

## HOUSE OF ASSEMBLY

Thursday 23 November 2006

The **SPEAKER (Hon. J.J. Snelling)** took the chair at 10.30 a.m. and read prayers.

## BAROSSA VALLEY RAIL SERVICE

**Mr HAMILTON-SMITH (Waite):** I move:

That this house—

- (a) notes the lack of passenger and freight rail services in the Barossa Valley;
- (b) calls on the government to fund and complete a study within six months to determine the business case for reinstating passenger rail services to the Barossa Valley; and
- (c) requests that the study incorporates an assessment of protocols to reinstate the Barossa Wine Train and to establish an intermodal road and rail freight facility.

I rise to champion the cause, along with my colleague the member for Schubert, of improved rail services to the Barossa Valley. I do so in a context of a Labor government which has by and large neglected infrastructure in regional South Australia—rail, roads and other important constructions that are needed for the health, wellbeing and prosperity of country people. I do not need to remind the house of how important the Barossa Valley is to this state's economy, culture and way of life. Here is a region which is the heart of our wine industry, which is responsible for so great a proportion of our exports and which is growing phenomenally with steady population growth, strong construction, and increasing demands for improved infrastructure. The Barossa Valley is, indeed, one of the most vibrant, prosperous and important parts of this state's unique mix of primary industry, minerals and manufacturing. For that very reason, it deserves decent rail services.

My motion calls on the government to note the lack of passenger and freight services in the Barossa, and to fund a study. It does so because there is a clear and apparent need to examine the business case, to see whether improved rail services in the Barossa add up. The people of the Barossa know that they add up, and that is why last week I was able to table in the house a petition of well over 3 000 names calling for improved rail services, particularly passenger services, into the region. I ask members to note the views of their constituents, to note the views of the ordinary people of South Australia, particularly those members opposite who have electorates that abut the Barossa.

The people are sending us a message. They want us to look at rail in the region. There is an existing railway line through the Barossa, as members would know—an operating and serviceable rail line. It is used a couple of times a day for movement of rocks, rubble and other mining produce to and from sites in the northern Barossa to other locations. There is a railway; there are railway stations. A lot of the infrastructure needed to improve rail services is, in fact, already in place. There is a history of sound and effective rail services in the Barossa that were regrettably closed down some time ago for a range of reasons. Now is the time to revisit the business case. My motion does not ask the government to spend a great deal of money. All it does is ask the government to extend the same degree of informed research and support to the Barossa as it has to people of the south.

I draw the house's attention to a question I received only the other day in parliament to a question asked of the minister

in another place by the Hon. Stephen Wade about the extension of the Noarlunga line to Seaford, including new stations at Seaford and Seaford Meadows, as outlined in the Strategic Infrastructure Plan for South Australia. The minister replied:

The investigation is progressing with the development of possible alignment options, including consideration of earlier studies carried out in 1990. The investigation is considering a number of issues associated with the project, including how many people may use the rail line, what type of rail service will operate on it, engineering aspects and its impact on the environment.

A decision regarding if and when such a rail line would be built will be made by the government based on its economic viability, funding availability and opportunities relating to the land development and the future development of the rail network. The State Infrastructure Plan identified a five to 10-year time frame on the concept.

I say simply to the house: what is good enough for the people of the South—as indeed it should be—is good enough for the people of the Barossa Valley. If we can conduct a study of an extension to the Noarlunga line, why can we not conduct a study of the business case to extend and improve rail services in the Barossa? It is plain and simple.

It is not lost on the people of the Barossa that there are several Labor Party members in the government who represent the South. I am thinking of the member for Mawson, the member for Bright, the member for Reynell and perhaps a couple of other members. The government needs to be informed of, and very sensitive to, the fact that the people of South Australia are not silly. If they see a Labor government looking after people in those electorates it represents (as indeed it should) but ignoring people in electorates which the Labor Party does not represent, they have every right to be quite angry about it because, as the Premier said, he wants to be a government for all South Australians.

Yesterday in the house we had a big debate about equality issues. Members waxed lyrical about the importance of equity. I make this point: let us be equal in the Barossa Valley. A study might cost somewhere between \$25 000 and \$50 000 for proper and competent consultants to be engaged to review and examine the facts, to consult with stakeholders, to visit the area, to conduct public meetings, and to produce a very cogent and capable report on the business argument. It is not a lot of money in the overall scheme of things, particularly given that the government is receiving \$2 700 million more per annum in GST and property tax revenue, much of which is garnered from the people of regional South Australia and the Barossa Valley. It is not too much to ask for \$25 000 to \$50 000 to be put aside for a consultant to have a very thorough look at this business case.

I recently visited the region with my friend the member for Schubert. We toured some of the rail infrastructure. We met with an array of local people, and I met with the Barossa Council and, in particular, with the mayor, Mr Brian Hurn, and the Manager, Works and Engineering, Mr Michael Lange. I also met with Mr Roy Blight of the Barossa and Light Regional Development Board, and Mr Trevor Langridge who, on behalf of residents, presented me with the petition which I tabled last week and to which I referred earlier. We did a little bit of talkback radio, we walked the streets, and we talked to people involved in rail and the transport industry. We also talked to small business people. It is very clear how the people of the Barossa feel about this issue: they want the government to look at it.

Council discussed this issue and the issue raised in the petition at a meeting held on 4 September 2006. Mr Rob Adam of the council wrote to Mr Langridge, who raised the petition, as follows:

Accordingly, the Barossa Council has asked that I convey its support for your action and wishes you well in receiving community support for the proposal. I also advise that council, through its local community passenger network, the Passenger Transport Board, is currently reviewing public transport facilities for the region.

I also draw members' attention to an excellent paper written by the Barossa Regional Community Transport Scheme, which is a vehicle of the Barossa Council, which deals with this very issue. The people involved have done quite a bit of research on it. The document states:

Those in South Australia who are serviced by metropolitan transport are indeed much better served than their country cousins, who are required to pay full fare for transport. Metro bus, train or tram services allow unlimited travel during a two-hour period for only \$2.50 per trip.

It is a little unfair and unequal that the people of the Barossa Valley do not enjoy anywhere near the same level of service.

Cost is a major factor for patrons using a combination of private and public transport across South Australia, and that is something that should be kept at the front of our mind in considering this matter.

Poor integration of public and private transport services and unaffordable fares are a disincentive for commuters to link and use existing services, and there are people who would commute from the Barossa and areas north if passenger rail services were extended. I seek leave to insert three statistical tables in *Hansard*. Table 1 deals with costs and distances, valley floor to Adelaide, and specifies some of the costs associated with travelling from the Barossa to the city. Table 2 deals with costs and distance, southern area to Adelaide, and compares some aspects of travel from the north with travel from the south. Table 3 looks at costs and distances east of the city to Adelaide and provides other statistical information. I seek leave to table those three statistical tables.

Leave granted.

Table 1—Costs and distances—Valley floor to Adelaide

Town	Weekly route service to Gawler cost	Kms to Gawler	Kms Gawler to Adelaide	Total Km travelled to Adelaide	Weekly Metro ticket Gawler-Adelaide	Total weekly cost
Angaston	\$112.00	39	42	81	\$25.10	\$137.10
Nuriootpa	\$92.00	34	42	76	\$25.10	\$117.10
Tanunda	\$72.00	29	42	71	\$25.10	\$97.10
Lyndoch	\$39.00	17	42	59	\$25.10	\$64.10

Table 2—Cost and distance Southern area to Adelaide

Town	Kms to Noarlunga	Kms Noarlunga to Adelaide	Total km travelled to Adelaide	Weekly Metro ticket Adelaide	Total weekly cost
Aldinga	18	29	47	\$25.10	\$25.10
Seaford	8.7	29	37.7	\$25.10	\$25.10

Table 3—Cost and distance East of City to Adelaide

Town	Km to Adelaide	Weekly Metro ticket Adelaide	Total weekly cost
Mt Barker	38	\$25.00	\$25.00

**Mr HAMILTON-SMITH:** I urge members to examine these statistics, because they will see the extent to which residents of the Barossa Valley are disadvantaged and how they would be advantaged if improved passenger services were provided.

I want to move on to the question of the Barossa Wine Train, because I think that needs to be part of any consideration of this matter by government and any business case review. I refer members to an article that appeared in *The Advertiser* on Saturday 11 November titled 'Paperwork delays—Barossa Wine Train'. Be aware there is a new joint venture that has formed around the train, I think, involving Bob Ford of Proud Australia and Mr John Geber of Chateau Tanunda, designed to reactivate and reinvigorate that tourism train. The infrastructure is largely there, the carriages are there, but they are hitting a mountain of red tape. Indeed, they report that bureaucracy is being blamed for thwarting their efforts to restart the train from its planned resumption, which is now delayed by at least several months.

The proprietors are totally frustrated and exasperated. They claim that they have been mucked around considerably by the government, and they are looking for a breakthrough. They are looking for the blockage to be cleared. Mr Geber is

an entrepreneur who has spent eight years doing up the Chateau Tanunda complex in the Barossa Valley. When I was minister for tourism I enjoyed his hospitality, and I could see what a vibrant role he and others like him were taking in reinvigorating and causing growth in the Barossa. The first run of this train was planned for 30 November, but it will simply not happen. The Barossa Wine Train business case needs to be included in this review. It is an important region for tourism, and that is increasingly emerging as a prime industry in the region. Let us use this opportunity of a well funded review into passenger services to also look at the Barossa Wine Train.

The third component that needs to be included in this review is proposals coming from Genesee & Wyoming, the council and others in the region for an intermodal freight road/rail facility in the northern Barossa and at other points in the Barossa so that businesses, particularly the wine industry, can move freight north and south to Port Adelaide and to other places effectively and efficiently and get freight traffic off the road. I will talk about the roads and their shocking state in my motion to follow.

This proposal is very exciting. I understand that Orlando is interested in being part of it, and I think Penrice is also

interested. There are other businesses, particularly in the wine sector, which are interested. We have bottles, glass and other infrastructure being freighted in to the Barossa; we have wine and produce being freighted out, and there is a need for improved rail service. So, those are the three things that need to be looked at in the review.

I know there will be arguments against the review, and arguments against improved rail services, particularly from the coach and road freight sector. That is why we need to examine the business case. Let us hear from all stakeholders; let us hear what everyone has to say; let us present the government and the parliament with well-informed research which involves stakeholder consultation and which tells us whether or not it is viable to reinvigorate rail in the Barossa.

The people up there want it; a government with vision would also want it—they would certainly be doing the work. If it is good enough for other regions in the state, it is good enough for the Barossa. We need a vision; we need energy; we need drive; we need this Labor government, which is very city-centric, to get behind the Barossa Valley and to make this work. The opportunities, if it does so, are endless.

**Mr VENNING (Schubert):** I am delighted to second the motion of my colleague the member for Waite. It is great—when you have been banging your drum for so long in this place—to have the shadow minister actually do it for you, and I certainly am very pleased to back up this proposal. I want to congratulate my colleague on this motion and thank him for joining me in canvassing this government to take notice of the Barossa and its transport needs. It was indeed fantastic to have him in the Barossa for the day, and we were extremely well received.

I say to all ministers, and I notice there is one here, the invitation is extended to you to visit, on a basis of your choosing, whether it be just a personal visit or whatever. Minister Hill has accepted my invitation and been, but he is the only one who has accepted. I am extremely pleased that we had the shadow minister up there and it was a very good day. For well over a year now I have been putting pressure on the government to do something about reinstating our passenger rail, and possibly a freight service, to the Barossa Valley, but to no avail. We hear nothing at all—just absolute stony silence. Our calls have gone totally unanswered and have been totally ignored. We have the backing from the Barossa community, and the shadow minister, as he has said, recognises the potential of re-establishing these rail links, both passenger and freight, to the Barossa.

The issue of re-establishing passenger rail and the Barossa Wine Train have become some of the most highly publicised issues of the Barossa, and the member for Light would know that. He too has made comment on the issue in the last six months, and I thank him for his support. It would be fair to say that hardly a week goes by that the issue is not mentioned in the local press in one way or another.

As the member for Waite, the shadow minister, has just said, local resident Mr Trevor Langridge has launched his petition and collected some 3 300 signatures from people who are in support of re-establishing the passenger rail service from Adelaide to Gawler and to the Barossa. I would like publicly to thank Mr Langridge for all his hard work. He did this out of frustration. What else can you do when you go to the government and you put the case and you get nothing? A petition is just another way that the people are saying to the

government, 'Hang on, do we care? We pay our taxes, aren't we entitled to a service? The rail line is there, after all.'

*Mr Piccolo interjecting:*

**Mr VENNING:** This motion, if the member for Light supports it, is exactly—

*Ms Breuer interjecting:*

**The SPEAKER:** Order!

**Mr VENNING:** How ignorant is that? The member asks why somebody is not doing it. Because you—

*An honourable member interjecting:*

**Mr VENNING:** We have people who have bought the train but it is not allowed to run on the rails. Too much has been put in their way. The government has not done a single thing.

*Mr Piccolo interjecting:*

**Mr VENNING:** I will go into that in a minute. Re-establishing the rail line in the Barossa will become an important issue in that area. I also call on the government to fund and complete the study just mentioned by the member for Waite within six months to determine the business case for reinstating the passenger rail service to the Barossa Valley. I cannot understand—

*Mr Piccolo interjecting:*

**The SPEAKER:** Order! The member for Light is free to make a contribution.

**Mr VENNING:** The south is doing a similar thing. It will not be a costly exercise but, surely, it would answer a lot of questions and tell us once and for all whether or not it is feasible. All the infrastructure is sitting there. It is already there. Nothing needs to be spent; it is a sensible option. Large numbers of people living in the Barossa commute to Adelaide on a daily basis, blocking up Adelaide's roads. The re-introduction of a passenger rail service would cut down the number of motorists travelling on our already clogged up road links into Adelaide. As the member for Waite said, the option of re-introducing freight rail and having an intermodal depot in the Barossa is a very sensible proposal.

It did come before the Public Works Committee more than 12 months ago. Nothing—or very little—has been heard of it since, because the government does not give any encouragement at all. A lot of these people put up the ideas, and they are prepared to take the risk. Even if they got an encouraging word from the government, they might say, 'Well, we'll have a go at this'; but, when they get stony silence, it is all too hard and the idea just withers on the vine—pardon the pun. It is not a good look. All these freight trucks battling each other on very poor roads with our tourists has been a problem for years.

The rail is privately owned. As the member for Light interjected, the rail is currently privately owned by, I think, Tennessee Wyoming, but understand this: the contract arrangement with the operator of the rail provides that the government has the right to operate on the line at all times—all you have to do is get the independent arbitrator or auditor to negotiate the deal. The government has guaranteed access, and that is a fact. If you want to get back on the rail you can. You pay a fee, which is a negotiated position with an independent person. It is all there in your own act—check it out. People want the option of travelling in a train.

As I say (and as the member for Light would say, too), when he could, my father always travelled in the train because you do not waste two hours. When you sit in a train you can do your work. I am not necessarily saying to the people who operate bus services in the Barossa that we will trim down the bus service in favour of trains. No; I think you

need to have the buses feeding the rail head in the Barossa. The buses are already there; they are privately owned and running. I am not a threat to them. I believe that the business of bus operators can flourish even more by having a very good rail service.

The member for Light shakes his head. Look, I believe that the government has some obligation to provide a service. Okay, I will not say that it will necessarily make a profit. If it breaks even, good. It may not even do that, but you tell me what rail service in South Australia does. So why do you not apply the same rules to the Barossa Valley? It must make a profit. What about the others?

**Mrs Geraghty:** How many passengers a day will there be?

**Mr VENNING:** We do not know how many passengers there will be a day because we do not have a service, and this is why we need a study. This debate today will be part of a very public debate at a later date. I am receiving a continuing amount of flak about not getting any action on these matters. This week I have seen three letters to the editor hammering me and hammering the government. People are asking why they are not entitled to something. They are asking, 'What do we get for our taxes? It has been five years now, and what are we getting?' Nothing. I believe that governments of all persuasion have some obligation to provide services to people, and not necessarily on a profit motive. You provide a service so that people can actually use it.

In relation to the Barossa Wine Train, the train has been saved but the future of the track is still in jeopardy. I believe there are still some issues with track access that need to be resolved. I congratulate John Geber and Bob Ford because they have saved the train from the scrappers, taken all the graffiti off it and refurbished it. But what happens? The big day is 30 November. No doubt some members have been invited to the cricket match up there. John Geber puts his hands in his pockets very firmly and puts on a function such as this. International cricketers are coming to the Barossa Valley from England and Australia, and it has cost him a lot of money. He was going to try to run the train, and what has happened? Absolutely nothing! No wonder people get frustrated. Why would you take a risk? He has put his money out there and bitten the bullet. You would think the government would say, 'We will try to help you,' but there is not a sound. It is worse than that. The Minister for Tourism very seldom goes there. It is a disgrace.

All I can say is that I thank the shadow minister for moving this motion. I hope the government will allow this study and let us see what we can find out. I commend this motion to the house and call on the government to show some support—to take action—and help what is still regarded as one of the most popular tourist attractions in South Australia get back on track. The Barossa is delivering for South Australia but, with the government's help, it can deliver a lot more.

**Mr PICCOLO (Light):** Before I go to some more facts and figures, I would like to give some background in terms of the opposition's record in public transport, and I can use my electorate as an example. The former government set up a bus service to Angle Vale, but how long did it last? Six months. It closed it down. It set up a ring route bus service in Gawler. It lasted a few years, there was lack of patronage, and it closed down. So, the opposition's record on public transport in the area is not that good. In fact, the Labor government has introduced public transport in Gawler which

has increased numbers on the Gawler community dollar ride service from about 350 trips a month to 2 500 trips a month. It is a flexible service, subsidised by the state government, which actually meets people's needs. The Liberal system had a bus which went around and around the town and the only person on the bus most of the time was the driver. So this is the Liberal's public transport system. It is a Clayton's system—the system you have when you don't really have one.

That is what opposition members are asking us to do today—to put another system in place which looks good but actually doesn't do much. That epitomises what the opposition does.

*Members interjecting:*

**Mr PICCOLO:** That is okay. I love it, too.

**Mr Hamilton-Smith:** You slam people of the Barossa and Gawler.

**The SPEAKER:** Order!

**Mr PICCOLO:** I support them. I worked with the government to introduce a new system which actually has improved public transport in Gawler from 350 trips a month to 2 500 trips a month. In Liberal eyes that is a failure. We are carrying more people, helping more elderly, more women and more young people. That is a failure, according to the Liberal Party.

**Mr Venning:** You were the mayor. You didn't do anything about it.

**Mr PICCOLO:** I did something about it, you are quite right. Let us look at Angle Vale. I was not the mayor of Angle Vale, but let us look at Angle Vale. Yes, the former Liberal government introduced a system there. It promised a bus service, but it did not do its homework (like today) and it put on a bus service. It promised the world. In fact, the candidate for the Liberal Party at the last state election promised another bus service for the people of Angle Vale, and they believed him—that is why they voted Labor in Angle Vale this time. So, after six months of having a bus going from nowhere to nowhere and carrying no-one (which was the Liberal Party bus), again the people of Angle Vale were let down. So, I am working with the people of Angle Vale to work out their needs. Labor Party people roll up their sleeves and work with the community. Unlike members opposite, who are the members for petitions and photo opportunities, we actually do the work. We work with our communities.

People have been talking to me about the Barossa and I have explained to them that they need to put up a case. The member for Schubert said he put up a case but I have not heard the case. He has not put up the case today. All he has said is, 'This is good. This is what we need to do.' I am a strong supporter of public transport. I use it quite regularly, and I come to this house on the train system quite often. The reality is that public transport has to reach the people. It has to be provided, and, these days, given the way we work and the way we live our lives, the old fixed route system does not meet people's needs.

It costs an arm and a leg but it does not meet people's needs. I go back to the old Liberal system in Gawler where the bus went around and around the town like a little train service, but with no passengers. From the comments I get from people in the Barossa and people in my own electorate which are part of that, it is clear that what is being proposed by the opposition here will go nowhere.

*An honourable member interjecting:*

**Mr PICCOLO:** Like their bus, right. If the opposition was really interested in meeting the needs of the Barossa community, they would actually roll up their sleeves and do some work with those communities. To date they have done really little. The readers of the *Leader* and the *Herald* are starting to notice that, because they are now saying, 'We don't want the member for Schubert in our paper every week. We actually want some results. We don't just want people complaining.'

