking rainfall on the West Coast, and that meant they never had a bad year. Other poor, less fortunate farmers out there do, and the further west you go, out to Thevenard, it gets more marginal. I can understand why you would be passionately concerned about the farmers who really do it tough and work at the margins, and the effect upon those who get fines that they do not deserve. I understand and sympathise with that.

The point I make, and I am not trying to point score, is that it is very difficult for me as the minister with responsibility for the bill, and with national agreement and the support of the industry and no dissenting voice (other than the members for Stuart and Schubert), to do anything other than what I am doing. I am saying that there may well be merit in what you say and, if somehow (and I have no doubt you will attempt to do this between here and the other place) you can find a body of opinion that says we are wrong, I am sure the Legislative Council will listen to that. You will have to forgive me if all that I can do is what I am doing, and that is to find it impossible to accept the amendments.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Proposed new section 129, pages 64 and 65—Delete '; minimum $600' wherever occurring.

In moving this amendment, I say to the member for Giles that I was not aware of these provisions until they came into this place. I had not been given a copy which was supposed to be the answer to all the problems of the guidelines for practical application of the new chain of responsibility. If one farmer in South Australia, one small operator has a copy of these, I would be surprised. I bet there would not be two farmers, two small operators who have a copy of this—and they do not understand. I understand, and I say to the member for Giles that the stock transporters association is having a meeting on Saturday.

I might not know very much, but only one year since I have been in this parliament have I not taken at least one load of grain to the silo because I, like the member for Schubert, keep my eye in. I know a bit about loading trucks and I, like the member for Schubert, used to load them with bags for a start and now you load with augers straight out of the header. The points that we have made have been fair and sensible.

People cannot complain unless they know, and that is the point we have tried to make. They do not know—and they would not have known unless I was given the chance to go on the *Country Hour* yesterday, which generated some discussion. The interviewer had obviously been primed up by someone. She was going to take an aggressive stance towards me. I did not give her the chance. I had a few things to say and I said them—and I will have a lot more to say. I suggest that the member for Giles turns on her TV on Friday evening when she gets home to Whyalla, because I will warn people again. I make the point that they cannot complain if they do not know.

The Hon. P.F. CONLON: I run the risk, if I stay here too long, of agreeing with Graham, so I will have to oppose it.

Amendment negatived; clause passed.

Clauses 25 and 26 passed.

Clause 27.

The Hon. G.M. GUNN: I move:

Page 77, line 7—After 'breach' insert:
(provided that the person may not be charged for the breach more than six months after the date of the alleged commission of the breach)

If you have done something wrong, the circumstances will not change after six months and there is no reason why this should be held over. Either they will prosecute someone or they should forget about it and let people get on with their life, not have hanging over their head that they will be belted with some unfair proposition.

The Hon. P.F. CONLON: I understand the point of view. The truth is that formal warnings may be withdrawn and subsequently a charge for a breach issued on the basis of either the warning ignored or a pattern of behaviour. My understanding is that, if I understand it correctly, the member for Stuart is of the view that there is no limitation in time upon the ability to do that, and he would like a limitation of six months. In my view, six months is too short, given the complexity of the chain of responsibility with investigations. It may be that there is some argument for a time limit. We will look at it between the houses, but, in my view, six months would be too short, in any event.

Mr HAMILTON-SMITH: We thank the minister for his forbearance on that point and take it that there will be some consideration of that between the houses. Will the minister come forward with something or will we need to move that again in the other place?

The Hon. P.F. CONLON: It is up to the honourable member to move other things. I am not promising anything. I am being entirely honest. We will look at it and see. It is not a matter that I have given much thought to. We will have a look at it and see, but I do believe that six months is too short.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 78, line 6—Delete '30' and substitute 20

This deals with the prescribed distance, which I wish to bring back from 30 kilometres to 20 kilometres. It is unreasonable to make people turn back on a hot day and go some 30 kilometres—particularly if they have stock on board. It is silly and should not, under any circumstances, be permitted. This is a sensible, practical suggestion. Of course, in some cases it would be impossible to turn a B-double or a road train around on a highway; you cannot turn them. It is a nonsense. I put this amendment forward because it is sensible and reasonable.