*Mr Bignell interjecting:*

**Mr PICCOLO:** That is correct, yes. Mr Speaker, the reality is that information which is available to the government and me indicates that any new service would actually kill off the existing service. Despite what the member for Schubert says, there is a private operator in the market at the moment, and unfortunately numbers on that private service are declining, so rather than—

*Ms Simmons interjecting:*

**Mr PICCOLO:** Yes, people are voting with their feet, unfortunately. It is really glib for the member for Schubert to say, 'Well, yes, we want an additional service; the numbers on the existing service are declining, but that won't affect them.' If we introduce a new service and the existing service goes broke, what will members opposite be saying? 'Oh, we didn't do it.' They will be ducking for cover. In fact, where are you today? You do duck for cover a bit. The reality is that unfortunately the existing bus service is not being well supported. The majority of clients of the existing bus service are actually students, not commuters. As I said before, given the way we work today—the areas where we go for work and the hours we work—we need to look at—

*Ms Simmons interjecting:*

**Mr PICCOLO:** That is correct, and that is what the government has provided to Gawler. We are working with the Angle Vale community to provide a flexible system. The government is working with the operators of the wine train trying to get it on track. However, to suggest, as we have heard from across the chamber today, that the railway line and the stations are there and nothing needs to be done, is just a nonsense. They privatised the railway line, they privatised the stations—

*Ms Simmons interjecting:*

**Mr PICCOLO:** Yes, the Liberals. By privatising the railway lines, the Liberal Party said to the Barossa community that the private sector should provide it and let the market decide. Now they want us to buy it back. That is what they are saying: we should buy it back. They sell it and they want us to buy it back. If you are going to have a debate about this, let us have an informed and honest discussion and tell the people what you did, as well as including details of the capital needed to get the line to the standard required for a passenger service. The member for Schubert knows that the existing railway line does not meet the standard required for a passenger service unless—

*Mr Venning interjecting:*

**Mr PICCOLO:** Well, you should know that.

*Mr Venning interjecting:*

**Mr PICCOLO:** Sorry?

**The SPEAKER:** Order! The member for Schubert has had his go.

**Mr PICCOLO:** Mr Speaker, I indicate that I will not be supporting this motion. I suppose members opposite can use that to their heart's delight, but I will stand in front of my committees, honest and with integrity, and tell them that what I promise I will deliver; if I can't deliver, I won't promise—

unlike those opposite who merely promise, just as they did at the last election when they promised the people at Angle Vale to start up another bus service. They did not buy it this time. They saw your record in the electorate on public transport and that is why they did not buy it.

*An honourable member interjecting:*

**Mr PICCOLO:** What work have you done so far to warrant a study? What case is it?

*Members interjecting:*

**Mr PICCOLO:** You don't even know what the question is, actually. Mr Speaker, I do not support the motion.

**Mr HAMILTON-SMITH (Waite):** I am happy to close the debate. I draw to the attention of members of the house and the people of South Australia the member who has championed the no case for this motion, which simply calls for a study, and that is the member for Light. The member for Light's electorate borders the Barossa Valley. In fact, I have driven along it—and I will comment on that in my next motion.

The member for Light asks, 'What work have you done to justify a study?' I ask him to look at the 3 300 names on the petition.

*Mr Piccolo interjecting:*

**Mr HAMILTON-SMITH:** You should tell them to go jump—because that is just what you have done. The member for Light should look at the 1 000 names on the list who are his constituents. He had better look carefully through the addresses. The member for Light has been told, probably by the Treasurer—otherwise it is his own view; he was a bit cautious on that—to get up and say to the people of the Barossa Valley today, 'Go jump. There will be no study into rail services in the Barossa.' He has not even addressed the intermodal freight proposition. He did not even mention that in his address. He dismissed the Barossa Wine Train, in effect.

**Mr Piccolo:** No, I didn't.

**Mr HAMILTON-SMITH:** In effect, you did. Certainly he signalled no effort by the government to help that proposition. He also makes claims, without the benefit of a study, that the line is not viable; I think he used the words 'the line is not accredited for passenger rail services.' He claims that because the track is privately owned it is not viable to be used for passenger services, or words to that effect. He forgets that the Australian Rail Track Corporation—also a non-government entity—owns most of the railway lines in the country. He fails to understand how the rail network in the nation works.

The honourable member, who represents the Barossa Valley, says that, on the basis of no informed facts, no study which he has tabled or to which he has made reference, no authoritative research, that this motion for a study is not worth supporting. He speaks on behalf of all his Labor colleagues. The member for Reynell made various interjections ridiculing the motion; and the member for Giles who represents a country district also ridiculed the motion, which simply asks for a study. This government can waste \$30 million on putting trams down King William Street and North Terrace, but it cannot find something like \$20 000 for a study on whether or not this is viable. It beggars belief.

I remind the house that the member for Light has just raised the finger to the Barossa Council. As I have mentioned, the Barossa Council supports the proposal. I have read into *Hansard* letters and contributions from the Barossa Council to that effect. It also supports the petition. He has

thumbed his nose at the Barossa Council; he has thumbed his nose at the 3 300 people who signed the petition; he has thumbed his nose at the Regional Development Board; and he has said to his own constituents, 'Shove off.' He has provided no informed comment to justify his position and he speaks on behalf of the government.

Well, the member for Light has a lesson to learn because this issue will be widely letterboxed and reported in the local media. Is he representing the people of his constituency or is he standing to attention and saluting the Treasurer and others on the front bench who have bullied him into submission? He talks about having the courage to represent his electorate. This motion has given him an opportunity, and what has he done? He has run away from it so fast and so furiously that he appears cowardly.

I can assure him that the 3 300 people who signed that petition will be provided with his contribution today. This is a modest motion; it simply asks that we look at the business case. If the business case is not viable, then, sure, we will not do it. However, if the business case is viable, let us look at it. That simple proposition has been opposed—and the champion of the argument for the noes is the member for Light. We threw out the line, put the bait on the hook, and he leapt up and took it in his mouth, and he has gone hook, line and sinker. What a loser!

The house divided on the motion:

AYES (11)

Chapman, V. A.	Griffiths, S. P.
Hamilton-Smith, M. L. J. (teller)	Hanna, K.
Kerin, R. G.	McFetridge, D.
Pederick, A. S.	Pengilly, M.
Pisoni, D. G.	Such, R. B.
Venning, I. H.	

NOES (22)

Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Fox, C. C.
Geraghty, R. K. (teller)	Hill, J. D.
Kenyon, T. R.	Key, S. W.
Lomax-Smith, J. D.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Simmons, L. A.
Stevens, L.	t.) Thompson, M. G.
Weatherill, J. W.	White, P. L.

PAIR(S)

Goldsworthy, M. R.	Atkinson, M. J.
Williams, M. R.	Maywald, K. A.
Evans, I. F.	Foley, K. O.
Redmond, I. M.	Koutsantonis, T.
Penfold, E. M.	Wright, M. J.
Gunn, G. M.	McEwen, R. J.

Majority of 11 for the noes.

Motion thus negatived.

## ROADS, BAROSSA VALLEY

**Mr HAMILTON-SMITH (Waite):** I move:

That this house—

- notes the perilous state of roads in the Barossa Valley and, in particular, the crumbling surface of the Barossa Valley Way from Gawler to Angaston;
- calls on the government to indicate when the Barossa Valley Way will be upgraded and how much will be spent to complete the task; and

- requests the government to state its position on the 'Addendum Report of Barossa Access Study', with particular regard to plans by local councils for a road freight network through the valley.

The reason I bring this motion to the house is the perilous state of roads in the Barossa Valley, a situation not uncommon across regional South Australia. I am calling on the government to indicate when the Barossa Valley Way will be upgraded and how much will be spent to complete the task. I am asking that the government give the Barossa council and the community an indication of its position on the 'Addendum Report for the Barossa Access Study', which presents alternative plans as to how freight might be moved through the district.

We have just had the absolutely extraordinary event of a member who represents the Barossa Valley getting up and thumbing his nose at his own constituents and telling them that they do not need an improved rail service. Not only has he done that but he would not even support a motion for \$20 000 (or thereabouts) to be put into a study on the viability of improving those services—absolutely extraordinary. I am waiting with bated breath to see whether the same member, who represents part of the Barossa Valley, will get up and again thumb his nose at his own constituents and say, 'We don't need to improve their roads either; the roads are great. The government is doing a great job. The Minister for Transport and the Treasurer have all this money. They are really spending it well. They don't need to spend an extra dollar in my electorate.'

I have a few little pointers for new members—I think one of those pointers has been evidenced today: be very careful what you say in this place and what positions you take. Be careful lest you get pushed around by your front bench. Let us see what extraordinary response we get to this motion today from members opposite. I refer them to the RAA's report 'Backwater to Benchmark', in case members who represent regional districts have not read it—and there is only one or two. I think that there is really only one—the member for Giles represents Whyalla principally, but has some regional roads in her electorate. I guess the member for Light qualifies in respect of the Barossa. Other than that I am scratching to see anybody over there who represents regional precincts except the couple of Independents they have bought. I draw their attention to what the RAA had to say about the Barossa Valley Way which it rated at four out of 10 on the basis of safety. It is a 35 kilometre piece of road which carries up to 10 000 vehicle movements per day. The commercial volume is up to 7 per cent—

*Mr Piccolo interjecting:*

**Mr HAMILTON-SMITH:** I say to the member for Light: you will get a chance to contribute in a minute, and I tell you I will listen very carefully, because your last contribution was a real cracker. The speed zones vary from 80 km/h to 110 km/h, although the Minister for Road Safety is judicially knocking those speed limits down because she has failed, along with her colleague the Minister for Transport, to fund the \$200 million backlog of road maintenance. Lane widths vary, with 62 per cent of the route measuring less than 3.5 metres wide. Sealed shoulders—

*Mr Bignell interjecting:*

**Mr HAMILTON-SMITH:** There is the barking chihuahua, the member for Mawson—woof, woof, woof! He did his training in a kennel with the Minister for Transport while he was his chief of staff. What a merry band of men!

**Mr Bignell:** Why don't you stick to the facts, Marty?

**Mr HAMILTON-SMITH:** If you are going to snap like a chihuahua, get up and make a sensible contribution. I have heard few from you. As to edge lines, 78 per cent and, as to crashes, in 2000 to 2004, they numbered 517. In those four years, there were four fatalities and 135 injuries. The cost of the crashes was \$26 million. This is a disgraceful piece of road. I strongly urge members to travel it as I did last week, in the company of the member for Schubert, when I visited the precinct. I point out to the member for Light that the section of road between Gawler and Tanunda is particularly bad: one particularly dangerous bridge, trees very close to the road edges, and a patchwork surface that is broken and largely unsealed, with edges unprepared.

The road has a number of danger spots along it, and I point out to members Kroemer's Crossing, just to the north of the Barossa. It makes the Britannia roundabout look like a sideshow. I observed a large semi-trailer drive a small car off the road in the precinct, and I was only there a couple of minutes before I witnessed that. It is a fatality waiting to happen, and a number have occurred in the precinct already; it urgently needs upgrading. In fact, the last bit of good work up there was on Gomersal Road when the former Liberal government put \$7.7 million into connecting up the Sturt Highway to the Barossa Valley Way. If it were not for that Gomersal Road development, which I think the current government got to open even though the work had been done by us, the road would be in an even greater state of chaos and disrepair. That road carries much of the wine freight traffic through the precinct. The member for Light and the government do not want to upgrade roads—they do not want to see wine produce and raw materials move to and from the Barossa on rail. They want it to be carried on a crumbling and broken road—namely, the Barossa Valley Way. When I was a 17-year-old driver—

*Mr Bignell interjecting:*

**Mr HAMILTON-SMITH:** There is the barking chihuahua—woof, woof! There he goes. Okay, he has stopped. When I was a 17 year old driver, I travelled the road from Tanunda to Gawler. It was about one o'clock in the morning and I came across a car that had hit a large tree that was too close to the road. I started a search and found the driver. Fortunately, the injured young man was not dead and, with a combination of first aid and help from the farmhouse down the road, we managed to get an ambulance out there, and the guy's life was saved. I observed that same stretch of road last week and, essentially, it is unchanged. The trees that form part of the copse of trees that this man hit are still there, and the road is still just as dangerous. That was about 1970.

Some safety rails and protections were put in by the former government, but a lot of work needs to be done along this road. I have seen it first-hand. I have picked up a body on the same stretch of road. I have been there again. It is a dangerous piece of road. Read the RAA's report. It is the main route through the precinct. As I understand it, you do not have a transport plan. I do not think this particular road is mentioned in your infrastructure plan. You do not seem to have a plan.

One of the first things about having goals is to think of some. Upgrading the Barossa Valley Way might be a very good place to start. However, it is not just the Barossa Valley Way: the Main North Road is a problem on the western side of the precinct. The Barrier Highway to Clare is rated by the RAA four out of 10. If I were the member for Light, I would be reading this report jolly carefully and would be going to see the Minister for Transport and the Treasurer and arguing

for some investment. This road had 7 000 movements per day and is another shocking stretch of road. The RAA estimates \$6.1 million of improvements for additional overtaking lanes, road widening, upgrading of substandard guardrail sections and shoulder sealing. It is all here. We know what needs to be done.

Members opposite should go and talk to the Ambulance Service and to the people who maintain the roads. The member for Light used to be the mayor: he should go and talk to the people who go out and work on these roads. We might learn something.

*Mr Bignell interjecting:*

**Mr HAMILTON-SMITH:** I just say this to the barking chihuahua: if members opposite are talking to them, why are things not being done?

*Mr Bignell interjecting:*

**Mr HAMILTON-SMITH:** Woof, woof: woof, woof! He says things are being done. I draw his attention to the addendum report of the Barossa Access Study produced by the Barossa council. I know that there is some disagreement between the Light council and the Barossa council about alternative freight routes through the Barossa, but it is a very interesting addendum, a very interesting study, and I urge the government to pick the jolly thing up and think of ways to help both the Light council and the Barossa council to fund it.

If they do pick it up, they will find that there is much work to be done improving accessibility for wineries, industry and tourist facilities; providing sufficient connections between the Sturt Highway and the main activity areas in the Barossa; improving safety and accessibility in general, and reducing conflicts between heavy traffic, tourist commuter traffic and cyclists, particularly in towns along the Barossa Valley Way; providing a designated gazette network for the movement of heavy vehicles up to the B-double size and high mass vehicles, which has been agreed in principle by industry and operators; and maximising the use of the Gomersal Road route for access south to Orlando Wines at Rowland Flat and existing infrastructure.

The Barossa Valley needs significant development in regard to roads. Existing transport conditions, as the addendum shows, are in dire straits. I will not read the whole thing into *Hansard*. Traffic volumes using various arterial and local roads, and records confirm this in the region—and the Department of Transport, Energy and Infrastructure is aware of them—are growing. Based on reports that the government is already aware of, the Barossa Valley Way has daily volumes of traffic that are growing and putting that road under pressure. Safety is a growing and significant concern. The councils know it, the department knows it, but not enough is being done to fix it. Land use and tourism issues are foremost in the councils' concerns at present and have a vital impact on roads.

The Stockwell Road, for a north-south bypass of the Barossa Valley Way, is being looked at carefully by both councils as an alternative. I have a map of it in my hand, if members would like to see it. If the member for Light has never laid eyes on it I am happy to show it to him, because it does offer a significant opportunity to move traffic off the Barossa Valley Way onto alternative freight routes. A connection from Vine Vale Road then to the Light Pass Road, Basedow Road, Menge Road, Bethany Road, Biscay Road to Rifle Range Road east of the Barossa Valley Way would avoid most of the sensitive Bethany heritage area south-east

of Tanunda and shift freight traffic away from the Tanunda Primary School and the Faith School precinct.

There are proposals for a bypass at Angaston; an east-west central link; a north-south connector west of North Para River and the Barossa Valley Way connected by Seppeltsfield; a north-south connector west of Seppeltsfield; work on the Gerald Roberts Road; and a connection between Gomersal Road and the Barossa Valley Way. These are not things that we on this side of the house should be drawing to the government's attention. They are things that members opposite should be intimately aware of and that should be debated in the Labor government's caucus as ways forward for the precinct. If members opposite are serious about helping their members in marginal seats, they would be addressing these issues. Instead, they are wasting tens of millions of dollars building silly tramline extensions down North Terrace and King William Street to appease the member for Adelaide and some trendy cappuccino set infrastructure investment that emerged as number one on the government's list of priorities. All I can say is, the sooner the member for Enfield and the member for Napier get on to the front bench, the sooner we might get a bit of common sense and some right priorities in this government. Some of the people arguing the cases have their priorities wrong, and I say that quite genuinely.

The government needs to look at the roads that I have mentioned. It needs to look at the bypass at Angaston, the Richmond Grove link and Burring Road; it needs to look at the north-south connector west of North Para, as I have mentioned, and the Gerald Roberts Road. Government members need to look at the connections between Gomersal and the Barossa Valley Way, but, most importantly, they need to look at the Barossa Valley Way itself. Some thought needs to be given to the staging of freight network improvements through the Barossa so that alternative routes can be developed. It is actually spelt out for them here in the addendum. The Barossa Council is showing the government how to do it. The Light council, I think, needs a bit of encouragement, and that is where the government could show some leadership, because the broader needs of the region need to be considered and balanced against the needs of individual ratepayers and constituents. What is the government doing? Showing no leadership whatsoever.

I am waiting now to be astounded by the response from the government backbenchers. I hope they find this motion supportable. If they do not, perhaps they would like to amend it and make it acceptable. All I ask, on behalf of the member for Schubert and members on the Liberal Party side of the benches, is for the government to do something for the Barossa Valley. If members opposite are serious about growing the economy and helping people up there, and if they say they are listening, show us the proof.

**Mr RAU (Enfield):** I will be very brief because the honourable member was kind enough to say nice things about the member for Napier and me. Reflecting on the remarks he made, I want to say that I read in the paper all the time that the toughest job in the parliament (any parliament) is Leader of the Opposition, but I am not sure that is right. I think the toughest job in the parliament is that of a government backbencher. I sometimes dream of coming back as an opposition frontbencher—I wake up some mornings and think, 'Am I going to be able to sit there?'—because you are in the happy position of being able to have all care and no responsibility. I commend the member for Waite. I enjoy his

performances tremendously. I think his thespian talents are wasted in this place. He is rivalled only by the member for Stuart who starts off with his usual preamble about being a simple country boy, 'A country boy doesn't normally like to—but now that you've provoked me I will say something.' The member for Waite is actually a thespian with someone else's chequebook, because he gives magnificent speeches about these things, and good on him.

As I said, it would be great to be able to do what he does. Sitting back here we all think, 'Wouldn't it be great to get up there every day and have a whack and say all these sorts of crazy things,' knowing you do not have to pull out the chequebook.

**The Hon. P.F. Conlon:** They don't think that.

**Mr RAU:** No; they don't think that, but I do because I enjoy the theatre of it so much. I have seen the member for Waite on his motorbike on the TV. Billy Connolly did a show like that at one stage where he cruised around New Zealand, or somewhere, on his motorbike, visiting places and chatting to people. I think it is a really good way of projecting what you are doing out there, and all power to the honourable member about that.

The other thing, of course, is that, because members opposite have so many electorates which are not metropolitan electorates (because they lost most of those at the last election), they have the opportunity of being able to put up resolutions like this week in and week out. The member for Schubert has been the star of the show today. We have heard a lot about the Barossa Valley and he sat there quietly in a dignified way letting his electorate be talked about by the member for Waite—and that is fine. However, I am fully expecting the member for Stuart to be the beneficiary of some road discussions in the weeks to come. Perhaps we will have to wait until the new year for the member for Stuart to get his turn. I am sure the electorates of the members for Frome and Finniss will come up sooner or later. It is a marvellous opportunity. The bottom line is that in government people have to make decisions about priorities.

*Ms Chapman interjecting:*

**Mr RAU:** No, but I get to watch it, just as you do, except that I do not get up and say irresponsible things like, 'Here's my cheque book; here's an IOU'—and that is really the point: it is easy to get up and do these things.

I commend the member for Waite on his thespian qualities and for getting up and having a go, because he does it all the time. Under different circumstances I can tell him that he might have had two votes, but I will not explain that in any more detail.

**Mr Bignell:** Don't give him a hint on how he can double his vote.

**Mr RAU:** I am not going to. He does have a go, and good on him for that. However, at the end of the day, decisions have to be made, which is the difficulty of these things, and this does not appear to be at the top of the list.

**Mr VENNING (Schubert):** I certainly am very appreciative of the debate here today and of this motion. Again, I thank my colleague and friend the shadow minister, the member for Waite. I am enjoying the spirited debate, and at least we should discuss these things. I also appreciate the comments of the member for Enfield. It is all very well for us to get up here and be theatrical, but in the end we have to produce the goods one way or the other. If we are not getting the money in the Barossa, where is it going? It is all about priorities. It is up to us on this side of the house to say that we



do not agree with your priorities. Here, we are saying, 'This is South Australia's tourism boulevard and it is an absolute disgrace.'

Last week I had a very high level delegation from Chile here, including the foreign minister, the ambassador and 11 high officials, and they absolutely love our state and the Barossa Valley, but they said, 'The roads!' Chile has its share of bad roads, but nothing as bad as our tourism boulevard.

*Ms Thompson interjecting:*

**Mr VENNING:** Members can go and have a look. The highways in Chile are excellent because they are all funded by the north-south corridor—I think it is called the American Pacific Highway—which goes the full length. Not a week goes by that somebody does not tell me, 'I love the Barossa—but your roads!' Members know (and the member for Light would certainly know; he is wisely keeping quiet now that the damage is done) that driving south from Tanunda not only is the road rough and you are patching the patches but you have some very sharp blind corners. There have been token efforts over the years to fix these corners, but it has not been done. The shadow minister and I were there with a focus this day and we were shocked to see the tourists going along the road at 30 or 40 km/h and gazing at both sides of the road, with trucks right up their bumper bar. It was an absolute disgrace.

*Mrs Geraghty interjecting:*

**Mr VENNING:** I said 'bumper bar'. We can laugh about this, but it is a serious business. In government we knew the problem was there and began addressing it by constructing the Gomersal Road. It was unbelievable: they did a rough forecast of how much traffic was going to use it, and the day the road was opened the traffic count was 10 times greater than the expected traffic count. Go on the road today and just see where that traffic would have been going if it was not on that new road. Diana Laidlaw was pivotal behind that \$7.7 million project—although, of course, the government's minister, the Hon. Michael Wright, had the honour and glory of opening it. However, never forget that it was our project; our government knew it had to address that.

This road has delivered the trucks to the middle of the Barossa Valley, but then they go out from a concentrated point to wreak havoc amongst the tourists and the locals. As the shadow minister has just said, there is a heavy vehicle bypass strategy in place. We did a study some years ago when we were in government (I think councillor Lykke was the chair of the committee) and the government had some input. I think the former minister who is here with us also had input into that. So the work has been done, but nothing ever seems to happen. The problem is that the obvious route crosses over two council boundaries, so we need someone there to coordinate this and make it happen.

We also know—the member for Light would certainly know this—that it is an absolute disgrace that these roads have huge trees, some over 1 metre thick, actually inside the white clearance posts. How often do we see fatalities caused by people hitting these trees? There is not a month goes by when we do not have another accident. Just go and see how many fatality or crash markers are there—the road is littered with them. I know that we love our trees but we have to either realign the road away from the trees or take out some of them. We cannot just leave them inside the white clearance posts. In fact, some of the trees have the white posts painted on them. These trees can have a girth of 1.5 metres, and you know that if you hit one it is not going to move. This is very serious indeed.

When we were in government (with then minister Laidlaw) we did a lot of road straightening on the Gawler end of the road, as the member for Light would certainly know. We straightened it out, we took out a few trees and tried to save what we could, and we moved the road away from the avenue of trees. That needs to be continued. All these things need to be done because we have a huge problem out there. I was rather annoyed during the week of the election to see that the transport department was replacing a lot of the guard barriers. The new guard barriers looked great, but the day after the election what happened? Gone; nothing more, and not a thing has been done since.

**Mr Bignell:** They didn't take them away, did they?

**Mr VENNING:** No, they didn't. I am very concerned that we have all these problems that I have been raising—

*Mr Bignell interjecting:*

**Mr VENNING:** It is all about priorities. The member for barking dogs over there can say that it is all about priorities. If the government had higher priorities than this we would listen to them, but I do not class putting trams down King William Street and North Terrace—

**Mr Bignell:** What about the bridges at the Port?

**The SPEAKER:** Order! The member for Mawson is free to make a contribution.

**Mr VENNING:** I do class the bridges as essential but they do not need to be lifting. I will not take up any more time, but I would like to again thank the shadow minister for coming up. It really did put a great focus on the problems and we were well received. I will do anything possible to further the needs of my community and my electorate. The invitation is there to minister Conlon to visit. He is not the worst minister, let me put it that way, and I am happy to have him up there. He also likes a good red and I am sure I could arrange for him to have a pleasant visit. In the meantime, I think he should have a look around and see the problems up there for himself.

I thank the shadow minister very much indeed for coming up there and putting a focus on these problems, because the people are getting frustrated. They are getting frustrated with me, because nothing is happening.

**Mr Piccolo:** That's another issue.

**Mr VENNING:** Well, I put the case and this government quite deliberately chooses not to spend a cent, because the instruction has gone out from the Treasurer, no doubt, that Labor will never win that seat so it will not spend a dollar in it.

I again thank the shadow minister, and the invitation is there for minister Conlon, or any other minister, to come up. On a personal basis I will make sure that we have a good day; we will keep the politics out of it and treat the trip purely as a fact-finding visit. I am happy to do that. Again, I thank the shadow minister. I urge the house to support this motion because, after all, they are not just Barossa roads: they are South Australian roads and they are freight roads.

I also extend an invitation to all members to go and have a look at the Beringer Blass centre and to go inside and see the bottle depot, the cellar. It is absolutely massive. You can see the trucks moving in and out of there on the hour, and they are all on the roads battling the tourists. It is absolutely mind-blowing. I went up there with Wolf Blass a week ago and saw it from the outside, but when you go inside it is just massive—and all this goes out on trucks, all on the roads. That is another reason why rail should be an option, because some of the wine can go out by rail but it does not. It is a very compounding problem which, in the last three or four years,

has worsened very quickly. It has to be addressed. All I say to the government is that, if it is not going to do anything about it, at least give us some ideas. At least start talking. At least put something out there that people can hang their hat on—some hope. At the moment there is nothing. I hope that this motion will be supported and I again thank the shadow minister, the member for Waite, for moving this motion.

**Ms THOMPSON (Reynell):** It is nice to hear a member like the member for Schubert so passionate about his electorate. I do acknowledge that his passion gets in the way of some reality a little, but it is good to hear somebody so passionate about his constituents. It is also nice to hear the member for Waite actually recognising a few facts for a change. He has recognised that the government back benches are absolutely full of up and coming new talent. That is really the first thing I have ever agreed on with the member for Waite. The member for Waite says it is a shame about the front bench. I think that the member for Waite's assessment of the government's front bench is not in accord with the assessment of the people of South Australia, who consistently show their approval of the actions of this government. He is a little jealous, I think, that the premiers he has served (and particularly the premier in whose ministry he served) never found anything like the approval the people of South Australia have for our Premier.

I think we have had enough emotion about this. I think it is time now that we dealt with some facts and figures. However, before I get to some of the facts and figures, I will mention the actions this government has taken in relation to transport in the Barossa. I will mention that I am extremely pleased that, however intensely I read the motion from the member for Waite, I do not see that he is asking for a study to be done. Given that his studies cost \$20 000, again, it is something that is not worthy of the people of the Barossa, or the people of South Australia. I can assure the member for Waite that the study that is being done into whether it is possible to extend the Noarlunga railway by 8.7 kilometres to Seaford is costing far more than \$20 000. When this government looks at whether something is economically and environmentally feasible and whether it meets the needs of the community, it spends a little more than \$20 000. In fact, it spends a lot more. If that is what he thinks the people of the Barossa deserve in relation to feasibility studies regarding services in their areas—that it should be a \$20 000 study—he is doing a serious disservice to the people of the Barossa.

But, as I said, I think it is time to get on to some facts and figures. The member for Waite indicated that he was going to listen in silence when matters were responded to by people on this side. He is yet to demonstrate that he is able to do that. He is as effective at listening in silence as he is at anything else. Let me provide the house with some information. The Rann Labor government has invested more than \$6.8 million in improving roads in the Barossa since being elected in 2002.

The federal government has invested a further \$5.4 million on the Barossa section of the Sturt Highway over the same period. Through the Strategic Infrastructure Plan, the state government has identified a number of projects for the Barossa Valley, including undertaking improvements to the Barossa Valley Way, including shoulder sealing, upgrades of intersections and railway level crossings; and upgrading Sturt Highway to four lanes from between Gawler to Nuriootpa to meet growth in traffic volumes. The Australian government recently provided \$100 million for the upgrade of the Sturt

Highway from Gawler to Nuriootpa, which will see the duplication of the highway from Gawler to Seppeltsfield Road by December 2008. This also includes upgrade of the intersection of the Barossa Valley Way, with the Sturt Highway in Nuriootpa, which will be completed this financial year.

The state government has had a particular focus on progressively improving the Barossa Valley Way, and has invested more than \$4.5 million in improving the road to date. Works have included overtaking lanes, minor realignments, junction improvements, shape correction and guard fencing. The strategy for pavement and surfacing works has been to work from Gawler towards Nuriootpa, addressing the highest traffic volume sections first. Works have been largely completed to Rowland Flat. The section from Rowland Flat to Tanunda has some of the poorest pavement conditions on the road and the highest cost to treat, with significant areas requiring deep asphalt treatment. The sum of \$.5 million has been programmed for this financial year to address two kilometres of this section.

These works form part of a suite of improvements proposed in an overarching long-term strategy for the upgrade of the Barossa Valley Way and are consistent with the outcomes of the Barossa Access Study. As with all roads, the Barossa Valley Way will continue to be maintained in a safe and trafficable condition until rehabilitation works are completed. The original draft Barossa Access Study was produced in 2000 following a collaborative process managed by the Department for Transport, Energy and Infrastructure and involving the Barossa and Light councils. The Light council subsequently rejected the proposed freight network identified in the study which, at that time, proposed a north-south link on the western side of the North Para River to provide access to Rowland Flat from the Sturt Highway. Since that time, the Department for Transport, Energy and Infrastructure has been working with the Barossa and Light councils to identify a preferred freight network for the Barossa Valley that would be supported by both councils.

Given that the majority of the potential freight groups being considered use local roads, the Department for Transport, Energy and Infrastructure has been guided by the councils as to their preferences. The Department for Transport, Energy and Infrastructure will support changes to the network in principle on the basis that industry agree and revisions retain the state roads where recent investments by the Department for Transport, Energy and Infrastructure have occurred. The Barossa council has been most active in determining a preferred network, particularly given the numerous concerns raised by residents in the Bethany area as a result of proposed changes to the network in 2004. The Barossa council has since considered a number of variations to the freight network, culminating in the preferred network. The Barossa council intends to undertake community consultation on this network. Comments have been sought from the Department for Transport, Energy and Infrastructure on the network. The department is currently considering its position.

I assure the member for Schubert that he is most welcome to include my contribution with that of the member for Light when he informs his constituents about the activities of the state government in relation to the transport needs of the Barossa Valley. He can assure them that the Barossa Valley is not neglected, that this state government takes a very rigorous approach in determining its priorities, that it is very much aware of the trust it holds in spending taxpayers' hard

earned dollars, and that it seeks to spend them in a balanced way, looking at all the factors that affect roads, the development of the state and the safety of road users.

Perhaps the member for Waite and the member for Bragg will have to eat their words when they see the importance of a future light rail network, which was developed in a very modest way with the extension of the tramline. Major networks have to start somewhere, and this government, as I said, expends its money—its precious taxpayer funds—responsibly by balancing many considerations. It is a shame that, when in government, the opposition could not have taken the same rigorous approach to the expenditure of precious taxpayer funds; instead, it wasted it on things such as wine centres that could not be economically viable—

*Members interjecting:*

**The SPEAKER:** Order!

**Ms THOMPSON:** —and a stadium that is still waiting to be used regularly.

**Mr BIGNELL (Mawson):** I rise briefly to oppose this motion. I call on the member for Waite to perhaps come into the chamber some time and be constructive. He goes out on his motorbike and rides through regional South Australia thinking that he is some sort of Billy Connolly. Well, Billy Connolly is funny, but the member for Waite is just silly. Instead, you should go around with your eyes open and look at the infrastructure that is being built in this state. Go down to Port Adelaide and look at the bridges that are being built there at the moment and talk to the people in the regions. The member for Schubert should show a little gratitude, because the people of the Barossa will benefit like the people of the Riverland, the Mid North and Eyre Peninsula. The member for Flinders is in the chamber. We engage with the regions of this state and talk to them. They should speak to the truck drivers of Eyre Peninsula. We have gone out and spoken to them, and they are already saying that the opening of just the first stage of the new Port River Expressway is cutting 20 minutes off their journey. So, once we get the bridges over the Port up and running, we will see even more economic benefit.

They should talk to people in my area of McLaren Vale. What do they have to put up with? A one-way expressway that your hopeless mob built. You were there for 8½ years and all you left us was a one-way expressway and a legacy of uncompleted roadworks. You let the roads in this state deteriorate to such a level that we are now spending money on maintenance of a huge backlog that is still there. It is a big blip in the system from the 8½ years that you were in this place and had the power to invest in infrastructure. You are a disgrace.

As the member for Reynell said, you wasted it on a wine centre. Why did you not put that money into the wine regions of this state instead of in Hackney? It was a disgrace. The \$45 million that was spent on Hindmarsh Stadium is another disgrace. You lost a premier, you lost a deputy premier twice, and you lost a tourism minister. It was a corrupt outfit that you guys were running, and what did you do? You left us this legacy. You want to go on about the tramline, but \$20 million on the tramline is small fry compared with the \$178 million we are spending on the bridges being built at the moment.

You should go to Eyre Peninsula and look at the money we are spending over there—the money we leveraged out of the feds because we care about the people of the regions of South Australia. We care about them passionately. We get out, we engage, we talk to them, we find out what they want,

and then we take up the fight not just in here. We put our money on the table, and we go out and fight for money for the regions of this state for road and transport networks, and we get the money from the feds.

I wish that, for once, the member for Waite would stop wasting this parliament's time coming in here with nonsense motions and that, for once in their life, the mob opposite would just get up and show a bit of gratitude for the work that this government does in the regions.

**Ms CHAPMAN** secured the adjournment of the debate.

## GLOBAL WARMING

**Mr O'BRIEN (Napier):** I move:

That this house—

- (a) acknowledges the conclusions contained in the UK government's Stern report on global warming;
- (b) expresses its extreme concern at the continued failure of the federal government to join global efforts to limit greenhouse gas emissions through ratification of the Kyoto agreement; and
- (c) recognises that the refusal of the federal government to work within an international framework places the future social and economic stability of South Australia at grave risk.

The Stern report was released on 30 October, and differs from any other climate change studies in that its focus is the economic cost of climate change. Sir Nicholas Stern has an Oxford PhD in economics, and has enjoyed a long and distinguished career as an academic, culminating in a professorship at the London School of Economics. In 2000, he joined the World Bank as its chief economist. For the last three years, he has been working in British Treasury. As *The Guardian* newspaper recently observed, 'Economists don't come with better credentials in their field than Nicholas Stern.' Stern is not your typical eco-warrior, and this may explain the impact of his recent report.

Stern predicts temperature increases of between 2° and 5° over the next century. This concurs with the UN Intergovernmental Panel on Climate Change, a group of 2 500 scientists, which in the year 2001 predicted an additional temperature increase during the 21st century of between 1.4° and 5.8° Centigrade. Forward predictions on temperature changes are often given within ranges that are so large as to allow an interpretation that undermines their credibility. This variance is due partly to uncertainty over future levels of greenhouse gas emissions and because of feedback loops within the global environmental system. One such loop already taking effect is that of rising temperatures melting snow and ice which, in turn, exposes more open water and bare ground each summer. These darker surfaces reflect less heat away from the planet's surface, resulting in further warming.

Additionally, melting permafrost releases huge quantities of methane and carbon dioxide as the plant material in the soil decomposes, causing further temperature rises which, in turn, cause more melting, and so the loop accelerates, and is accelerating. The consequences of temperature change at the upper level of these predictions are truly biblical in their implications.

Moving away from the forward projections, it might be more judicious to rely on what has occurred over the last 50 or so years. Average global temperatures have risen by 0.7° over the last century. A CSIRO report handed down in June of this year and tabled by the Premier in this house found that, in South Australia, the increase in temperatures has been even more pronounced, rising by 1.2° since 1950. A 1.2°

increase is put into context by the fact that global temperatures have only increased by 5° since the last ice age.

Stern found that the current level of greenhouse gas in the atmosphere is equivalent to about 430 parts per million, compared with only about 280 parts per million before the industrial revolution. Even if the annual flow of emissions did not increase beyond today's rate, the level of greenhouse gases in the atmosphere would reach double pre-industrial levels by the year 2050 (that is 550 parts per million CO<sub>2</sub>), and would continue growing thereafter. The annual flow of emissions is accelerating, and the level of 550 parts per million CO<sub>2</sub> could be reached as early as the year 2035. For my son and daughter, that is an issue of concern: it will strike them in mid life.

According to Stern, this would cause a 2° rise in global temperatures. If nothing is done to curb greenhouse emissions there is really no way of knowing how we will end up at the end of this century. Stern's economic modelling estimates that the actions required to stabilise CO<sub>2</sub> at a level of 550 parts per million would cost 1 per cent of global GDP by the year 2050. Stern believes stabilisation at this level is realistic and doable.

In contrast, the cost of failing to act would be 3 per cent of global GDP by 2050, if temperatures were to rise by 2 to 3°, and anywhere between 5 and 10 per cent of GDP would be necessary if temperatures were to rise between 5 and 6 per cent. That higher level of gross domestic product devoted to dealing with climate change would be crippling for the global economy. The cost of climate change is already being felt. Stern attributes 35 000 deaths and US\$15 billion lost in agricultural output due to the heatwaves in Europe in the year 2003. An example Australians would be more familiar with is the El Nino over the Pacific, leading to drought conditions in Australia and severe floods in South America.

It is these diverse effects over different parts of the world that have led to the preference for the term 'climate change' over 'global warming'—and we are experiencing a significant drought in this nation at this time. In essence, the Stern report concludes: (a) climate change is a reality that is occurring here and now; (b) the costs of inaction outweigh the costs of reducing greenhouse gas emissions; and (c) climate change is global in both its causes and consequences and, ergo, can only be tackled by global action. Overlying these conclusions is Stern's belief that:

There is still time to avoid the worst impacts of climate change if strong collective action starts now.

The global nature of the cause and consequences of climate change demands a global response. The Kyoto Protocol, despite its many flaws and failings, provides the best available vehicle for global action. The federal government's refusal to sign the Kyoto Protocol has symbolised Australia's reluctance to engage with the global community on climate change. Furthermore, Australia has dealt itself out of the discussions on what form the much needed changes to Kyoto should take. Australia was, uniquely, an observer at the recent Nairobi conference.

In September I spoke in a grievance in the house in which I outlined the successful global action that had overcome the hole in the ozone layer. There are many parallels between the issue of climate change and the depletion of the ozone layer. When in 1985 the world was confronted with the reality of a hole in the ozone layer and the effect it was having on human life and the environment, the world reacted by enacting a number of multilateral agreements to phase out

ozone-depleting substances. Today we are confronted with the reality of climate change and it is time we take similar action.

The central agreement regarding ozone was the Montreal Protocol, signed in 1987, which set out different timelines for compliance in the developed world and the developing world. In addition, in 1990, a multilateral fund was established to provide funds to help developing nations comply, by financing the conversion of existing manufacturing processes, training personnel and establishing national ozone offices. By April 2006, some US\$2 billion had been poured into the multilateral fund. The Montreal Protocol has worked and is frequently hailed as the most successful environmental protection agreement ever implemented. The differential timelines for compliance are widely seen as pivotal to the success of the agreement and provide a model for dealing with climate change.

Australia was generally regarded as a prime mover in establishing the Montreal Protocol. Considering that the hole in the ozone layer affected us as much, if not more, than any other country, this was barely surprising. Likewise, climate change will affect Australia more than most other countries. This is largely because of our heavy reliance and dependence on primary produce and the fact that even small rises in temperature will severely damage our agricultural output. This is particularly true here in South Australia, where a rise of less than 2° would, according to the aforementioned CSIRO report, see a 10 per cent to 30 per cent reduction in rainfall across South Australia.

This would effectively move the Goyder line considerably further south, putting the cropping area in the southern Mid North under threat. Indeed, SARDI predicts that the line would move as far south as Clare which, of course, would threaten the South Australian wine industry. In these circumstances, one would expect Australia to be front and centre of any global movement towards reducing greenhouse gas emissions.

However, under the leadership of John Howard, we have disengaged entirely from the Kyoto process. Over the last 10 years, John Howard has justified his refusal to sign the Kyoto agreement on three grounds: first, his personal scepticism of climate change; secondly, the belief that Australia should not compromise its competitive advantage based on cheap coal-produced electricity; and, thirdly, his objection to the differential targets established by Kyoto. Over the last few months, John Howard has had a 'road to Damascus' revelation regarding his climate change scepticism and his belief in coal energy. Effectively, John Howard has been reading the public opinion polls.

Greenhouse scepticism is now on a par with the flat earth movement, and not even the Prime Minister is that far out of tune with Australian and international opinion. John Howard has also become a keen advocate of nuclear power which, as the Switkowski report found, could only ever be economically viable if coal-fired power stations were forced to pay for the cost of polluting the atmosphere. So, the Prime Minister, who was once effectively willing to fight to the death to defend Australia's right to rely on cheap coal-powered energy, is now willing to tax those same energy stations.

Howard's backflip on the idea of carbon emission trading has been highly pronounced. As the Premier informed the house last Wednesday, in August this year the Prime Minister claimed that the emission trading scheme put forward by the states in the face of complete inaction by the federal government was (and I quote the Prime Minister) 'doomed to fail'.

A few months later, on Monday 13 November, the same Prime Minister told the Business Council of Australia's annual dinner in Sydney that he would commission a government business group to develop a carbon trading scheme for Australia.

This leaves John Howard's last objection to Kyoto: the idea of differential trading targets. John Howard believes that, in the name of equality, all countries should have the same targets. This is based on a complete misapprehension that equates equality with sameness. Treating people, or indeed countries, the same does not equate to treating them equally. A one-legged man is not being treated equally if he is forced to run a 100 metre race with a two-legged man. It is the same for countries.

The developed world has a greater capacity to effect changes in technology and industry than those that reside within developing countries. Any global action to combat climate change must recognise this reality, as did the Montreal Protocol when dealing with ozone depleting substances. South Australia cannot sign the Kyoto treaty but, in the face of complete inaction by the federal government, we will be implementing certain measures that will effectively see South Australia meet what would have been our obligations had the federal government signed the treaty.

With only 7.5 per cent of Australia's population, we already have 51 per cent of the nation's wind power capacity and 45 per cent of the nation's grid-connected solar power. The proposed Climate Change and Greenhouse Emissions Reduction Bill is designed to cut greenhouse gas emissions in our state by 60 per cent by 2050. It also sets a renewable energy target of 20 per cent by 2014. When that legislation is passed, South Australia will be only the third jurisdiction in the world—after California and Alberta—to back our policies with the force and status of law. Such is South Australia's position on these issues that no less a figure than Al Gore observed it. He stated:

In South Australia you have probably one of the best examples of any state in the world.