The Hon. P.F. CONLON: I think we resisted the move from 30 to 20 kilometres earlier, so it would be inappropriate to concede here what we declined to concede earlier.

Amendment negatived; clause passed.

Clauses 28 to 32 passed.

Clause 33.

The Hon. G.M. GUNN: I move:

Page 86, lines 7 and 8—Delete 'or by an associate of the person,'

When this provision talks about 'by a person or by an associate of the person,' the definition of associate means that it can be a child. It can be a child if they are living under the same roof and I think most people would be outraged—

The Hon. P.F. Conlon: We did this earlier, Graham.

The Hon. G.M. GUNN: I know, but it appears again, and the adviser can give you the same advice, minister. I ask all of you whether you would like these people (because some of them are not too bright) to try to serve a summons on your 12 or 13 year old child. That is an absolute disgrace. You had better tell the head of the department to think about it, because he is going to be asked about this in budget estimates—how many, and has he given instructions for that. Whoever is responsible for a provision like this in a democracy—I do not care who it is—should be ashamed of themselves.

The Hon. P.F. CONLON: The argument is exactly the same as the one that we went through two days ago. There is really nothing to add to it.

Amendment negatived.

The Hon. G.M. GUNN: I move:

Page 86, line 13—Delete 'or by an associate of the person,'

I move this amendment, which is the same amendment to another section, because I feel so strongly about this, and when we go around the country and explain to people what can happen to their children and families they will also be outraged. I will not have it on my conscience that I sat idly by here, but those who have done it will pay a price. It is absolutely outrageous.

Amendment negatived; clause passed.

Clauses 34 to 36 passed.

Clause 37.

The Hon. G.M. GUNN: I move:

Page 95, line 1—Delete ', and any associate of the person,'

It is the same amendment.

The Hon. P.F. CONLON: We had the argument before.

Amendment negatived; clause passed.

Clauses 38 to 40 passed.

Clause 41.

The Hon. G.M. GUNN: I move:

Page 96, after line 4—Insert:
174EA—Time for commencement of prosecutions
Proceedings for an offence against this Act must be commenced within 6 months of the date on which the offence is alleged to have been committed.

It is a similar provision that I argued before in relation to the time to commence a prosecution against an alleged offence, and I hope that the minister will also take into consideration, when reviewing the time period, this provision as well.

The Hon. P.F. CONLON: It is the argument we had before about the complexity of the investigations, so our attitude remains the same.

Amendment negatived; clause passed.

Clauses 42 to 52 passed.

Clause 53.

Mr HAMILTON-SMITH: I move:

Page 102, line 38—Delete '$2500' and substitute: $1250

This is to do with the duty to produce a licence or permit. It cuts to the point raised earlier about unintended consequences, where we feel this bill may be inadvertently introducing application to people that might not be the target of the bill. We just feel that $2500 as a penalty for failure to produce is a lot of money. Keeping in mind that this could be applied to a 16 or 17-year-old son of a farmer, whose job it is to move some freight or, in the case of a light vehicle in a small business, it could be a junior, and it is an awful lot of money. In discussion with parliamentary counsel the opposition received advice that there is a schedule consistent with the parent act, with $1250 being the norm, and it just seemed to us to be more reasonable.

The Hon. P.F. CONLON: Model legislation provides $4000, which is where I think we found this, but I am advised that the current penalty for us is much lower. I am not a punisher, but I cannot resist making the point about why we want $1250 for this. The member for Stuart did want a $10 000 fine for abusive language by officials, so we should always be careful about not being punishers, shouldn't we?

Amendment carried; clause as amended passed.

Clause 54.

Mr HAMILTON-SMITH: I move:

Page 103, line 5—Delete '$2 500' and substitute $1 250

This is in line with my earlier—

The Hon. P.F. CONLON: It would be consistent for me to concede this.

Mr HAMILTON-SMITH: I thank the minister for being so reasonable at this late hour.

Amendment carried; clause as amended passed.

Clause 55.

Mr HAMILTON-SMITH: I move:

Page 103, line 9—Delete '$2 500' and substitute $1 250

Again, this is for visiting motorists given that the government is a tourist-friendly government.

The Hon. P.F. CONLON: Agreed.

Amendment carried; clause as amended passed.

Clause 56.

Mr HAMILTON-SMITH: I move:

Page 103, line 16—Delete '$2 500' and substitute $1 250

Heavy vehicles, the same principle.

The Hon. P.F. CONLON: Agreed.

Amendment carried; clause as amended passed.

Clause 57.

Mr HAMILTON-SMITH: I move:

Page 103, line 22—Delete '$2 500' and substitute $1 250

This has to do with the duty to carry a probationary licence, a provisional licence and a learner's permit. This is for younger drivers.

The Hon. P.F. CONLON: Agreed.

Amendment carried; clause as amended passed.

Clauses 58 and 59 passed.

Clause 60.

Mr HAMILTON-SMITH: I move:

Page 103, line 29—Delete '$2 500' and substitute $1 250

Again, this relates to the power to require the production of a licence. I think it is a four-fold increase.

The Hon. P.F. CONLON: Agreed.

The Hon. G.M. GUNN: In relation to the production of licences, is it intended that every truck driver—the current arrangement is there is a defence, because I actually moved it—is required to carry their driver's licence when they are going to their local silo, operating about 80 or 100 kilometres from home, or their base, because it is not practical? If the truck driver gets diverted and the header driver has to drive—

The Hon. P.F. Conlon: We're not changing it, Graham. Within 80 kilometres of a farm they do not have to produce it.

The Hon. G.M. GUNN: I rest my case.

The Hon. P.F. CONLON: Can I just answer a question that has not been asked—it was referred to yesterday. The bill does not affect volumetric loading, which was a concern of the member for Stuart and the member for MacKillop. So it does not affect the capacity to engage in volumetric loading for livestock.

Amendment passed; clause as amended passed.

Clauses 61 to 63 passed.

Clause 64.

The Hon. G.M. GUNN: I move:

Page 104, line 24—Delete '$750' and substitute $400

This clause deals with regulations. To increase it to $750 for a minor breach is a bit rugged. Everyone knows that I do not like on-the-spot fines—I think they are dreadful—and this ups them too much.

The Hon. P.F. CONLON: I cannot agree. If we were to do that we would not have the option of implementing the indicative expiation fee levels in the national legislation, and $750 is consistent with the amendment already made by clause 43 of the bill.

Amendment negatived; clause passed.

Clauses 65 to 67 passed.

Clause 68.

Mr HAMILTON-SMITH: I move:

Page 105, line 28—Delete '; or' and substitute ; and

I know that we had this debate before—

The Hon. P.F. CONLON: And I have not changed my mind.

Amendment negatived; clause passed.

Clause 69.

The Hon. G.M. GUNN: I move:

Page 106, after line 21—Insert:

74AC—Abusive language or wrongful obstruction or use of force by police officers

A police officer who—

(a) addresses offensive language to any other person; or

(b) without lawful authority, hinders or obstructs or uses or threatens to use force in relation to any other person,

is guilty of an offence.

Penalty: $5 000.

This is a standard Gunn amendment which has been put in many acts of parliament and which deals with police officers who act aggressively towards people. I think it is a fair situation.

The Hon. P.F. CONLON: We have had the debate. Police are covered by some pretty strict regulations and penalties associated with that, and that is the way we believe it should continue to apply.

Amendment negatived.

Mr HAMILTON-SMITH: I move:

Page 106, after line 21—Insert: Maximum penalty: $2 500.