Time expired.

**Mr HAMILTON-SMITH (Waite):** I thank my friend the member for Napier for bringing this motion to the house. I think it is the sort of debate that we need to have, and I certainly join him in acknowledging the conclusions contained in the Stern report. I think the significance of the Stern report is that it has taken the viewpoint of an economist and, if you like, an economic rationalist's standpoint in assessing what is principally an environmental problem but what is rapidly becoming a massive financial problem—for the world. I note, as he did, that up to 3 per cent of global GDP is at risk if we fail to act, and that is an absolutely staggering amount of money. But I stop short of agreeing with him in regard to the failures of the federal government, and I will explain why.

First, I am sure the member would have seen the Al Gore documentary by now. I think Al Gore makes a fairly compelling case. I think he makes a very convincing case that there is global warming of a worrying dimension, but a less convincing case that it can be wholly attributed to emissions, although I think that is apparent, but there are other factors at play. But what is very clear from Gore's work and Stern's work is that we need to act, and we need to act quickly.

I read with interest the contributions on this from Tim Flannery. I see he is starting to warm, interestingly, to the

idea of alternative energy sources, particularly nuclear energy, and that debate has been added to by the Switkowski report that the federal government has just commissioned. So I would say to the member that the federal government is working on the problem. It may be working on the problem in ways which fall outside the motion and which the member might see as not the highest priority, but it is working on the problem.

There are short-term, medium-term and long-term ways forward here. I acknowledge the member's offering that the state government has done a lot in the way of wind power, and I agree with that and I think it has been welcomed. But the member would acknowledge that those sorts of solutions, in themselves, are not necessarily long-term solutions. He would acknowledge that the experts disagree on this, but the optimum amount of green energy you can pump into this system is somewhere around 20 per cent. Some argue it could be 25 per cent, but I am not so sure that is right. I think even getting to 20 per cent will be a struggle. I think we are at about 10 per cent or 11 per cent at the moment. It will be difficult to achieve. Then, the other 80 per cent, which is your base load quantum, has to come, at the moment, from environmentally unfriendly energy generation.

In the short term and in the medium term, building more wind turbines and installing more green energy into the system is not going to be the answer. I had an interesting meeting yesterday with TRUenergy, which operates Torrens Island and is in the retail business here. They reminded me that China is installing more energy generation capacity per annum than Australia's entire load. Per annum, China is installing more generation than we generate in the entire country at present. It strikes to the core point that the medium to long-term solutions will require responses from the emerging economies such as China and India but also others. Really, what I am saying is that what we are doing in South Australia pales into irrelevance, in global terms, compared to what the Chinese and Indian governments and other major emerging economies in South America and elsewhere are doing to curtail and contain their own emissions.

It does not mean we should not do all we can; we must and we should. I support what the government has done today, but we really have to help China and India, South America and others to stop polluting. There are some technological ways we can help. Arguably, the best thing we can do is export as much uranium as possible to countries like China and India so that they can use a cleaner, greener form of generation in the short to medium term to cover the gap, because it may be that, in the long term, green, friendly technologies are able to provide base-load generation and cover the 80 per cent. I have seen no evidence from the environmental lobby to date that suggests that green, renewable energy is going to reach anywhere near the level of capability it needs to reach if it is to cover the gap in the short to medium term to save the planet.

To be perfectly frank, what worries me is that we may waste yet more time taking action in response to the Stern report and Al Gore's work while we prevaricate about green and renewable technologies, that are still decades away, in the hope that they will turn up, further pollute the planet, and find ourselves in an irreversible situation while we are still waiting for the renewable technologies to fill the gap. The 80 per cent of base-load generation that we need is going to have to be provided by coal, by gas or by nuclear. If someone can prove to me there is a renewable solution to providing that 80 per cent of generation through wind, solar or some other means,

I am open to being convinced. I am observing the environmentalist lobby on this, and I cannot see a green or renewable energy generation source that is going to cover that 80 per cent at the moment, in the short or medium term, maybe in the long term, but more needs to be done.

I think this is the nub of the problem, because the member is critical of the federal government in regard to Kyoto. The member mentioned the three objections that the Prime Minister and the federal government have to Kyoto. Of course, the principal one is that it really does not impact on the emerging economies. Kyoto really leaves aside China, India, South America and the other major economies that are the main polluters. He makes the point that what is the value in us turning ourselves inside out wrecking the national economy, putting huge imposts on business and on the taxpayer, to curtail our own emissions, when China, India and South America do nothing, shall we say, or are not tied up into an internationally binding agreement. So I make the point to the member that, while I do not agree with paragraphs (b) and (c) of his motion, I think—

*An honourable member interjecting:*

**Mr HAMILTON-SMITH:** Yes, I take the point. I think the Prime Minister is open to an international agreement, I think he is open to working within an international framework, but he wants that international framework to be all inclusive, and I think he is right, it does need to be all inclusive. Unless China, India and Brazil and these other countries are in the tent, we are wasting our time. We are huffing and puffing in the tent. We will achieve nothing tangible to respond to Stern except feel-good outcomes, but we will not save the planet or avoid the sort of financial calamities that Stern predicts.

So I say to the member, yes, we do need to work within an international framework, we do need to hear Stern, but we need to include everybody, including the world's greatest polluters. I think that strikes to the point of what the federal government is doing. What it is doing, through issues like the Switkowski report into nuclear power and various other initiatives that it is undertaking, is looking for answers. The Prime Minister has talked of geothermal power, he has talked of sequestration and the planting into the earth of emissions from coal-burning technologies. The debate is now out there about pushing up the costs of coal-fired generation by forcing them to be more environmentally friendly. That might make nuclear more viable. He is talking about all these issues and engaging the debate. So I think the Prime Minister and the federal government are heading down the right road. I congratulate the member for bringing it to the house. I think it is an important motion. I do not agree with parts (b) and (c), but I think it is the sort of issue that we should be debating. We need to hear the warnings. Anyone who is a parent should be worried about this motion and should be contributing to it.

**The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services):** To date we have not really discussed the implications around the health issues to do with global warming. Whilst this has not been a focus in the scientific and government literature published and discussed, it is really important that we recognise that there will be significant health implications from temperature change. It is obvious that there will be impacts on human health and, whilst it is simplistic to imagine that that might relate only to sun-related cancers and melanomas, believe me when I say that they will be the least of our problems.

Clearly, during the recent European heatwave in 2003, which was regarded as one of the deadliest climate-related disasters to date in the west, there was said to be 35 000 heat-related deaths, but I am convinced that this was a gross underestimate. Doctors for the environment have issued a paper that suggests that this is a 17 000 underestimate, with probably 52 000 Europeans dying during the events between June and August. It is important to note that these deaths were not imminent deaths that were just brought forward by a few days but, rather, excess deaths over previous years.

In Italy—a country used to hot weather—according to the National Institute of Statistics, there were 18 000 excess deaths compared with the year before. France, which is also used to hot weather, surprisingly produced fatality rates of 2 000 a day; and a significant increase in the number is expected in Australia. People imagine that Australians are used to hot weather, but the truth is that in Australia we should expect to see many more deaths from heatwaves. The elderly currently living in Australian cities are at greatest risk, and we estimate that in an average year 1 100 people over the age of 65 die in Australia due to excess heat; and that will rise by 2100 to anywhere between 8 000 and 15 000 a year. Clearly, those living in rural areas are affected by the stress of drought and other conditions, but it is extraordinary that a country such as Australia would experience heat-related deaths, even though we are able to manage heat quite well.

The scary part about climate change is the difference in the diseases we will expect to see. Heat-related problems in health basically fall into four categories; first, vector-borne diseases, which means the spread of infectious diseases carried by climate sensitive insects or organisms; secondly, the toll of injury and death caused by extreme weather events other than heat, such as storms, cyclones, floods and fires; thirdly, the health impacts, both mental and physical, from environmental refugees with the health difficulties they have in their own country, plus the ones they bring unexpectedly and unknown to other countries which are not used to those infectious diseases; and, fourthly—perhaps the most potentially hazardous change—the civil conflict produced when climate-related resources such as water and food are affected. It is interesting that Australia is at first hand recognising the first three of these four changes but, clearly, the most challenging will be the disease changes.

The vector-borne diseases should make us alert and alarmed. They are truly frightening. They are likely to be the first detectable changes of climate change (even before sea levels rise) and will result from a geographical spread of organisms that carry diseases which are otherwise unknown in our community. The distribution of these diseases will spread from the northern parts of Australia to the southern parts, and parts of Tasmania, which otherwise would have been quite immune from mosquito-borne diseases, might well find a prevalence of diseases they have never dreamt of. Mosquito-borne diseases of which we are commonly aware include, of course, Ross River fever, but, when we get Dengue fever, Chagas disease and Japanese and Australian encephalitis spreading down to temperate zones, we will be significantly affected and our hospitals will have an impact from these issues. Currently, Tasmania records only the occasional case of Ross River fever in most years, but 2002 saw that level rise dramatically.

Dengue fever is a particularly unpleasant disease which now arises in South-East Asia and which is rarely found in the north of Australia. It is transmitted by the *Aedes* mosquito. It predominantly occurs in towns, and this mosquito-

spread disease is particularly unpleasant. It causes haemorrhagic fever and shock syndrome, and it will cause death in quite high numbers, particularly amongst the young. Whereas 4 000 cases might be recorded over a decade or so in Australia, that incidence will rise dramatically and, instead of a self-limiting febrile disease, repeated infection will end up allowing many people to die from Dengue haemorrhagic fever. It is life threatening, and it is nasty. Dengue virus occasionally occurs in Cairns and Broome, but it has substantially moved south, and we expect it to spread to Sydney and Brisbane, so it will be in our urban concentrated areas pretty soon. Australian encephalitis is not unlike Murray fever and Ross River fever, and these outbreaks will also spread south, as will Japanese encephalitis. These sorts of diseases will be unknown and are likely to strike terror in Australians, who are used to these issues being of a tropical nature and not on our shores.

The non-viral insect-borne diseases are also unpleasant. People know about such conditions as malaria, but, when the whole of Australia is in a malarial zone, we can expect very significant spreads of these diseases as well. We will be shocked when we discover that skin infections with unusual tubercular strains, unpleasant fungal and nocardial diseases and nasty ulcerating skin conditions, such as Madura foot, will spread dramatically through our communities. Of course, on top of that the more common diseases, such as food poisoning, will be more prevalent. We expect the odd attack of salmonella poisoning, but heat does make it more difficult to control diarrhoeal diseases, and they will not only affect humans but there will be animal spread of these diseases as well.

It is apparent that our water dwelling animals will be affected. We all know that coral reefs and mangroves are at risk, but there will be growths of algal blooms through many of our waterways. Ciguatera poison from algae is commonly found to increase, especially around El Nino conditions, and this micro-organism spreads neurological symptoms and can be long lasting. It is not a pretty prospect.

Clearly, we are likely to have effects of pollution in our food chain, and we are likely to be impacted on by the failure of crops unless our Plant Functional Genomics Centre can produce heat and water-sensitive crops. Water-borne diseases will not just be the common diseases, but will include things like cryptosporidium and a range of conditions that are not common. In addition to those infective processes, there will be extreme weather events, which will impact on air pollution, rates of asthma and hay fever. We can expect the sorts of droughts, hurricanes and tornadoes that we have seen recently in Florida. On top of that there will be mental health impacts of the stress from all these episodes.

We expect our Pacific neighbours to be submerged before we are, and there will be movements of population, which will bring distress and the conditions that are prevalent in refugees. The poverty that will affect our region is likely to impact on the normal controls of infective diseases in our neighbouring countries, and there will be more malaria, more tuberculosis and re-emergent diseases that, to date, have been kept in check.

A one metre rise in the sea level will displace 18 million people in China, 13 million in Bangladesh, and three million in Indonesia. It is thought that Indonesia, India and South China will experience the highest and possibly absolute decline in agricultural production with climate change. It is unlikely that this could occur without major social upheaval,

collapse of law, human rights abuse and exacerbation of various conflicts and possibly terrorist activity.

We have to say that this is serious. It is not just an economic issue; it is not just a social issue. This is a major health risk we face, and the sooner people recognise that it is not just a rising water level but that there are impacts that could affect the mere capacity of human beings to survive into the next century the better the outcome. We seriously have to take note of this. I am alert and alarmed.

**The Hon. R.B. SUCH (Fisher):** I commend the member for Napier for introducing this motion. It is interesting that an environmental issue—global warming—is now taking a position on the front of the stage, largely as a result of comments from people such as Sir Nicholas Stern, an economist, and Rupert Murdoch—and that in itself is an interesting observation: that we need someone who has an economics background or a business background to highlight an environmental issue. It is sad in a way and it is unfortunate, because we have had people such as David Suzuki, Tim Flannery and others saying these sorts of things for years, but if you are labelled an environmentalist, then you do not seem to get the same credence as you do if you have the title of economist.

I remind members that economics and ecology both have the same origin in their name. Both are derived from the Greek word *oikos* (meaning house/housekeeping), and the sooner people realise that good economics is good ecology and vice versa, the better. They are not separate; they never should have been, but sadly have become separate. With the Stern report, what we are seeing now is a recognition that the environment, economics and finance should go hand in hand and need to be considered as part of the same aspect of housekeeping or home keeping. However, the measures we have at the moment for indicating quality of life are sadly deficient. We use the term GDP (gross domestic product)—some people might say ‘gross domestic pollution’. That does not measure environmental quality. The irony is that, if you have an increase in drug trafficking and crime, you have more police employed, therefore you will have an increase in your GDP. It does not measure improved wellbeing in your society.

There has been some innovation in this area, but we need to develop indices which more accurately reflect the quality of life (including environmental aspects) than has been the case up until now. We need to understand the very simple messages that are contained in ecology, that is, interrelatedness, interdependence. If people understand those two principles, they cannot go far wrong; that is, everything you do affects something else—what has been described as the web of life. I am pleased to see that it is gradually permeating through society, but it has taken a long time. As someone who was involved in the academic world in the early 1970s lecturing on this sort of thing, I stress that it has taken a long time for the message to get through. Whilst it is important to focus on global warming and it is an issue that we need to address, along with greenhouse gas emissions, we need to realise that it is not the only aspect on which we need to focus, important as it is. We have other critical environmental issues.

We have a significant loss of biodiversity, including in South Australia. We have been amongst the worst offenders in the world in terms of the way we have treated the natural environment. We have been collectively, over the past 150

years or so, amongst the worst environmental vandals who have ever traipsed across this earth.

**Mrs Penfold:** Don't forget the rabbits.

**The Hon. R.B. SUCH:** We brought the rabbits here—not only the four-legged ones but a few two-legged ones as well! What we have done to this country in terms of its natural flora and fauna is nothing short of criminal. If we take the Adelaide Hills, I think we have less than 20 per cent of our original vegetation left—and I know that you have to clear some, otherwise you cannot grow food. But even what we have left is grossly degraded through weeds. If members visit Belair National Park, they will see that some of it is of reasonable standard, but much of it is a park of weeds and exotic undesirable species. We do not have a good record in terms of looking after the environment. We are starting to wake up now, but we need to focus on, as I say, not only the broad umbrella issues of global warming but the issues that arise in the environment generally, including the loss of biodiversity which has occurred in South Australia on an extreme scale as a result of either greed or ignorance—probably a combination of both.

The second and third parts of this motion focus on the federal government and, as I have indicated recently, I am pleased that there is a change of focus by the Prime Minister. I give him full marks for being a politician who can read changing trends and understand public opinion. The point he makes about India and China I think has some validity, but the fact that other people do bad things is no reason for others to continue to do bad things. If other people are pillaging or assaulting women, it is not a justification for others to do the same thing. You have to be careful that you do not end up with this 'lesser of two evils' argument, because I think it is fallacious.

Ironically, Australia was one of the key countries to help establish the Kyoto Protocol prior to the present federal government coming to power, but then we did a back pedal. The Kyoto Protocol allows Australia to pollute at a magnitude beyond what we were polluting before, so it is an outrageous set of proposals anyhow. The day of reckoning is coming, and Australia can no longer pretend that we are a special case or that we are only a pimple. That sort of argument does not wash anywhere in the world. The fact that George Bush, who is coming to the end of his reign of terror, is on the way out means that we will get a more enlightened approach in the US as we see him disappear on his horse into the Wild West.

Australia should be a leader in this area. We should not be dancing with the worst part of US foreign policy and the worst part of US environmental policy, because I would argue that the majority of Americans are very enlightened and switched on and do not share the views of their current government in relation to hostility and opposition to issues such as global warming. On the whole, Americans are very pro-environment as a nation. We should not seek in any way to associate with 'the dirty dozen'—namely, the countries that are not prepared to play their proper role in dealing with environmental issues, whether it be global warming, protecting rainforests, or whatever.

I make the final point that we can all look for baddies. We can blame China, India or other countries, but we have to look in our own backyard. To its credit, the state government has done a lot of positive things here. As individuals and small communities, we should look at how much energy we use and our own lifestyle generally, because we are extremely wasteful—and I include myself in that category. I am not

trying to be holier than anyone else. You only have to look at the hard rubbish collection in suburbs such as mine which occurred recently. Enough stuff is put out there to keep some developing countries going for years. We are a wasteful lot.

I draw members' attention to the amount of plastic and so on that we throw out in these hard rubbish collections, mattresses, lounge chairs and all sorts of things that get limited use. I think we all have a lot to answer for. We should not be looking to just blame developing countries; we need to address our own usage, misuse and overusage, and we need to get serious about the environment, not only in relation to global warming, but also in areas of loss of biodiversity, for example. I am heartened from talking to some of the young farmers of today who have a very progressive attitude to conservation on their farms. They are much more enlightened than past generations who did things which we now regret and which we now have to address. I commend the member for moving this motion. I think the more we are informed and the more we actually discuss and do something about these issues the better.

**The Hon. P.L. WHITE (Taylor):** I rise to support this motion moved by the member for Napier and I commend him for bringing this debate to the House of Assembly. As some members have stated previously, the importance of the Stern report is that it takes an economic perspective on the question of climate change; it has credibility, having been authored by Sir Nicholas Stern; and, more than any other document of note, its economic argument has been put powerfully and coherently.

I agree also with the member for Fisher's comments in debating the member for Waite's support of the federal government's approach on climate change, but I take issue with the member for Waite's congratulating the federal government in that the member for Waite was of the view that the Howard government is acting in the right direction. I do not believe that to be the case. In fact, the Howard government has recognised a political problem, has changed the rhetoric to buy into a pro climate-change action agenda, but has not bought into that action. The importance of this federal government changing its position and actually buying into the agenda to take action with Australian businesses, Australian industry and Australian governments to change our performance on climate change is very important, and I will address a little later why that is the case.

The report by Sir Nicholas Stern, head of the UK Government Economic Service and adviser to that government on the economics of climate change and development, comes to the fairly simple conclusion that the scientific evidence is now overwhelming that climate change is a serious global threat and demands a global response and also, and very importantly, that the benefits of strong and early action far outweigh the economic costs of not acting at all. The report points to the fact that globally we are looking, through climate change by 2035, at a temperature rise of over 2 degrees (indeed, it could exceed 5 degrees), and that such a radical change in the physical geography of the world must lead to a major change in human geography: where people live and how they live.

We had some examples of the health impacts of that from the Minister for Education and Children's Services previously. It points out that all countries will be affected: that the most vulnerable and poorest countries will suffer earliest and most, even though they have contributed least to the causes of climate change. All those who argue against the moral



imperative to act on climate change should consider that point very carefully. The report points to the fact that climate change could have very serious impacts on growth and development; that the costs of stabilising the climate are significant but manageable—and that is a very important point—and that delay would be dangerous and even more costly a proposition.

Ultimately, the report says that stabilisation of greenhouse gases requires that annual emissions be brought down to more than 80 per cent below current levels. That sounds like a major challenge and it is, but sustained, long-term action can achieve it at costs that are low in comparison to the risks of inaction. That is a very important point. The report shows that, if we do not act, the overall costs and risks of climate change will be equivalent to losing at least 5 per cent of global GDP each year now and for ever. If a wider range of risks and impacts is taken into account, then the report concludes that those estimates could rise to approximately 20 per cent of global GDP, an extraordinary figure of economic impact, let alone the impact of an environmental nature.

In contrast, the costs of inaction are calculated. The report concludes that the cost of reducing greenhouse gas emissions to avoid the worst impacts of climate change can be limited to about 1 per cent of global GDP each year. The report also underlines the fact that our actions now—if we do not act appropriately—could create risks of major disruption to economic and social activity on a scale similar to those associated with the great wars and the Great Depression—a very sobering analogy.

Importantly also, the report points out that action on climate change is required across all countries, and that is something which the Howard government is in denial about. The report also points out that that action could create significant business opportunities as new markets—as well as low carbon energy technology and other low carbon goods and services—are created. Also, the point is made that the world does not have to change—and this is not something where we would have to choose between economic growth and addressing the environmental problems of climate change. That is a point that Al Gore tries to make very powerfully in his movie documentary recently released in Australia. The report points out the fact that tackling climate change is a pro-growth strategy in the long term, and it is very important for Australia to take note of that.

The report also points out that it is not one strategy but that a range of options are available to governments to cut emissions, but what is required is strong deliberate policy action to motivate their take-up. It also points out something very relevant for Australia: that, even with very strong expansion of the use of renewable energy and other low carbon energy sources, fossil fuels could still make up over half the global energy supply in 2050 with us acting on climate change. So, this is not an argument to deplete or, in the words of the member for Waite, wreck our national economy. Instead, it is an argument for strong deliberate policy choices, because it is possible to reduce emissions in both developed and developing economies on the scale necessary for stabilisation in the required range while continuing to grow.

This is a very important point for Australia, because one of the roles of the federal government is to create the sort of climate in which business will be encouraged through incentives and other measures to move in the right direction. It is in the interests of South Australia to set up an emissions trading system and to set emission targets and—very

importantly for the Howard government—it is in the interests of South Australia to be serious about meeting those targets. The cost of addressing climate change will be increased if we do not make the most of the economic instruments that are available to us now, at the time when they are cheapest to implement. The Howard government must take notice of this point. The Howard government has to put in place the incentives that will encourage industry to move down the right, not the wrong, path. That is why it is important to ratify Kyoto and not just talk about the threats to Australia as an economy in a way that really belies the fact that it is cheaper for us to work to reduce and address climate change early than for us to engage in the type of inaction the federal government is encouraging.

Time expired.

**Mr PEDERICK** secured the adjournment of the debate.

*[Sitting suspended from 12.56 to 2 p.m.]*

### **FOSTER, Hon. N.K., DEATH**

**The Hon. M.D. RANN (Premier):** I move:

That the House of Assembly expresses its deep regret at the death of the Hon. Norman Foster, former member of the House of Representatives and a former member of the Legislative Council in South Australia, and places on record its appreciation of his long and meritorious service, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of bells.

I was saddened to hear early this week of the death of Norm Foster. Mr Foster was a colourful figure in both state and federal parliaments from the late 1960s to the early 1980s. He earned the nickname of 'Stormy Normie' for his fiery speeches and parliamentary behaviour and, of course, he played a critical role in the establishment of the Roxby Downs uranium mine.

Still, his life and career were a good deal broader and richer than many people realised. For example, Norm Foster was an outstanding soldier during World War II, a dedicated trade unionist, and a champion of workers, the disadvantaged and also the environment. Although he could sometimes polarise opinion, even his opponents recognised his fine personal qualities and most people who knew him well agreed that he was generous, compassionate and sincere, and a man of great strength and conviction.

Norm Foster passed away at Modbury Hospital on Sunday 19 November 2006 at the age of 85. I take this opportunity to extend my condolences to his wife Betty, to his children Darryl, Derek, David, Robert and Mark, to his seven grandchildren and four great-grandchildren, and to his many friends.

Norman Kenneth Foster was born on 12 March 1921. He left school at the age of 13 during the Great Depression and worked in labouring jobs, including in his own family's market gardens in Adelaide's northern suburbs. At the coming of World War II he immediately volunteered to serve, joining the 10th Battalion of the AIF—in fact, just before walking into this chamber I was looking at the photograph of the opening of the completed Parliament House on 5 June 1939, which showed the Governor-General opening the new parliament and a line-up of the CMF. This was some months before the outbreak of the Second World War, and it was recorded that Norm Foster was one of the members of the CMF at the opening of this place back in 1939.

As I said, at the coming of World War II in September he immediately volunteered to serve, joining the 10th Battalion of the AIF. He spent the entire war in uniform, serving in England, at Tobruk in North Africa, in New Guinea, and in South-East Asia. He was mentioned in dispatches for his bravery in action, including as a signaller in Borneo. The former chief of the general staff, Sir Tom Daly, who was Norm's commanding officer in Borneo, once paid the following tribute to the young man from Paradise:

Foster was a very good and very gallant soldier. He was the sort of man who would go straight over the top to lay wire in the full view of the Japanese. . . rather than use an extra half mile of the stuff and creep round behind a ridge to do it in greater safety.

He had a similar approach in the parliament.

In later years Norm loved to tell stories about the war and the heroic exploits of his colleagues, but when it came to recounting his own brave conduct he always left this task to others. After the war, Norm returned to South Australia and took up a job on the wharves at Port Adelaide. He was what was called a 'vigilance officer' for the Waterside Workers Federation. It is interesting that in India at the state level there are ministers for vigilance; maybe that is something that we need to think about here in South Australia. In terms of being a vigilance officer for the Waterside Workers Federation, it was a position that involved making sure that stevedoring companies complied with rules and regulations in regard to the welfare of workers. This was an extremely important job, because back in those days thousands of men were employed on our wharves and their work was very often difficult and dangerous and carried out in appalling conditions.

Norm moved steadily through the ranks of the union movement, becoming president of the South Australian Trades and Labour Council in 1964, just before the advent of the election of the Walsh Labor government in South Australia. At the 1969 federal election, Norm made a stunning entry into parliamentary politics by winning the safe Liberal seat of Sturt. Since its inception in 1949, Sturt had been held for all but two years by the Liberal Sir Keith Wilson and then by his son Ian Wilson. The Labor Party had difficulty finding a candidate for Sturt in the 1969 election because it was considered such a Liberal stronghold, but Norm thrived on the challenge, talking to as many people as possible in the electorate.

He always presented himself neatly and respectably in a jacket and tie, belying his background as a rough and ready wharfie. According to one report, Norm upset the Ian Wilson campaign team by allegedly handing out pots of jam to local pensioners. On 25 October 1969—so, putting this into context, this was at a time when Gough Whitlam was the leader of the opposition; this was Gough's first attempt as leader of the opposition to win power—

**The Hon. J.D. Hill:** It was a bit like the 1997 state result.

**The Hon. M.D. RANN:** It was a bit like the 1997 state result. On 25 October 1969, Norm recorded a 14 per cent swing to the ALP and took Sturt by fewer than 50 votes. Now, who here has had a 14 per cent swing?

*Members interjecting:*

**The Hon. M.D. RANN:** Oh, there are quite a few.

**The Hon. M.J. Atkinson:** 15.5.

**The Hon. M.D. RANN:** 15.5. Norm would love this.

*Members interjecting:*

**The Hon. M.D. RANN:** You do not understand Norm. Norm was a colourful character who loved humour and was also very smart. Unsurprisingly, he quickly made an impact in Canberra. Once, he was described as a rather aggressive

gravel-voiced Labor man in the style of the late Eddie Ward. Norm's maiden speech in the House of Representatives delivered in March 1970 was a sign of things to come. He talked colourfully about the problems of septic tank discharge in his electorate and he pilloried the Gorton government for its poor treatment of pensioners. At the start of his speech, the speaker of the house, Sir William Aston, reminded members that Mr Foster should be given all the courtesies normally afforded to a maiden speaker. We all know that, under the Westminster tradition, it has always been the practice that maiden speeches are heard in silence. (Mine was not, I have to say, but then, there we go.) At the start of this speech, as I say, the speaker reminded members that they had to do the right thing and remain silent during Norm Foster's speech. It was not long before the speaker was reminding Norm that, 'If a member, of course, becomes over provocative in a maiden speech he is not entitled to the protection of the chair.'

Later, during that same maiden speech, Norm was asked to withdraw a remark he made about a minister. By the end of his term in federal parliament, it was estimated that Norm had been called to order 60 to 70 times. He loved getting stuck into the government members of the house, and when he became really wound up he would talk at a huge rate of knots. Anyone who ever saw Norm in the Legislative Council can picture this very agitated state. A former senator for South Australia, Chris Schacht, remembers Norm being a bit of a trailblazer in the area of the environment. In early 1972, Norm organised what was probably one of the first major gatherings in Adelaide to talk about what was then called 'conservation'. Against all expectations, an enthusiastic crowd of about 200 turned up to hear a dinner speech at the old Fernilee Lodge on Greenhill Road, given by the federal ALP spokesman on conservation, Senator Tony Mulvihill. It was an unusual gathering of people, a combination of generally well-to-do eastern suburbs voters concerned about threatened fauna and flora in the Adelaide Hills, along with young long-haired university students wearing tie-dyed clothing (and I think we all remember that) who were interested in the broader ecology of the planet.

During this period, Norm was also an outspoken opponent of Australia's involvement in the Vietnam War. Although he was no pacifist, and his military record was impeccable, Norm never glorified war and made common cause with the young and idealistic members of the protest movement. In December 1972, Norm began the massive task of retaining the seat of Sturt for the ALP, again coming up against Ian Wilson. His bright and bold election material for the famous 'It's time' election campaign shows him pictured with ACTU boss, Bob Hawke, and with Gough Whitlam, and includes an endorsement from the charismatic leader of the opposition, which reads:

Few members in their first term of federal parliament could have achieved the impact and effectiveness displayed by Norm Foster.

That election flyer described Norm as a battler and federal parliament's greatest fighter. It listed some of the issues he had raised or been directly involved with over the previous three years. These included the fight against the subdivision of Penfold's vineyards at Magill; the removal of the tax on wine; French nuclear testing in the Pacific, about which he was passionate and talked to me on many occasions when we were both members of the ALP's Nuclear Hazards Committee; and alleged federal government interference in the ABC current affairs program *This Day Tonight*.

Sadly for many, Norm Foster's efforts in Sturt were not enough in 1972. He won the seat in 1969, but he lost it in the great 'It's time' election of 1972, despite his bringing together a broad coalition of people to work on his campaign. The seat went back to the Liberal Party, where it has remained ever since, although I guess there probably are some similarities between Christopher Pyne and Norm Foster, but I cannot think of one. Norm remained an influential and high profile member of the ALP, and his continuing hard work was acknowledged by his being placed at No. 1 on the party's Legislative Council ticket for the 1975 state election. That ticket included many people who went on to enjoy stellar careers in politics, including former—and probably one of the longest serving attorneys-general anywhere—Chris Sumner—

**The Hon. M.J. Atkinson:** At No. 6.

**The Hon. M.D. RANN:** Yes—John Cornwall, of beloved memory, who was a great and reformist health minister, and our very own Anne Levy, who became one of my predecessors as minister for the arts. True to form, Norm's second maiden speech—this time in the Legislative Council of the South Australian parliament—was a long and some might say meandering affair. He talked about a wide range of issues and tussled with members opposite, including Murray Hill, Martin Cameron and Ren DeGaris. For many observers, the defining moment, of course, of Norm Foster's political career came in June 1982. Amid extraordinary scenes in the Legislative Council, Norm Foster resigned from the ALP and voted with the Tonkin government to allow for the passage of the Roxby Downs Indenture Bill and the ultimate go-ahead of the Olympic Dam mine.

Members will recall that that was shortly followed by an ALP federal conference which then allowed Roxby Downs to go ahead. From memory, at the next election, John Bannon—in a brilliantly written speech—announced that Roxby Downs could and would go ahead if Labor were elected. So, I am going to propose today that I will talk to BHP Billiton. I think that, with the Roxby Downs Olympic Dam expansion, a road or other public place in the Olympic Dam township should be named after Norm Foster. I think all members of this house, as an act of reconciliation, affection and respect, would agree with that. Of course, he was subjected to abuse even from those within his own party, and for many years after those dramatic days he was quoted as saying that:

I have no regrets because I considered it was the right thing to do by the state.

He contested the 1982 state election as an independent Labor candidate in the Legislative Council but he was unsuccessful. In time the bitterness towards Norm faded within the ALP, and—which I guess is another example of this broad church that does believe in reconciliation—he was formally readmitted to the party by a unanimous vote of all party members, from all groups in the Labor Party, at a special policy convention in Adelaide in November 1988, just a few years after his split with the ALP. On Australia Day 1994, Norm was awarded a medal of the Order of Australia for services to parliament, the trade union movement and ex-service organisations.

Norm Foster was a one-off member of parliament. His attitudes and approach to life were very much shaped by his experience in the Depression, at war and, through the Waterside Workers Federation, the trade union movement. As a result, he had a personal style of the kind that we rarely

see in politics today. He was tough, outspoken, hard working, combative and he had a sharp, inquiring mind. This self-educated man was widely seen as fundamentally decent and compassionate, fighting the good fight for the disadvantaged and railing against injustice wherever he saw it. As one friend of his said this week: if you were an underdog, Norm was always in your corner.

Norm's views were not always in vogue within the ALP or within the Liberal Party or within this parliament, but most of his colleagues and opponents would agree that 'Stormy Normie' invariably acted in what he believed were the best interests of South Australia. With the death on Sunday of Norman Kenneth Foster, we lost a truly great South Australian, a great character in this state's parliamentary history. I think a former president of the upper house, Arthur White, who will be attending the funeral, will be able to attest to his clashes as president with Normie on the floor of the house, which could only be described as memorable.

On behalf of all members of this side of the house, I extend my condolences to Norm's family and friends.

**The Hon. I.F. EVANS (Leader of the Opposition):** On behalf of the opposition I second the Premier's condolence motion and express our sincere regret at the passing of Norm Foster, former state member of the Legislative Council, federal member for Sturt and Labor legend. I speak on behalf of all Liberal members, past and present, and place on record our sincere appreciation of his distinguished service to this country and to the state of South Australia.

Norm Foster was a man who could hold his head high. Mr Foster's legacy is essentially the South Australia as it is today. He directly contributed to its prosperity through his undying support of the development of the Roxby Downs mine, something for which he ultimately resigned from the Labor Party and, as the Premier indicated, was formally readmitted some time later. He was a man with vision. He saw the development for what it was, a significant chance for South Australia to grow its economy. He saw a prosperous future for South Australia and he stood up for his home state in a truly courageous way.

A former leader of the Labor government, John Bannon, summed up Mr Foster's attitude, not just to the Roxby development but to life in general, when he said, 'Norm did what he thought was right.' Mr Foster's legacy will stay with this state forever. If he had not stood up for what he believed in so nobly, this state would not have had the thriving mining industry that it benefits so greatly from today. Mr Foster reinvigorated the principle of choice: one's right to choose their path in life. He made people realise that conformity is not always the answer and that one must stand up for what they believe in. He knew that Roxby was imperative to South Australia's future, that it would create thousands of jobs and a great deal of export earnings. He once claimed that he had no regrets 'because I consider it was the right thing to do by the state'.

South Australia owes a great deal to Norm Foster. He will be known to many South Australians as the man who caused the media frenzy by crossing the floor in June 1982. But, during his stint as the federal member for Sturt, he became affectionately known as 'Stormy Normie'. The Premier indicated that he had been warned some 60 times. The notes to me indicate that he was actually thrown out of parliament that many times. Regardless, he was certainly a character within the parliament, both federal and state.

The more I found out about the life of Norm Foster, the more I came to realise what a truly great man he was. He was a man of worldly experience, having spent six years in destinations such as the Middle East, Borneo and New Guinea while serving during the war; and, even after his safe return, he admitted the experience had created many terrible memories but insisted he would do it all over again if the country was under threat. The best description of Mr Foster is the one that the Premier cited in his contribution, namely, that of Mr Foster's commanding officer, Sir Tom Daly, and I will not repeat those words here. But I am sure the family members have great pride in the late Norm Foster, and to them we send our most sincere condolences on behalf of the opposition members, both past and present.

In conclusion, I want to read the editorial from *The News* of 15 June 1982. I suspect this is probably the day or week before the vote on Roxby Downs, and I think this editorial sums up Norm Foster's contribution to the state. Headed 'An honest politician', it states:

Mr Norm Foster is Labor to his bootheels. Except for his distinguished war service with the AIF, he has spent a lifetime in the Labor movement. He knew the waterfront as a vigilance officer for the Waterside Workers' Federation; he was president of the Trades and Labor Council; he was one of the most passionate politicians ever sent to Canberra.

Whatever the cause—opposition to Vietnam, nuclear test, pensions, Aboriginal land rights—Norm Foster has not been afraid to speak his mind, usually the mind of a man of the left. If sincerity is what counts, Norm Foster is the kind of man who gives politics a good name.

In the twilight of his career Mr Foster faces one more decision and may, as a consequence, cross the floor of the Legislative Council. For such a man such a step can be shattering. Public agonising in those circumstances is not grandstanding, it is honesty. His colleagues may think him misguided or perhaps deluded. If they doubt the purity of his motives, they are fools.

Since this matter emerged as the most immediate concern of South Australian politics, we have made our attitude on Roxby Downs plain. It is a resource development of potentially enormous significance which has already brought considerable benefits and could bring glittering prizes.

Obviously we hope Mr Foster will vote to ratify the indenture. He may find many Labor supporters and office holders will privately support a move they will pronounce public anathema. He has the chance to do this state some service. In confessing to a change of heart but, above all, in confronting his colleagues as a man troubled by doubt, but unafraid to speak out, he has already done his party the service befitting a Labor man.

Norm Foster did this state a great service, and we are in his debt.

**Mr RAU (Enfield):** I want to say a few words about the late Norm Foster. I was fortunate enough to have known Norm for most of my life, and I always found him to be a very humble man, a passionate man and a man of enormous personal courage, as was displayed not only in his distinguished career as a member of the armed services but also in his political life. He was a man of enormous integrity and he shared with another very remarkable member of the South Australian branch of the Labor Party, Mr Ralph Jacobi, a very personal, honest way of approaching his politics. I think the two of those men got on pretty well and had a great deal in common. I think it is very important for any party to have people like that amongst their ranks, and we were very lucky to have him, as we were to have Ralph. As a young law student I recall he was very generous in assisting me by providing me with documents that were generated in this place, statutes which I read and could not understand, reports which I read and could not understand. Nonetheless, he was very generous and very helpful. I think it is right and proper

that he is being acknowledged and given today the respect he richly deserves.

**Mr HAMILTON-SMITH (Waite):** I rise to support the motion. I had numerous dealings with Norm, mainly through our joint involvement with the 2/10th Association and the 18th Brigade Association, and on a number of other matters to do with ex-servicemen's affairs. I knew of Norm long before I met him. I knew of him because, as a signaller in the 2/10th Battalion, he served in the same foxhole as my grandfather, Jim McIntyre. My grandfather spoke enormously highly of Norm and they both became in their own way luminaries in the 2/10th Association, which was a very vigorous group of ex-AIF people. In the 60s I well remember the barbecues at home, and my grandfather living at the back of our house in Panorama, in my electorate. Norm would be there from time to time and quite a few beers were drunk, as I recall, although I was only old enough to spin the roulette wheel—which will probably upset Nick Xenophon when he reads the *Hansard*, but I can assure him that all the boys in 2/10th loved a little gamble at the Christmas gatherings.

My grandfather died in 1985. Norm was at the funeral which was at Stansbury. I was a company commander in the 1st Commando Regiment at the time. My uncle, who was in the Navy, and I thought the right thing to do would be to attend in uniform—we knew there would be a lot of ex-soldiers there—and we did. I was interested to count 127 ex-2/10th men throw a poppy in the grave, and Norm was one of them. A good company, a good company strength, and it was a fine day.

On that day I was intrigued—Norm and my grandfather both having been signallers—to see a very dishevelled old fellow stumble off a bus in Stansbury, and he had what I thought was a bottle of plonk under his arm. It turned out to be a bugle. He staggered his way to the front of the group, and I said to a couple of them, 'Who's that?' and they said—and I can't remember his name, but they said that that was Billy Bloggs, or whoever it was, and, to cut a long story short, Billy Bloggs had been on a bus all the way from far north of Townsville to attend the funeral. He had seen it in the paper and he had come down. As it transpires, Billy Bloggs was—I use that name because I cannot remember his original name—like Norm, a bugler in the band. At Tobruk he and my grandfather, who were in the same hole, during the second attack—Norm would have been part of this—when the 18th Brigade took quite a pounding, promised each other that night that whichever one of them was killed, because they were sure one or the other would be, the other one would play the bugle at his funeral—and lo and behold this bloke turns up. Amazing stuff. I do not know if he is young enough to be at the funeral for Norm on the weekend, but it is an amazing thing what Norm and these blokes went through.

Norm was 20 in 1941. He was one of the younger ones. My grandfather was, I think, 34—he was one of the old men of the battalion. But I would say from my dealings with Norm that I found him to be a man of great courage, and I think that was evidenced not only by his physical courage in World War II but by the moral courage he showed in the state parliament to do with Roxby Downs and on so many other occasions. So the parliament has lost a good man.

**Mr KENYON (Newland):** I never knew Mr Foster, but as a citizen of this state I am a beneficiary of his courage on that day in 1982. He thought he was right and history has

proved he was. I record my thanks for what he did and my condolences, for what they are worth, to his family.

**Mr WILLIAMS (MacKillop):** I support this motion. Like the member for Newland I never had the opportunity or the pleasure, I am sure, to meet Norm Foster, although his name is clearly etched in my mind. There are not a lot of people who come to the parliament (in this house or the other place) who will be recorded in the annals of this state as having had a significant impact on South Australia but, when those annals are constructed, Norm Foster is one whose name will be recorded. There are very few people in the history of this state who have had the courage, commitment and foresight to do what he did. As the member for Newland just said, our children and grandchildren and generations to come will be the beneficiaries of that. I offer my condolences to his family.

**The SPEAKER:** I endorse all that has been said this afternoon. I extend my condolences to Mr Foster's family. I will ensure that a record of today's proceedings is forwarded to them.

Motion carried by members standing in their places in silence.

*[Sitting suspended from 2.33 to 2.43 p.m.]*

## SCHOOLS, INSTRUMENTAL MUSIC PROGRAMS

A petition signed by 1 619 residents of South Australia, requesting the house to call on the government to maintain funding to the Instrumental Music Service Program and other school music programs, was presented by Dr McFetridge.