I probably do not need to proceed with this amendment, but I move it formally. I make a new appeal to the minister that a law without a penalty, according to the Police Commission-

er, is not worth the paper it is written on. He will not prosecute. Has the minister had a change of heart?

The Hon. P.F. CONLON: That would require me to have a heart.

Amendment negatived; clause passed.

Title passed.

Bill reported with amendments; committee's report adopted.

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

That this bill be now read a third time.

I thank members, particularly the members for Schubert and Stuart, but especially the member for Stuart for his contributions on amendments which I know he moved with genuine belief and passion but the vast bulk of which I could not possibly agree with.

Mr HAMILTON-SMITH (Waite): I thank the minister and his staff for their help with this bill, which I know has been an involved one. As it has come out of committee, I think that the bill represents a step forward, but on behalf of the opposition I should draw to the house's attention our concerns that there may be some unintended consequences. As the bill has come out of committee, we will note those matters to which the minister has agreed. We will consider a number of other issues between the houses. We will take up the matter in the other place, but I urge the minister to be sensitive to the concerns raised, as clearly he is. I thank the member for Stuart and other members on our side whose knowledge of this issue has contributed to the debate.

The Hon. G.M. GUNN (Stuart): I have set out to do what we are sent here for: to properly scrutinise the legislation and to draw to the attention of the house problems that I believe will arise. It is unfortunate that not many people in South Australia are aware of the consequences. I urge the minister to give careful consideration to those matters that we attempted to change. At the end of the day it is important to treat people fairly. It is not the role of parliament or governments to make life difficult for people—that should not be our purpose. Insensitive people drawing up things have a great habit of doing that, and we have no say over it. I would sooner not give any further consideration to this issue, but when the telephones start ringing and the complaints come my fuse will be shorter than normal and I will go after the people with considerable vengeance and use every form in this place. I make that clear.

The Hon. P.F. Conlon: You do not need to; we understand—you have told us.

The Hon. G.M. GUNN: I will be getting some question on notice forms printed off. I look forward to the next stage of the debate. I have highlighted in the bill where the amendments should go for my colleagues upstairs. I will talk to Andrew tomorrow.

Mr VENNING (Schubert): I appreciate the efforts of the member for Stuart and, generally, the attitude of the minister, who has been sympathetic to a degree.

Mrs Geraghty: I know what you are doing.

Mr VENNING: You are right. The Government Whip knows what I am doing. Between now and when this matter is debated in the other place I hope there will be feedback from the industry in respect of the matters that have been highlighted by the opposition in this parliament. I am positive there will be feedback, and many of the amendments that have not been successful here tonight and on previous nights may get favourable consideration in the upper house. I plead with our colleagues in the upper house to check the record of what has been said here and look at the minister's attitude. I have not given up.

We are here to do a job for all South Australians and we can do our work and do it properly between the houses. I am not a great fan of upper houses, but in this instance it can prove its worth and amend some of these matters. We know we will not get them all through, but some are worthy, particularly in regard to who is liable for overloading a truck and also regarding the involvement of people's families, who should not be involved in draconian legislation such as this. I am sad that we did not get up the amendments, but just because it is national standards legislation does not make it right. In South Australia we have a unique situation. In relation to being standardised across Australia, we support the bill.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) (VICTIM IMPACT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

HOSPITALS, MOUNT GAMBIER

Ms CHAPMAN (Deputy Leader of the Opposition): Tonight I wish to pay a tribute to the Ombudsman in South Australia, because he provided a ruling which enabled the Department of Health to produce a document to us so that we could know the truth of the circumstances that surrounded the appointment—brief as it may have been—of a chief executive officer to the Mount Gambier Hospital in June 2005. This ruling related to a private letter written by a prospective candidate to the position of chief executive officer, namely, Dr Pieter Pyke, who, as I understand it, was a resident of New Zealand (and formerly of South Africa). He had accepted a position for a five-year contract as chief executive officer at the Mount Gambier Hospital.