Petition received.

## CITY OF ONKAPARINGA, PARKING

A petition signed by 119 residents of Old Reynella, requesting the house to urge the government to facilitate, in conjunction with the City of Onkaparinga, the construction of adequate pick-up and drop-off car-parking facilities adjacent to the Reynella Primary School, was presented by Mr Hanna.

Petition received.

## QUESTIONS ON NOTICE

**The SPEAKER:** I direct that the written answers to questions as detailed in the schedule I now table be distributed and printed in *Hansard*: Nos 5, 7, 9, 19, 27, 28, 39, 41, 45, 46, 49, 51, 56 to 63, 66, 69 to 74, 76, 101, 104, 106, 108, 109, 112 and 113.

## TEACHER PERFORMANCE

### 5. Dr McFETRIDGE:

1. How is teacher performance measured and how many teachers have been identified as underperforming in 2005-06?

2. How many teachers are employed by the department and what percentage are members of the Australian Education Union?

3. What percentage of departmental teachers are paid in the top pay bracket?

4. How are teachers rewarded for being 'high' or 'better' performing teachers?

5. How many South Australian students participated in international tests in 2005, such as TIMSS and TIMSS-R, and how did they perform?

### The Hon. J.D. LOMAX-SMITH:

1. Teachers in South Australian public schools participate in performance management processes to identify expected outcomes and to review and evaluate the extent to which these have been achieved.

If an acceptable level of performance outcomes is not being achieved, the department's first response is for the line manager to work with the teacher at the local level to help them clarify and resolve issues of concern. Support may be provided in the form of participation in developmental courses or personalised coaching and mentoring. The additional support usually results in the teacher being able to successfully address the issues.

A more formal managing underperformance process is implemented if concerns are not resolved. DECS is notified of commencement of this process in such cases so that principals can be supported and progress monitored.

During 2005-06, three new cases involving the formal stage of managing underperformance have commenced.

2. As at 19 May 2006, DECS employs 14,807 teachers (Payroll report). This figure is a combination of classroom teachers and those in leadership positions and is inclusive of the schooling and pre-schooling sector.

No data is kept by the department in relation to membership of the Australian Education Union.

3. Out of the above figure 9,028 are classroom teachers who have no leadership or management role as part of their job. This does not include Advanced Skills Teachers (AST1s) or those regarded as Substantive Key Teachers.

Of the 9,028 classroom teachers 6,630 are paid at the top salary level (Step 8). That is, 73 per cent of classroom teachers are paid at Step 8.

4. The Advanced Skills Teacher (AST1) classification was developed to recognise and reward highly skilled teachers.

The AST1 classification is awarded for sustained excellence in teaching performance as demonstrated through an assessment process. The classifications are awarded on merit and are not subject to quotas. They provide financial remuneration for teachers who wish to remain in the classroom and not pursue a career in management. The aim on the AST classification is to use the skills of these teachers to improve the learning outcomes of students. Participation in the assessment process is voluntary.

The AST1 award was introduced in 1993 and in that time nearly 2000 teachers have been successfully assessed as AST1s.

An AST2 classification is currently undergoing a trial to be ready for general application by eligible staff from 2007.

5. There were no international tests held in 2005. Currently DECS participates in two ongoing and significant international assessments, Trends in International Mathematics and Science Study (TIMSS) and the Programme for International Student Assessment (PISA). Both are sample assessments involving a few hundred students across a variety of schools (generally up to 50).

TIMSS was held in 2002 and is being conducted again between October and November 2006. PISA was held in 2003 and is being conducted again between July and September 2006.

TIMSS is a curriculum based assessment with samples of Year 4 and Year 8 students undertaking a mathematics and science test. PISA is an assessment of reading literacy, mathematical literacy and scientific literacy for 15 year old students.

## SCHOOLS, VET PROGRAM

7. **Dr McFETRIDGE:** What measures has the government implemented to ensure that all students willing to participate in VET programs are able to do so, regardless of their socio-economic background and their ability to meet the associated costs?

**The Hon. J.D. LOMAX-SMITH:** VET in Schools programs are resourced and supported in government schools through the Futures Connect initiative. Students are not charged for the tuition they receive, although there may be a small charge for materials.

All students who undertake School-based New Apprenticeships have their training paid for through User Choice funding provided by the state, at no cost to the student.

In addition the State funds a transition broker in each district to support schools to develop vocational and career development programs. The funds can be used in a range of ways that suit local circumstances, and can be used to support residential programs and to subsidise travel, enhancing student access.

The Government's regional vocational education model, developed through Futures Connect, increases access to programs

through economies of scale and minimises the costs associated with programs.

In the northern suburbs for example, there are VET programs in no fewer than 15 industry areas, involving approximately 1,300 students, which is more than 30 per cent of the senior secondary cohort. These programs are free of charge to students.

The Innovative Community Action Networks (ICANs) in the Northern, Southern, North Western metropolitan and Upper Spencer regions, established to address student retention and engagement, actively develop vocational training and employment opportunities.

A transition program which targets young people with disabilities, enabling them to participate in a work readiness program (Certificate I in Employment Skills Training) and a VET program in line with their interests and aptitudes, and which is recognised by industry. This program is free to students.

The Government has also announced an investment of \$79.3 million to support the introduction of the School-to-Work strategy. This includes \$54 million to develop a new SACE and \$28.4 million to establish 10 new trade schools as part of a comprehensive reform of senior secondary education. A key recommendation being implemented is creating greater access to vocational learning as an integral part of the new SACE.

The 10 sites will be funded to greatly improve their infrastructure and will further expand vocational education and training options for students across the State.

Participation by young South Australians in vocational education and training has increased steadily since 2002 as a result of concerted efforts to increase availability of, and access to, high quality VET programs. Vocational education includes nationally accredited VET programs, pre-vocational programs, alternative vocational learning options, and career development programs.

The number of senior secondary students engaged in VET in Schools programs across the three schooling sectors increased by 11.6 per cent from 2002 to 2004 and the average number of VET hours per student has increased by 5.3 per cent over the same period.

1571 students commenced School-based New Apprenticeships in 2005 compared to 497 in 2001 and more students are opting into full certificate VET in Schools programs, which reflects the deliberate policy decision of the State Government.

#### SCHOOLS, READING RECOVERY PROGRAM

##### 9. Dr McFETRIDGE:

1. How many teachers are currently being re-trained under the Reading Recovery Program?

2. How much funding is currently allocated to the Reading Recovery Satellite Centres, where are they located and how many teachers are currently participating at each centre?

##### The Hon. J.D. LOMAX-SMITH:

1. By the end of 2006 there will be 46 trained active Reading Recovery DECS teachers. Six of these are undergoing training this year and 40 are being supported with ongoing professional learning while implementing the program in their schools.

In order to maximise assistance to teachers, the two DECS Reading Recovery tutors also support the statewide Running Records initiative, which is one of the strategies that underpin Reading Recovery. Running Records is a tool used worldwide by both classroom and Reading Recovery teachers as a framework to assist them to identify students' current reading capabilities so that they can make teaching decisions about further reading activities based on individual need. Collated results will also inform planning decisions regarding how best to support children's learning in reading and writing. Approximately 150 teachers have been trained as Running Records facilitators and upwards of 2000 classroom teachers have been trained to use Running Records as part of the \$35 million 4 year Early Years Literacy Program.

2. At present the demand for decentralised training for Reading Recovery has not been significant enough to establish purpose-built satellite training centres. All teachers are trained and supported through the state-wide service.

Each district now has a bank of Running Records trainers who can be used locally as required.

#### SCHOOLS, SPEECH PATHOLOGISTS

##### 19. Dr McFETRIDGE:

1. What is the current number of departmental managers who are also speech pathologists and has this number increased in the past 12 months?

2. How many speech pathologists and psychologists are currently working with students in schools, has this number increased in the past 12 months, at which schools are they located and what is the annual total cost of administering their services in the South Australian Education system?

##### The Hon. J.D. LOMAX-SMITH:

1. There are currently two Managers, Student Support and Disability, based in district offices, who are also speech pathologists. This number has not increased in the past 12 months.

There are also two senior level speech pathology positions within the Statewide Verification and Professional Support team based in state office. This number has not increased in the past 12 months.

##### 2. Speech Pathology

There is a 69.2 FTE allocation of speech pathology positions providing services in preschools and schools. This number has not increased in the past 12 months.

Of this allocation, 63.2 FTE speech pathologists work across preschools and schools and are located in district offices. The majority of their direct service provision is provided at the preschool/school site.

A total of 6.0 FTE positions are in addition to district allocations, and have specific roles in either preschools or schools. In preschools, these are 3.2 FTE positions across 8 Speech and Language Programs at Brentwood Drive Kindergarten, Bertram Hawker Kindergarten, Flagstaff Hill Kindergarten, Glandore Kindergarten, Salisbury Lutheran Kindergarten, West Lakes Kindergarten, Smithfield Plains Kindergarten and Valley View Kindergarten, and 2.0 FTE positions in the Learning Links Program based at Thebarton which provides targeted support for children with severe communication and/or behavioural issues in preschools. In schools, there are 0.8 FTE positions across 2 Language Classes at Ingle Farm Primary School and Paringa Park Primary School.

##### Psychology/Guidance

There are 56.4 FTE psychology/guidance positions providing services in preschools and schools. This number has not increased in the past 12 months.

Of this allocation, 51.5 FTE psychologists/guidance officers work across preschools and schools and are located in district offices. The majority of their direct service provision is provided at the preschool/school site.

A total of 4.9 FTE positions are in addition to the district allocation, and have specific roles in specialist programs (0.8 FTE positions across 8 Speech and Language Programs at Brentwood Drive Kindergarten, Bertram Hawker Kindergarten, Flagstaff Hill Kindergarten, Glandore Kindergarten, Salisbury Lutheran Kindergarten, West Lakes Kindergarten, Smithfield Plains Kindergarten and Valley View Kindergarten, and 2.0 FTE positions in the Learning Links Program) and specialist roles (2.1 FTE for Vision, Hearing, New Arrivals).

##### Service Administration Costs

The service administration budget (salary, goods and services and test resources) for district based speech pathology services for 2005-06 is \$4,810,430.

The service administration budget (salary, goods and services and test resources) for district based psychology/guidance services for 2005-06 is \$4,015,311.

The Goods and Services budget allocation to specific support service groups within districts is variable and based on local decision making and needs.

These figures do not include management and administrative support, and other support (eg professional development opportunities) provided by central office and other state services.

#### TEACHERS, RECRUITMENT

27. Dr McFETRIDGE: What measures have been implemented to encourage younger people and males to enter the teaching profession?

The Hon. J.D. LOMAX-SMITH: The Department of Education and Children's Services (DECS) recognises the importance of attracting young people from a diverse range of backgrounds, particularly males, in light of the disproportionate gender representation and aging of its teaching force. A range of strategies are in train to address this.

The Country Teacher Scholarship Program partly funds up to 200 hundred teaching scholars and adds approximately 50 new teachers to the DECS permanent country teaching pool annually.

The Graduate Recruitment Program helps DECS to recruit the best new graduates into its permanent workforce. This program enables DECS to target graduates in specific areas of need.

The new DECS Recruitment and Selection of Teaching Staff policy allows schools the opportunity to select their own staff. This increases opportunities for graduates to apply for open advertised permanent positions, particularly in country locations and is one of the attributes that could potentially attract more graduating teachers to the department.

A website, currently under development, will include specific materials to promote teaching to secondary students. Particular attention has been paid to ensuring that images of young people and males are included on the website and the associated promotional materials.

Other strategies in place to attract students to teaching in DECS include:

- guest lecture presentations by school leaders and DECS officers promoting teaching careers in South Australia

- promotion of Country Teaching Scholarships and Aboriginal Country Teaching Scholarships via schools and school counsellors, the DECS website and university web-based email connections

- a range of DVDs and promotional materials used during university employment weeks and careers expos.

**SCHOOLS, INTERNATIONAL STUDENTS**

28. **Dr McFETRIDGE:** Which state schools provide education to international students, what extra government assistance do they receive and what benefits flow onto South Australian students enrolled at these schools?

**The Hon. J.D. LOMAX-SMITH:** As at 3 July 2006, the following government schools provide education to full fee paying international students:

Aberfoyle Park High School	Parafield Gardens High School	East Torrens Primary School
Adelaide High School	Pasadena High School	Fulham North Primary School
Adelaide Secondary School of English	Reynella East High School	Gilles Street Primary School
Australian Science & Maths School	Salisbury East High School	Glen Osmond Primary School
Banksia Park International High School	Salisbury High School	Highgate Primary School
Birdwood High School	Seaton High School	Kirton Point Primary School
Blackwood High School	Seaview High School	Linden Park Primary School
Brighton Secondary	Underdale High School	Lonsdale Heights Primary School
Charles Campbell Secondary School	Unley High School	Magill Primary School
Findon High School	Victor Harbor High School	Marryatville Primary School
Glenunga International High School	William Light R-12 School	Mt Barker South Primary School
Hallett Cove Schools	Willunga High School	Norwood Primary School
Hamilton Senior College	Woodville High School	Walkerville Primary School
Heathfield High School	Wirreanda High School	West Lakes Shore Primary School
Henley High School	Aberfoyle Hub Primary School	
Kapunda Area School	Athelstone Primary School	
Marryatville High School	Brighton Primary School	
Mt Barker High School	Burnside Primary School	
Mt Gambier High School	Campbelltown Primary School	
Norwood Morialta High School	Clovelley Park Primary School	
Nuriootpa High School	Colonel Light Gardens Primary School	
Ocean View College	Coorara Primary School	

Schools which provide education to full fee paying international students currently receive \$5250 per year per primary school student and \$6650 per year per secondary student. This is calculated on a pro-rata basis for periods of less than a year. Schools individually determine how these fees are used in order to support the international student program at their site.

The presence of international students brings a direct experience of another culture and language to South Australian school students.

International students provide support for the teaching of languages other than English by providing local students with an opportunity to use the second language they are acquiring and stimulate local student learning.

There is a broadening of the curriculum for all students in schools with large international student populations. Additional classes or subjects created in response to demand by international students are also available to local students. In some cases, small classes which may otherwise not be offered, are able to be offered because of the presence of international students.

Some schools have used international student revenue to support sister school programs and staff professional development.

Revenue received from international students provides schools the capacity to employ extra staff, including teachers, bilingual support officers, administration and clerical staff. This extra staffing benefits both local and international students.

**SA ASSOCIATION OF STATE SCHOOL ORGANISATIONS**

39. **Dr McFETRIDGE:**

1. What were the total grant or transfer payments made to the South Australian Association of State School Organisations in each year since 2003?

2. Was this funding contingent upon the provision of audited financial documentation and annual reporting requirements?

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

1. The following are details of the grant and transfer payments made to SAASSO since the 2002-2003 financial year.

Year	Operating Grant (1)	PIE Admin. (2)	Principal Selection Panel (3)	Total
2002-03	\$80,000	\$6,000	\$8,500	\$94,500
2003-04	\$82,000	\$6,000	\$8,500	\$96,500
2004-05	\$85,640	\$6,120	\$8,670	\$100,430
2005-06	\$87,381	\$6,120	\$8,670	\$102,171

The following provides further explanation regarding the various grant payments:

- (1) Provides a contribution towards the operating costs of the Association.

- (2) Contribution towards the administrative costs of administering the Parents in Education (PIE) grants. These costs assist in covering travelling costs for parents participating in the selection panel process.
- (3) This grant is jointly shared between SAASSO and The South Australian Association of School Parents' Clubs Inc (SAASPC) and assists with costs of parents participating and being trained to participate in the Principal Selection Process.
2. Funding is provided to SAASSO upon the condition that a program report together with an audited financial statement is received within three months of the end of each financial year.

### SCHOOLS, CHILDREN'S CENTRES

41. **Dr McFETRIDGE:** How many Early Learning Centres or Pre-School Centres are proposed to be built on public primary school land, has this proposal been budgeted for and if so, what will be the total cost and where will they be located?

**The Hon. J.D. LOMAX-SMITH:** The Government has made a commitment to establish 20 Children's Centres for early childhood development and parenting by 2010. These will provide high quality care, preschool, school, health and family programs for children aged up to eight years of age and their families. Where possible these services will be located on primary school sites.

The first phase, announced in May 2005, will establish 10 Children's Centres for early childhood development and parenting. Enfield, Elizabeth Grove, Cowandilla, Murray Bridge, and Taperoo are located on primary school sites. Salisbury North, Hackham West, Wynn Vale and Renmark are adjacent to primary schools. The Parks centre is located on a community centre campus, but will work closely with nearby schools and preschools.

The second phase, announced in March 2006, will establish another 10 Children's Centres by 2010. Campbelltown, Gawler, Marion, Pt Augusta and Woodcroft have been identified as locations for five centres but the specific sites have not yet been determined. The location and specific sites for the remaining five are yet to be decided. Primary schools will be considered as priority sites to locate these new Children's Centres.

The total capital funding budgeted for the construction of the initial 10 Children's Centres is \$3,568,567.

Funding of \$23.3 million for establishment of a further 10 centres was announced in the 2006-2007 State budget.

### STORMWATER MANAGEMENT

45. **Mr HAMILTON-SMITH:** What is the status of the government's plan for a new stormwater management authority?

**The Hon. P.F. CONLON:** I provide the following information: The Local Government Association is currently consulting with its member Councils on the draft *Local Government (Stormwater Management) Bill* to establish the Stormwater Management Authority. The Bill will be finalised following the consultation process for introduction to Parliament later this year.

The Stormwater Management Agreement provides for an interim Stormwater Management Committee to operate administratively as the planning, prioritising and funding body in accordance with the principles, duties and obligations detailed in the Agreement until commencement of the enabling legislation and establishment of the Stormwater Management Authority.

### PUBLIC WORKS CONTRACTS

46. **Mr HAMILTON-SMITH:** What is the government's policy regarding consideration given to state economic development and support of local businesses when awarding major public works contracts?

**The Hon. P.F. CONLON:** I provide the following information: The Government's policy when awarding major public contracts is aimed at procuring the best party to complete the works on a value for money basis. This requires a public tender process with the project works advertised nationally and in some cases internationally. Detailed selection criteria are set out on a project-by-project basis but the selection process will generally require a detailed assessment of the tenderer's experience, knowledge, ability, the availability of a quality team, and price.

The State Government is keen to promote and support local industry and does so in a number of ways. We ensure the local industry is aware of the timing of upcoming major projects through regular communication. We also provide briefings to local industry to ensure they have access to the best available information on the

projects. We also seek to package projects in a way that suits local industry so that they have the best chance to compete.

The State Government is conscious of its national and international obligations regarding government procurement. As a signatory to the Australia and New Zealand Government Procurement Agreement, the Government is committed to ensuring the absence of preference schemes and other forms of discrimination in government procurement based on the place of origin of goods and services.

It is not, however, the Government's policy to establish selection criteria that favour local industry against other parties as this would be counter-productive to local businesses that compete on a national or international scale.

### PORT WAKEFIELD MARINA

49. **Mr HAMILTON-SMITH:** What will be the government's involvement in the proposed residential and marina development at Port Wakefield?

**The Hon. P.F. CONLON:** I provide the following information: The Minister for Urban Development and Planning is considering a representation from the proponents to have their project declared a major project under the Development Act 1993.

The proponent has also requested some 25 hectares of Crown Land to be made available for the proposed development. This request is under consideration.

### AUSLINK

51. **Mr HAMILTON-SMITH:** Has the state government included the Port Wakefield Bypass in any previous submission to the Federal government for AusLink funding and will this project be included in the next funding submission?

**The Hon. P.F. CONLON:** I provide the following information: National Highway System: Forward Strategy Report, South Australia, 2004, which was submitted to the Commonwealth on 2 April 2004 identified priorities for the first round of AusLink funding. With respect to the Port Wakefield bypass, the report identifies 'the need to resolve the bypass of Port Wakefield to address safety, amenity and efficiency needs.'

A high priority was assigned to planning to 'define a preferred bypass option for Port Wakefield, including the important intersection with the Wallaroo-Port Wakefield Road'.

The next round of AusLink funding will be informed by the AusLink corridor strategies currently being completed by the Commonwealth Department of Transport and Regional Services, in conjunction with the States.

### MAWSON LAKES INTERCHANGE

56. **Mr HAMILTON-SMITH:**

1. How many times has the lift for wheelchair and pram commuters at the new Mawson Lakes Interchange been inoperable, why has this occurred and if the reason is vandalism, why is the monitored security system ineffective in preventing this happening, and when and how will this problem be rectified?

2. Why is a person stranded in the interchange lift after 8.00 p.m. required to call the police emergency number rather than TransAdelaide for assistance?

3. Why wasn't a walkway constructed between the two platforms at the interchange to cater for wheelchair and pram commuters?

**The Hon. P.F. CONLON:** I provide the following information: 1. Between the opening of the Interchange and 30 September 2006 there have been 25 instances of breakdown or malfunction involving the lifts:

These incidents have occurred as a result of:

- Vandalism – 10 cases;
- Technical malfunctions – 10 cases; and
- Unknown – 5 cases where the cause could not be established.

The incidence of vandal attacks on the lifts has reduced from the initial spate of attacks to only two for the month of July, with none recorded to 30 September 2006.

31 cameras are used to monitor activities at the Mawson Lakes Public Transport Interchange. The cameras are linked to the Police Security Services Branch (PSSB).

The system provides the potential to capture images of incidents for follow up by South Australia Police.

In response to vandalism of the lifts, the lift contractor has installed additional security features, which are considered to have contributed to the reduction in the number of incidents.



Technical malfunctions of the lifts are being addressed as they occur by the lift contract as part of their contractual responsibilities. This has included the replacement of any faulty components that are identified.

2. A person stranded in either lift is not required to call the police emergency number. Both lift cars are fitted with a phone number that provides a direct connection to the lift contractor's after-hours service number. This number is attended 24-hours a day, seven days a week. Instructions on how to operate the phones are displayed within the lifts. It is not possible to dial any other number on these phones.

3. To provide a facility with a high safety regime for users, pedestrian facilities have been provided as part of the road bridge crossing over the rail lines.

Pedestrian overpasses are the preferred method for pedestrian crossings over rail throughout Australia.

The overpass facility includes lifts to provide an efficient, rapid method of crossing the tracks for mobility-impaired persons. Steps are also provided for other users of the facility.

### AUSLINK

57. **Mr HAMILTON-SMITH:** What action has the state government taken to ensure that the Dukes Highway will manage future traffic demand and how much funding will be sought by the government in the next AusLink submission to support this action?

**The Hon. P.F. CONLON:** I provide the following information:

The Dukes Highway forms part of the AusLink National Network and provides a vital link between Adelaide and Melbourne as well as the regional centres in between.

Over the past decade there has been a number of projects on the Dukes Highway funded by the Australian Government to improve safety and efficiency along the length of the road. These include the installation of 30 overtaking lanes, shoulder sealing along its entire length, 17 kilometres of major pavement reconstruction (east of Bordertown), the installation of audio-tactile linemarking, rest area upgrades and intersection improvements.

In its initial submission on the AusLink Green Paper, the State Government nominated the Adelaide-Melbourne link (road and rail) as its third highest strategic priority under AusLink. In the 'National Highway System: Forward Strategy Report South Australia, March 2004', the State Government sought funding, as a priority, for the Dukes Highway. In all, the Commonwealth Government provided \$14.8 million in the first round of AusLink for the Dukes Highway.

The Department for Transport, Energy and Infrastructure is now working with the Australian and Victorian Governments to develop a long-term (20-25 years) strategy for the Adelaide-Melbourne Corridor. This strategy will guide the future direction, planning and investment in this important national corridor. The strategy is expected to be completed towards the end of 2006 when it is intended the report will become public following endorsement from the Council of Australian Governments.

### VICTORIAN ROAD INFRASTRUCTURE

58. **Mr HAMILTON-SMITH:** Has there been any research undertaken to assess the potential economic loss to South Australia as a result of a superior road infrastructure in Western Victoria servicing the ports of Melbourne and Portland and if so, what are the details?

**The Hon. P.F. CONLON:** I provide the following information:

The premise that 'the road infrastructure in Western Victoria servicing the ports of Melbourne and Portland (i.e. Princes Highway West and the Henty Highway) is superior' is dubious and there is no sound basis for research of that nature.

The existing performance of the road infrastructure in the South East Region of South Australia has been assessed and it indicates that its performance is good in terms of traffic flow and delay (i.e. free flowing traffic with limited delay). Also a comparison of the accident histories of the road infrastructure in the South East Region with the Austroads research, by Thoresen, Lloyd and McLean 2003 regarding the expected Casualty Crash rates per 100 million kilometres of travel indicates accident histories are, in general, better than, or consistent with, roads performing similar roles throughout Australia.

### TRANSPORT DEPARTMENT

59. **Mr HAMILTON-SMITH:** With respect to the article in the *Sunday Mail* on 21 May 2006:

1. Was the minister or any ministerial advisers aware of the content of a Department for Transport, Energy and Infrastructure Rural Operations Directorate requesting urgent help with 'effective operational planning organisation' before it was revealed by the newspaper?

2. Why is the process for determining the annual allocation of funding and the specific projects to be undertaken by the Department 'complex, time consuming and chaotic' as suggested in an email to the University of Adelaide?

3. Why is the management of business within the ministers portfolio 'a perennial problem that typically involves a rush of work towards the end of each financial year (when conditions for roadworks are often poor), encouraging procurement shortcuts and risk taking and placing enormous pressure on human resources generally leading to suboptimal outcomes in terms of project quality and/or value for money'?

4. What action has the Minister undertaken to rectify the concerns raised in a memorandum that indicated the Department is unable to define future projects for consideration because it requires 'more and better developed design plans accompanied by well developed business cases justifying the needs and benefits of proposed projects'?

5. What action has the Minister undertaken to rectify the need for consultancy support to his department to recommend strategies for change, to better define plans and business cases, to improve operational planning and delivery of works, and to deliver better decision making processes?

**The Hon. P.F. CONLON:** I provide the following information:

1. There was no request for urgent help. The document that was provided to the University of Adelaide outlined a possible project for consideration by Master of Business Administration students. It was an opportunity for the Department for Transport, Energy and Infrastructure (DTEI) to access, at no cost, the services of higher degree students who are often experienced business savvy managers with knowledge of contemporary management theory.

This was at the time considered operational business of DTEI and neither the Minister or his advisers were informed.

2. The project proposal described the process as 'complex' and 'time consuming.' It did not describe it as 'chaotic.' It also outlined the reasons for this, being the process 'involves inputs and decision making in many parts of the organisation.'

3. The management of time is an important element of any project. Advanced planning and reducing the time for delivery enables the community to enjoy the benefits of projects earlier.

There always will be time targets on a project.

4. Since the proposal was developed over a year ago, DTEI has:

- Increased allocations for the concept planning of minor works;
- Introduced a three year rolling program that allows better definition of more complex projects;
- Redefined management arrangements with clearer lines of accountability; and
- Allocated more experienced personnel to the task.

5. DTEI is always seeking better ways to do its business and managers are encouraged to improve performance. Furthermore, the Public Sector Management Act states that agencies must aim to continuously improve their performance.

Where appropriate, consultants are used to add value and a fresh perspective to the development of appropriate change strategies.

### AUDITOR-GENERAL'S DEPARTMENT

60. **Mr HAMILTON-SMITH:** What actions have been undertaken to address the Auditor-General's Report 2004-05 recommendations regarding the need for the Department of Transport, Energy and Infrastructure to—

- (a) Further strengthen the internal control environment, that there was an absence of effective control over acquisitions, disposals, maintenance works and valuation of network assets particularly road assets; and
- (b) Formally document policies and procedures for key control activities for network assets and to obtain approval as part of the Departments policy and procedure framework and that audits and reconciliations should be conducted more frequently?

**The Hon. P.F. CONLON:** I provide the following information:

The Auditor-General's report for the year ending 30 June 2005 acknowledged the Department has made a number of improvements in relation to network assets by introducing a number of high-level

reconciliations and re-engineering the investing capitalisation process.

The Department is continuously improving its processes to further strengthen the internal controls to ensure the accuracy and completeness of the general ledger and subsidiary network assets systems.

Improvements to date include:

- Implementation of a 'like-for-like' matching process for the major capitalisations between the fixed asset records and the road assets subsidiary system.
- Documentation of procedures for the capitalisation and expensing of road network assets and other constructed network assets.
- Increased involvement of Divisional finance officers in the asset capitalisation process and the determination of asset values.
- Increased awareness of the importance of capitalising assets in a timely manner.

The Department has a financial management intranet site with an extensive range of policies in relation to asset management and includes specific asset accounting policies addressing the addition, disposal and revaluation of assets.

These policies have been developed in accordance with Australian Accounting Standards and Treasurer's Instructions and form part of the Department's financial management framework.

61. **Mr HAMILTON-SMITH:** Why did the department not comply with the Auditor-General's previous recommendation that asset registers under the ministers control should be reconciled more frequently due to the volume of transactions occurring and how has this been rectified?

**The Hon. P.F. CONLON:** I provide the following information:

In 2004-05, the Auditor-General noted that reconciliations between the Masterpiece Fixed Asset Register and subsidiary network asset registers were undertaken on an annual basis. Due to the large dollar value and quantity of network assets recorded in the department's network asset registers, the Auditor-General recommended that reconciliations between the Masterpiece Fixed Asset Register and subsidiary network asset registers are performed more frequently (e.g. at least every 6 months).

The Department's response to the Auditor-General in relation to the frequency of reconciliations performed in the 2004-05 financial year stated that due to low levels of asset movement during the first two quarters of the financial year, 6-monthly reconciliations were not considered a high priority at that time. The practice of updating the Masterpiece Fixed Asset Register at the end of the financial year is predominantly reflective of the department's works program, whereby the majority of project completion and final notification of project costs do not occur until later in the financial year. A very small number of capital projects are processed at other times during the year.

To address the Auditor-General's concerns, during the 2005-2006 financial year, the department implemented procedural changes for more frequent reconciliations for one of the network asset subsidiary systems. This reconciliation is now done at least every six months as per audit recommendations.

In 2006-2007, further amendments will be made to departmental processes to maintain and provide 6-monthly reconciliations to other network asset subsidiary systems.

**HORNE, Dr J.**

62. **Mr HAMILTON-SMITH:** What was the final termination payment to Dr James Horne and was this funded from the existing departmental budget or by separate provision?

**The Hon. P.F. CONLON:** I provide the following information:

Dr Horne's gross termination payment was \$325,969.61. This was calculated in accordance with the relevant provisions of the Public Sector Management Act and was funded within the existing Departmental budget.

Dr Horne also received gross accrued leave of \$17,025.79.

#### ROAD SAFETY RESEARCH

63. **Mr HAMILTON-SMITH:** Is the Department of Transport conducting or preparing to conduct a road safety market research and if so, what are the details including scope, purpose, questions asked and cost?

**The Hon. J.D. LOMAX-SMITH:** The Minister for Road Safety has provided the following information:

Market research relating to road safety is undertaken by the Department for Transport, Energy and Infrastructure (DTEI).

A contract for all road safety research is soon to be awarded, and it will run for up to three years. It is anticipated that one Road Safety Market Research contractor will be appointed within the next month in order to evaluate the effectiveness of 2006-07 campaigns.

The quantitative and qualitative research and evaluation methods will be determined in consultation with the successful contractor.

The purpose of the research is to assist the State Government in its selection of communication tools and messages to reach various target audiences with the aim of influencing attitudes and behaviour which contribute to a reduction in serious injuries and fatalities on our roads. These tools will be linked to the road safety priorities as identified in the South Australian Road Safety Communications Strategy 2006-07-2009-10. These include: speeding, drink driving, drug driving, restraint use, inattention and variable priorities: cycling safety and raising awareness about serious injuries resulting from road trauma.

Funding for road safety market research comes from the Motor Accident Commission and the Department for Transport, Energy and Infrastructure and amounts to approximately \$300,000 for 2006-07.

#### TRUCK PARKING BAYS

66. **Mr HAMILTON-SMITH:**

1. Why have eight truck parking bays or rest areas been removed from road sidings between Penong and Border Village?

2. Have these parking bays been removed as part of Departmental cost saving initiative associated with rubbish removal?

3. What impact has this had on truck drivers, how many complaints has the department received and what are the nature of these complaints?

**The Hon. P.F. CONLON:** I provide the following information:

1. Between 2001 and 2003, Department for Transport, Energy and Infrastructure (DTEI) developed a Statewide Rest Area Strategy in consultation with a diverse range of road users, including the South Australian Road Transport Association, Royal Automobile Association, local Councils and the South Australian Tourism Commission.

The parking bays/rest areas have been removed in accordance with recommendations in the Statewide Roadside Rest Area Strategy.

The Rest Area Strategy was developed to better manage the spacing, condition, amenity and safety of rest areas. In addition, the awareness of driver fatigue was raised through improved signage.

2. The parking bays have been removed in accordance with recommendations in the Statewide Roadside Rest Area Strategy.

3. A considerable portion of the Rest Area Strategy has been implemented and DTEI is reviewing the effectiveness of the Strategy. To date, DTEI is aware of only one issue in relation to the parking bays, which was raised via a telephone call to a DTEI Regional office in May 2006.

#### ROADS, DUKES HIGHWAY

69. **Mr HAMILTON-SMITH:** How many complaints has the department received regarding the condition and safety of the Dukes Highway between Bordertown and the Victorian border since March 2002, and what is the nature of these complaints?

**The Hon. P.F. CONLON:** I provide the following information:

The Dukes Highway between Bordertown and the Victorian border was reconstructed in two stages in 2005.

During the period from March 2002 to the present time, the Department for Transport Energy and Infrastructure has received 28 complaints. Of these:

- 20 were received prior to construction of the new works. They relate to the safety and condition of the road, and the reinstatement of the 110 km/h speed limit.
- Five were received during construction of the new works. Two related to safety and condition of the road, and three were requesting the reinstatement of the 110 km/h speed limit.
- Three have been received since the completion of the new works, all relating to the reinstatement of the 110 km/h speed limit.

#### TRAMS

70. **Mr HAMILTON-SMITH:** What is the frequency of trams failing to stop to embark passengers because the tram is at full capacity?

**The Hon. P.F. CONLON:** I provide the following information:

The data collation for the for the previous four months from March 2006 reveals the following:

- Weekday services; between 0.89 per cent and 1.51 per cent of the services were affected.
- Weekend services; between 0 per cent and 0.83 per cent of the services were affected.

#### STOBIE POLES

71. **Mr HAMILTON-SMITH:** Has the Local Government Association or any council requested the state government to review the provisions of the Development Act 1993 relating to stobie poles, and if so, what action will be taken?

**The Hon. P.F. CONLON:** The Minister for Urban Development and Planning has provided the following information:

The Local Government Association has approached the Minister to investigate possible legislative amendment options in respect to the co-location of telecommunications facilities on stobie poles as a result of the recent High Court decision involving Hutchison 3G and the Mitcham Council.

As the Member for Waite would be aware, that case reiterated that telecommunications carriers are exempted from the requirements of the Development Act 1993 to seek and receive approval from councils to co-locate Low-Impact telecommunications facilities on electricity infrastructure. The High Court's determination in this matter was based on the provisions of the Commonwealth's Telecommunications Act 1997. Clause 37 of that Act, specifically excludes a carrier from the requirement to comply with any law of a State or Territory about town planning or the planning, design, siting, construction, alteration or removal of a structure.

The State of South Australia was a respondent in this case.

As a result of the High Court's decision, the Local Government Association formed a Telecommunications Infrastructure Working Group with representation from several councils and officers from Planning SA. This working group has met and has resolved to jointly investigate all options available to both local and State Government to allow the local community to have a say (where appropriate) in the location of these telecommunications facilities.

Following this meeting of the Working Group, officers from Planning SA met with representatives from the Australian Government, more particularly from the Department of Communications, Information Technology and the Arts – the Department responsible for the administration of the Telecommunications Act 1997. As a result of this meeting, the Commonwealth government expressed the opinion that at this stage it does not envisage making amendments to its legislation and is satisfied with the status quo and the High Court decision in particular.

The Minister advises that as a result of the first meeting of the Working Group and the meeting with Commonwealth representatives, Planning SA has sought the advice of the Crown Solicitor as to possible amendments to the Development Act 1993. However, as was noted by the High Court, any attempt by the State to control the location of telecommunications facilities by way of Act amendment, may be void due to the primacy of Federal law over State law. Such amendment may impermissibly intrude upon an area of Commonwealth regulation and to the extent of any inconsistency with Federal law, the Development Act amendments will be invalid. This principle is enshrined in section 109 of the Australian Constitution. Planning SA is awaiting the advice requested from the Crown.

As such, the State Government is investigating all possible options available to it, but notes that it is considerably hamstrung by the restrictions of the Commonwealth Constitution in respect to a conflict of laws between the State and Commonwealth jurisdictions.

#### STORMWATER MANAGEMENT AUTHORITY

72. **Mr PISONI:** When will legislation be introduced for the establishment of a Stormwater Management Authority to replace the interim Stormwater Management Committee?

**The Hon. P.F. CONLON:** I provide the following information:

The Local Government Association is currently consulting with its member Councils on the draft *Local Government (Stormwater Management) Bill* to establish the Stormwater Management Authority. The Bill will be finalised following the consultation process for introduction to Parliament later this year.

#### UNDERGROUND POWERLINES

73. **Mr PISONI:** What was the total cost of under-grounding powerlines on Unley Road and what proportion was provided by the state government?

**The Hon. P.F. CONLON:** I provide the following information:

Preparation and management of the undergrounding program for power lines is undertaken by the Power Line Environment Committee (PLEC). Prior to the privatisation of this State's electricity assets, PLEC provided the program of works for ETSA Utilities for undergrounding projects, following advice from the Minister on the level of Community Service Obligation funding available for the following year.

The Executive Officer of PLEC has advised that prior to privatisation, the amount spent on the undergrounding of powerlines as part of the PLEC program on Unley Road was \$100,000, during the 1992-93 financial year, with the project expenditure being \$54,900 by ETSA Utilities, \$27,100 by Council and \$18,000 by the Transport Department.

As part of the changes associated with privatisation, Section 58A of the *Electricity Act 1996* provides for the Minister to prepare programs for work to be carried out by an electricity entity for the undergrounding of powerlines.

Regulation 8A of the *Electricity (General) Regulations 1997* provides for a minimum expenditure by ETSA Utilities on undergrounding of \$4.2 million per annum (in 1999-2000 terms) adjusted for inflation and the impact of the Goods and Services Tax. This expenditure is included in ETSA Utilities' revenue requirement approved the Essential Services Commission of South Australia (ESCOSA). ETSA Utilities' undergrounding allowance for 2005-06, as determined by ESCOSA, was \$5.24 million.

Also as part of the changes associated with privatisation, PLEC became a committee assisting the Minister in assessing and recommending the undergrounding of overhead power lines, operating under a Charter assigned by the Minister in August 2000.

The Executive Officer of PLEC has advised that since privatisation in 2000, the total expenditure for the PLEC program of undergrounding powerlines on Unley Road, to the financial year 2006-07, will be \$4,166,638. This expenditure was funded in the accordance with the PLEC guidelines, with ETSA providing \$2,777,759 and the Council providing \$1,388,879.

#### PEDESTRIAN CROSSINGS

74. **Mr PISONI:** What are the locations of the safer pedestrian crossing points resulting from the Unley Road Planning Study as mentioned by a Departmental representative on ABC Radio on 24 May 2006?

**The Hon. P.F. CONLON:** I provide the following information:

- The existing crossing points for pedestrians on Unley Road are:
- Pedestrian Activated Crossing between Townsend Street and Young Street,
  - Pedestrian Activated Crossing between Marion Street and Frederick Street,
  - Traffic Signals at Arthur Street and Oxford Terrace,
  - Pedestrian Activated Crossing between Oxford Terrace and Edmund Avenue,
  - Traffic Signals at Wattle Street, and
  - Pedestrian Activated Crossing between Commercial Road and Marlborough Street.

These crossing points were included in the Unley Road Planning Study.

All of the existing pedestrian crossing facilities have been upgraded since the planning study. The upgrades consisted of improving the level of access with new ramps and pedestrian movement detectors that extend or shorten the crossing time depending on the pedestrian crossing speed. These were completed in June and July 2002.

#### SCHOOLS, STRATEGIC DIRECTIONS FOR SCIENCE AND MATHEMATICS

76. **Dr McFETRIDGE:** How much did it cost to implement the Strategic Directions for Science and Mathematics in South Australian Schools between 2003 and 2006, and what have been the resulting tangible benefits in Government schools?

2. What professional development was provided to teachers as part of this strategy between 2003 and 2006, and how has the schools' curriculum changed as a result of this strategy?

3. How many more mathematics and science teachers were employed in Government schools in 2004 and 2005?

4. What are the benefits of adopting a 'constructivist' teaching approach in science and mathematics teaching?

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

1. *Strategic Directions for Science and Mathematics in South Australian Schools 2003 to 2006* (the Strategy) received total funding of \$2.1 million. The Department of Education and Children's Services (DECS) provided \$1.5 million of this funding and the Department of Further Education, Employment, Science and Technology provided \$600,000.

Through the Strategy, teachers have learnt about current and emerging developments in science, mathematics and technology which has improved their confidence and skills in teaching students. The Strategy has also assisted teachers develop a wider range of initiatives to engage students in science and mathematics, and has provided teachers with significant opportunities to network and share their own learning and resources, including the creation of an e-mail network with over 350 science teachers.

Tangible benefits to schools have included:

- the purchase of new technology such as data loggers and commercial software to further enhance student learning;
- innovative teaching approaches, such as at Gilles Street Primary School, where students have learnt the mathematics of mapping and location through the development of an interactive CD ROM, 'Bob and Bananas', based on the mathematics contained within the squares of the City of Adelaide;
- 20 students who have received accommodation scholarships and 14 students, travel scholarships, to attend the Australian Science and Mathematics School (ASMS);
- 37 indigenous students who have been involved a 'wetlands' and 'medical science' unit of work; and
- 90 science and mathematics teachers have received Premier's Industry Awards enabling them to experience working in an industry context for 10 days.

2. A strength of the Strategy has been the range of professional development opportunities for teachers. These opportunities have been provided in partnership with mathematics and science associations, and tertiary institutions. They have ranged from input on the latest developments in science and mathematics by 'experts' in the field, to action learning projects where schools engage with a local issue using a research based inquiry process and specific data.