The production of that document was refused by the Department of Health. However, the Ombudsman issued a ruling that it be released; and, now, a year later, we have the document. Well, it is most revealing. Here is the scenario that was presented. On 9 June 2005, the then chief executive officer of the Mount Gambier Hospital, Mr Ken McNeil, issued a memorandum to all practitioners in the local vicinity, which states:

The Board of Directors and Executive are pleased to welcome to the organisation Dr Pieter Pike who has been appointed to the position of Director of Medical Services for a period of five (5) years. Dr Pike will commence his employment on Wednesday 15 June 2005 and we know that service staff and the local medical staff will make him very welcome.

That was the first memorandum. On 14 June, Dr Pike apparently arrived in Mount Gambier, and I will come back to that in a moment, because he stayed less than 24 hours. He did not see any service in the position of chief executive

officer. On 21 June, Mr McNeil sent a further memorandum to all medical practitioners, which states:

Due to a change in family circumstances, Dr Pieter Pike is unable to take up the position of Director of Medical Services at the MGDHS. We are currently supporting Dr Pike in his decision and working with him to determine if there is an opportunity for him to take up a permanent position at a later date.

On 6 July, Mr Peter Whitehead, chair of the hospital board, was interviewed by Mr Stan Thompson of ABC Radio. Mr Whitehead was questioned on a number of matters, including the appointment of the chief executive officer of the Mount Gambier Hospital. Mr Thompson asked:

The other most recent thing we have heard about the Mount Gambier Hospital was that there was a doctor appointed to a very important post who arrived and left shortly after.

Mr Whitehead responded:

Yes. Unfortunately, we, um, went to a great deal of length to recruit that person through a leading recruitment agency. The arrangements were that he would start on June 15 and his family would arrive in the first week in July. Prior to boarding the plane to come to Mount Gambier those arrangements were changed due to the schooling of the family, and it was decided that he would not leave until the end of the school year, so I guess that changed the situation.

Mr Thompson asked:

But you signed a contract with this doctor?

Mr Whitehead responded:

He had a contract to be signed, um.

Mr Thompson asked:

So did he not break the contract by not turning up for work?

Mr Whitehead:

No.

That was the explanation given by the chairman on radio. There was also some coverage in *The Advertiser* of this extraordinary situation where a CEO had turned up and then left in less than a day. I now want to read to the house a memorandum that was written on 14 June 2005 at 5.30 a.m. It states as follows:

Hi Ken,

I was very disappointed not to see you at the airport last night. I waited there until it closed at 2100, and checked my phone messages, before I made my way into town to find overnight accommodation. My understanding was that you would have met me at the airport and then took me to my accommodation. There is no way that we could build a good working relationship on such disrespect. I will therefore not take up the DMS role and return to New Zealand. The incident may sound trivial, but it is the small signs of respect and trust that will endure.

Yours truly, Pieter W. Pike.

This is the document that has been released at the direction of the Ombudsman. It tells us the truth of the matter; that this man was not met at the airport and, clearly, he took umbrage at that. There is nothing in the document to do with the schooling of his children or the arrival of people at a later date or the excuses that were publicly given of why this person was not at the airport. This is the reality of what has happened, and this document has been deliberately concealed by the Department of Health, which is run by this government, which did not want the truth to emerge about why this person had not taken up the appointment.

As is clear, all our country hospitals need to appoint experienced people. This government cannot even be honest about why this person did not take up the position, when they clearly required an experienced person. This hospital has constantly been in difficulty in the last few years, and the irresponsible lack of management by this government in relation to the management of the hospital has now been exposed. Over the last few years that I have been in this house, we have heard shocking stories of patients who have had to be taken over the border to Portland to even receive a service. Now we have the situation where an experienced person who was here and who was ready and willing to sign a contract for five years was not even met at the airport—

Mrs Geraghty interjecting:

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: —to be able to take up his very important position. It is a disgraceful position on behalf of the government.

Motion carried.

At 9.40 p.m. the house adjourned until Thursday 8 June at 10.30 a.m.