Sixty first year science and mathematics teachers have benefited through mentor relationships with experienced science and mathematics teachers and 26 teachers have completed a Graduate Certificate in Education (Science and Mathematics) at the University of South Australia.

School curriculum has changed in many ways as a result of the strategy. Teachers are incorporating the use of technology into their programs; they are using current applications of science and mathematics to engage students; new units of work have been developed, implemented and shared; and teachers are now using a greater variety of approaches and topics to engage students with science and mathematics.

3. In 2004, 52 new maths and science teachers were employed in government schools for the first time. In 2005, a further 56 new maths and science teachers were employed in government schools for the first time. These new teachers were recruited through both 'A' vacancies (ongoing positions) and School Choice vacancies (tenured positions).

4. The essence of the constructivist approach is that the student is active in the process of taking in information and building knowledge and understanding for him/herself. In terms of mathematics and science this means designing programs where each student can actively engage with long established knowledge, test it and therefore learn it properly.

The strength of this approach has been confirmed in international studies such as the Trends in International Mathematics and Science Study (TIMSS) where Australia has consistently performed above the international average in mathematics and science and the Programme for International Student Assessment (PISA) where Australia has been among the highest performing countries in science and well above the international average in mathematics.

Identified benefits of this approach include the following:

- Many more students will engage with science and mathematics learning as programs are designed to cater for a much wider range of learning styles.
- The approach fits with the notion of education in a rapidly changing technological world, particularly where it is neces-

sary to find, filter and use vast quantities of information available through the Internet.

### SCHOOL BUSES

101. **Dr McFETRIDGE:** What is the current status of negotiations between the Department and the Aboriginal Education Unit relating to the bus replacement program?

**The Hon. J.D. LOMAX-SMITH:** The Aboriginal Education Unit ceased to exist in 2005. State and Commonwealth resources allocated to Aboriginal education in South Australia have been aligned to district structures and redirected to sites. This supports the Department of Education and Children's Services (DECS) Aboriginal Strategy 2005 – 2010 through enhanced and locally focused service delivery at the district level.

The use of these allocated resources is a local management decisions.

There are no formal arrangements in place between DECS and individual sites in relation to the purchases, maintenance and operation of vehicles.

### SCHOOL LIBRARIES

104. **Dr McFETRIDGE:** Have policies and guidelines for the management and control of school libraries by Corporate Offices and School Councils been established and if so, what are the details?

**The Hon. J.D. LOMAX-SMITH:** The school library is a crucial facility in each school and is closely integrated with teaching and learning processes. The school library has a major role to play in promoting reading and literacy. It supports students and teachers, provides resources for the curriculum and facilitates access to information.

It is the responsibility of each school to make sure the school library operates in such a way as to support these functions.

In government schools there is an allocation of money in the school's Resource Entitlement Statement which covers the staffing of the school library by a teacher librarian. This is established via formula based on student enrolment.

In October 2004, the Department of Education and Children's Services distributed *Choosing and using teaching and learning materials. Guidelines for schools and preschools*. These guidelines support schools in selecting teaching and learning materials for children and students which are appropriate to their development and relevant to the achievement of appropriate learning outcomes. Resources include books, film, video, DVDs, computer software and online resources. Principals are responsible for ensuring that each school has a process in place to ensure this happens, working collaboratively with the governing council.

Where there is a school-community library, the local Library Board of Management has a responsibility to develop a policy for school and community use of the library consistent with school and community needs and Libraries Board of South Australia guidelines.

Further information, guidelines and support for school libraries is available from the professional association for library staff, the School Library Association of South Australia, from the website [www.slasa.asn.au](http://www.slasa.asn.au).

### SCHOOLS, VALEO SYSTEM

106. **Dr McFETRIDGE:** Which recommended control improvements to the Austpay Payroll System have been implemented for the Concept Valeo Payroll System?

**The Hon. J.D. LOMAX-SMITH:** The Austpay Payroll System, the former payroll system for Children's Services Act employees, was superseded by the Valeo Human Resource Management System (HRMS) on 1 July 2004. The functionality of Valeo, being a fully integrated online direct entry system, is significantly different to Austpay, which was a paper based batch entry system.

The procedures and controls developed for Valeo HRMS are based on the controls in both Austpay and EDMIS, the previous payroll system for Public Sector Management Act and Education Act employees in the Department of Education and Children's Services, the recommendations of the Auditor-General, and the requirements of the Treasurer's Financial Management Framework.

Auditors have been involved and continue to be involved throughout the development of software, procedures and controls to ensure that the Department meets all of its legal and financial obligations.

### SCHOOLS, PROBLEM STUDENTS

108. **Dr McFETRIDGE:** What support and assistance is currently provided to class room teachers to manage students who may be abusive, violent or suffer from depression or similar behavioural problems?

**The Hon. J.D. LOMAX-SMITH:** The Government is committed to supporting staff to provide students with a safe and supportive learning environment.

The Government recently announced the injection of \$10 million into government schools for behaviour management. This funding will support five innovative programs to build staff capacity, find interagency solutions and disseminate best practice across the state. There will be:

- opportunities for staff to participate in a range of professional learning activities, especially those in their first five years of teaching
- ten coordinators to work with schools on approaches to behaviour management that involve the entire school community
- additional behaviour management resources to support students likely to become disengaged from education due to their behaviour, those who are presenting with challenging behaviours and, in particular, those with diagnosed mental health disorders.

All government schools have anti-bullying policy and funding of \$3 million per year has been provided across 100 additional primary and area schools so they can appoint a primary counsellor to assist teachers and families deal with disruptive student behaviour.

It has also funded additional teachers in the early years so that teachers can spend more time with each student.

Eighteen District based Inclusion and Wellbeing Managers co-ordinate teacher behaviour consultants, social workers and attendance counsellors to support teachers with issues of student behaviour, attendance and critical incidents.

Principals are empowered by Regulations 40 and 41 under the Education Act to formally suspend exclude or expel a student who seriously disrupts the learning environment or threatens the well-being of a teacher, a student or a school community member.

### SCHOOLS, GENERAL EQUITY POLICY

109. **Dr McFETRIDGE:**

1. How does the State Government support a gender equity policy in South Australian schools?

2. Have gender equity issues been considered by the Department and what is the position regarding the need for gender equity in schools?

**The Hon. J.D. LOMAX-SMITH:** The Department of Education and Children's Services (DECS) has long established policies and provisions that support gender equity for both students and staff in schools, in accordance with the Equal Opportunity Act 1984 (SA), the Sex Discrimination Act 1984 (Commonwealth) and the Public Sector Management Act 1995.

Opportunities for students are also governed by the Equal Opportunity Act 1984 (SA), which makes discrimination on the basis of sex in the area of education unlawful. The department's Administrative Instructions and Guidelines and grievance procedures support this equal opportunity legislation. All departmental sites are required to implement and comply with these policies and procedures, which are reflected in student access to educational programs, resources and services.

Decisions about the implementation of specific initiatives to address issues of gender equity are made at the local level by schools and their communities in response to the academic and social needs of particular groups of boys and girls. This ensures that the diversity of student needs is recognised and that stereotypes are not reinforced in ways that disadvantage boys or girls. This is supported by relevant professional learning for teachers.

### ENTERPRISE EDUCATION PROGRAM

112. **Dr McFETRIDGE:** What is 'Enterprise Education', how much Government funding that has been allocated to this program in 2005 and 2006, and how many Government schools have arts and other curriculum areas that utilise this program?

**The Hon. J.D. LOMAX-SMITH:** Enterprise Education is 'learning directed towards developing in children and young people those skills, competencies, understanding and attributes which equip them to be innovative and to identify, create, initiate and successfully manage personal, community, business and work opportunities, including working for themselves.'

In the South Australian Curriculum Standards and Accountability (SACSA) framework the curriculum scope is organised around Learning Areas. Enterprise Education is a required part of the framework included across the curriculum (arts and other curriculum areas), and increases in complexity from the early years to the senior years.

The SACSA, including the Enterprise components that are woven through all of the learning areas, provides the mandated curriculum for Government schools. Since Enterprise Education is part of the Department of Education and Children's Services curriculum, it is funded through the recurrent funding for schools.

Many enterprise education activities by young people in senior school are incorporated in the South Australian Certificate of Education through Community Studies, or accredited through the new Community Learning process and are similarly funded through recurrent funding.'

In addition, schools with senior cohorts have the opportunity to identify Enterprise Education activities for integration into the Futures Connect District Action Plan, for which regional funding is available under the Futures Connect Strategy. For example, Futures Connect, in partnership with the Department of Trade and Economic Development (DTED), is currently funding and managing a Youth Export Ambassadors Project, which involves students from six schools working with local exporters investigating their operations and businesses. The enterprising research and investigation activities will include working at the School of the Future to develop websites for the exporters. Futures Connect has provided \$50,000 in funding and \$20,000 has been contributed by DTED to support this project.

### SCHOOLS, SPECIALIST SUPPORT

113. **Dr McFETRIDGE:** What collaborative arrangements have been implemented between preschools, schools and community agencies in 2006 to improve specialist support to children and students with disabilities?

**The Hon. J.D. LOMAX-SMITH:** The Department of Education and Children's Services (DECS) works in close partnership with other agencies at the statewide, district and school level to achieve coordinated services for children and students with disabilities who may require specialist support across a range of agencies.

DECS has developed key service agreements at the statewide level with funding from the Ministerial Advisory Committee (Students with Disabilities) with a range of non-government agencies. These include: Autism SA, Novita Children's Services, Down Syndrome Society, Cora Barclay Centre, Townsend House, Guide Dogs Association and Inclusive Directions.

These Agreements are aimed at the provision of coordinated specialist support to children and students with a range of additional needs and/or disability.

DECS has formed the Child Health and Education Support Services (CHESS) to support children and adolescents with physical and psychological health needs and developed a formal Statement of Collaborative Intent (2005-2010) and interagency action plan.

The key agencies in CHESS include Department of Health, Families SA, SA Children's Care and Education forum, Association of Independent Schools of SA and Catholic Education SA.

DECS has ongoing collaborations with Disabilities SA at both the statewide and at the local level.

District Support Services and preschool and school staff work in close partnership with other agencies at the local level and at the individual child and student level to ensure a coordinated service response and seamless transition points between agencies for children and students with additional needs and/or disabilities.

### PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Auditor General—Supplementary Report—State Finances and Related Matters: Some Audit Observations—Ordered to be published

Ombudsman, South Australia—Report 2005-06—Ordered to be published.

Director of Public Prosecutions Report on the Supplementary Report of the Auditor General of matters arising from the further audit examination of the Administration of the Criminal Law (Forensic Procedures) Act 1998 and other matters.

By the Minister for Infrastructure (Hon. P.F. Conlon)—  
Infrastructure Corporation, South Australian—Report  
2005-06

By the Minister for Energy (Hon. P.F. Conlon)—  
Electricity Supply Industry Planning Council—Report  
2005-06

By the Minister for Health (Hon. J.D. Hill)—  
Adelaide Dolphin Sanctuary Act 2005—Report 2005-06  
Environment Protection Authority—Report 2005-06  
Pastoral Board of South Australia—Report 2005-06  
South Australian National Parks and Wildlife Council—  
Report 2005-06  
Wilderness Protection Act 1992—Report 2005-06  
Wildlife Advisory Committee—Report 2005-06  
Zero Waste SA—Report 2005-06.

## QUESTION TIME

### DIRECTOR OF PUBLIC PROSECUTIONS

**The Hon. I.F. EVANS (Leader of the Opposition):** My question is to the Premier. Does the government agree with the Auditor-General that the Director of Public Prosecutions has acted unlawfully? On page 17 of his supplementary report tabled yesterday, the Auditor-General says:

... I was not accorded procedural fairness (natural justice) in accordance with my common law rights. In publishing his report in these circumstances the DPP, in my opinion, acted unlawfully.

**The Hon. M.D. RANN (Premier):** That is a very apt question. I would like to say that everyone in the service of the public—indeed, all South Australians—should and must act lawfully. Obviously, you have given me plenipotentiary powers and, whilst I have been a justice of the peace for nearly a quarter of a century (and I am pleased that you recognise my expertise in this area), I can say that independence and accountability are not mutually exclusive.

### STATE ECONOMY

**Ms BEDFORD (Florey):** Will the Premier inform the house of the two latest publications on the state of the South Australian economy by BankSA and the SA Centre for Economic Studies?

*The Hon. P.F. Conlon interjecting:*

**The Hon. M.D. RANN (Premier):** I promise to try to limit the amount of Latin I use today. I thank the honourable member for her question. BankSA's economic bulletin *Trends* is a long established and respected commentary on economic conditions in South Australia. Its publication this week followed the ABS *Labour Force* publication, which showed an all time high in the number of South Australians in jobs, an all time high in the number of them in full-time jobs, and an all time low in the rate of recorded unemployment. The data revealed growth in jobs for the 13th month in a row to reach 759 900—that is 67 700 more South Australians in work than when this government came to office in March 2002.

Trend unemployment, at 4.6 per cent, was the lowest in this state's history and below the national rate. I am delighted that the *Trends* report by BankSA confirms this, and contains a highly positive assessment of South Australia's economic performance.

As members are well aware, a number of external factors have limited South Australia's growth in recent times. The

overvalued Australian dollar is affecting the competitiveness of our manufactured exports in particular. BankSA states:

Movements in the world currencies over the past five years have hurt South Australia more than the rest of the country. . .

This is because our economy is more oriented towards value-added manufacturing. Our state has not yet benefited to the same extent as Queensland and Western Australia from the growth of minerals exports led by demand from China and record high metal prices on world markets. The major mining developments currently under way, or prospective, will in time put out up there with a resource-rich states.

**Ms Chapman:** Thank John Howard for that.

**The Hon. M.D. RANN:** It is interesting that the member opposite said, 'Thank John Howard for that.' Where does she stand when John Howard is criticising other states for their economic performance? Is he then somehow not responsible for the economic development in those states? You will have to sort that out. For the last decade we have also had lower levels of population growth than other states. Considering these factors, the bank states that South Australia's performance is all the more impressive. According to the *Trends* report, South Australia's economy:

... continues to hold its own despite a tide that has been in many ways running against it. That is a commendable result.

**The Hon. P.F. Conlon:** Does it mention me?

**The Hon. M.D. RANN:** It does not mention you, no. South Australia has maintained its share of the national economy for the past three years. Despite the value of the dollar and instability in some of our key markets, merchandise exports have rebounded. In the 12 months to September 2006 merchandise exports grew by 13 per cent, whilst the growth in services exports is, I am told, now more than three times the national growth rate—three times more than the national growth rate. In 2005-06 South Australia's services exports grew by 19 per cent—the highest of any state—to reach \$1.7 billion. So, in regard to the deputy leader's comments, presumably, those states also have John Howard as their Prime Minister. In the area of services exports, it is the highest of any state.

A significant factor in this growth is international education, with South Australia's number of overseas students growing at 1.5 times the national average. There are now more than 19 000 overseas students in Adelaide—almost double the number in 2003. BankSA goes on to state that the South Australian unemployment rate is close to the national rate—no mean feat given that the national unemployment rate is at a record low. So, if the deputy leader wants to come out and attack BankSA, let her do so.

The South Australian Centre for Economic Studies report, out today, also notes the rebound in our exports, as well as the fact that during the six months to October 2006 employment grew at 4 per cent, outstripping the national rate of 3.4 per cent. It notes that 'labour market conditions remained strong'. It says much the same about business investment, noting that the data on private new capital expenditure shows growth of 12 per cent over 2005-06, including growth in mining sector investment of 82 per cent—82 per cent growth in the mining sector. The latest BankSA *Trends* report and the South Australian Centre for Economic Studies Report both provide further evidence of South Australia's robust economy, and that should be saluted by all sides of this house.

### DIRECTOR OF PUBLIC PROSECUTIONS

**The Hon. I.F. EVANS (Leader of the Opposition):** Does the Premier agree with the Director of Public Prosecu-

tion's public statement that the Auditor-General is wrong when he claims the DPP acted unlawfully? Media accounts report the Director of Public Prosecutions as stating:

In so far as this is a grave matter, what is grave about it is that a person such as the Auditor-General can occupy such a significantly powerful position in this state and get his legal opinion so blatantly wrong.

**The Hon. M.D. RANN (Premier):** Can I just say that I have the greatest and most profound respect for this state's Auditor-General, Ken MacPherson. I strongly urge all members of this parliament to support an extension of the time in which the Auditor-General can continue in his role. I know that members opposite had a problem when they were in government with an auditor-general who stood for probity. This Auditor-General has been signal and has stood out nationally as someone who is prepared not only to be independent but also to face up to the challenges of his job, including being the state's principal anticorruption watchdog. Let me say this to the parliament today: I have profound respect for the Auditor-General of this state, and I take his opinions very, very seriously.

#### WOMEN'S SAFETY STRATEGY

**Mr O'BRIEN (Napier):** Will the Minister for the Status of Women advise the house of any events that are being held as part of the Women's Safety Strategy?

**The Hon. J.M. RANKINE (Minister for the Status of Women):** I notice that many members are currently wearing white ribbon pins, and I notice that you are also donning one, sir, and there is a very good reason for doing so. Saturday is the International Day for the Elimination of Violence against Women, that is, White Ribbon Day. It marks the beginning of 16 days of activism against gender violence and is a worldwide campaign acknowledging that violence against women is not just the problem of women but is a problem our entire community must deal with.

While we as a community have taken many steps towards improving women's safety, we still have a very long way to go. The 2005 personal safety survey undertaken by the Australian Bureau of Statistics includes the following shocking and unacceptable statistics. One in three women over the age of 15 will experience physical violence. Police reports on domestic violence against women by their male partner have increased. Women are more likely to be physically assaulted by someone they know, and the likelihood of a woman over the age of 55 being assaulted has increased. I am also informed that more than half of all Australian women experience physical or sexual violence at least once in their life. Indigenous women are 10 times more likely to be murdered than other women.

The theme of White Ribbon Day is to highlight the efforts men in our community have taken to end violence against women. Many groups are involved in White Ribbon Day in South Australia this year, including South Australia Police and the Taxi Council. Our fireys will be wearing white ribbons, and tomorrow I will be joining members of the Adelaide Crows to promote White Ribbon Day. It is great to see such broad-level support for what is an important event.

This government is very committed to women's safety, and I am delighted to say that, earlier this morning, I had the privilege of opening the second Women's Safety Conference, which was organised by the Office for Women with the support of our whole of government women's safety reference group. The conference, which is by now well underway,

brings together academics, public servants and community members who are united to reduce violence against women in our community. The keynote speaker this year is Carolyn Johnson, social worker, author and academic from the University of Western Australia. Ms Johnson is the author of the book *Come with Daddy*, which discusses a number of tragic cases in which women and children have lost their life as a result of domestic violence and considers ways in which similar deaths can be prevented in the future.

I am particularly pleased that Madeleine Glynn, Assistant Commissioner, Crime Services, South Australia Police, will also present to the conference. I understand that Ms Glynn will speak about the newly proposed domestic violence policing model for South Australia. In many cases, SAPOL is in the front line of domestic violence response in our community, and its focus on the needs of victims is particularly important in this area of law enforcement. The conference is also an opportunity to showcase the work undertaken by the Women's Safety Strategy over the past 18 months.

This work highlights the whole of government approach to ensuring that all South Australians can live in a safe community. The Women's Safety Strategy recognises that women are overwhelmingly the victims of domestic violence and sexual assault and that we need to work together to eradicate this blight on our community. Just one final reminder: members should not forget to wear their white ribbons this Saturday.

**The SPEAKER:** I think that the last two questions of the Leader of the Opposition are probably disorderly and I refer him to page 348 of Erskine May. Questions which ask ministers whether they agree with statements made—and the first two questions did exactly that—are out of order. I am not sure what the third question is going to be; I suspect it may be following that line, so the Leader of the Opposition may need to rephrase it so that it is not put in the manner of asking whether the Premier or the minister agrees with something that has been stated by an individual.

**The Hon. I.F. Evans:** Even if it is in written form?

**The SPEAKER:** Even if it is in written form; that is right.

#### DIRECTOR OF PUBLIC PROSECUTIONS

**The Hon. I.F. EVANS (Leader of the Opposition):** My question is to the Premier. What action is the Premier proposing to take to resolve the ongoing dispute between the Auditor-General and the Director of Public Prosecutions?

**The Hon. M.D. RANN (Premier):** Let me just reiterate the point: no-one is above the law. Therefore, I am very pleased that the Attorney-General has met with the DPP to discuss this matter.

#### HEALTH, MOBILE PHONE TECHNOLOGY

**Ms CICCARELLO (Norwood):** My question is to the Minister for Health. What is the potential for using mobile phone technology in the health system to improve services for patients and find efficiencies for our hospitals?

**The Hon. J.D. HILL (Minister for Health):** I thank the member for Norwood for her question. As was reported in today's *Advertiser*, a pilot program is under way at the Women's and Children's Hospital using mobile phone technology to reduce patient no-shows. The system uses text messaging to remind patients about their elective surgery planning appointments and about outpatient appointments. The pilot program has shown the reminder system could

reduce the number of people failing to attend outpatient departments by up to 50 per cent. In two clinics the failure to attend rate fell from 11 per cent to 6 per cent during the trial period. That will produce better outcomes for our health system.

I announce today that other hospitals and health services, such as the dental service, are now investigating text messaging as a way of communicating with people for their appointment reminders. As mobile phone technology becomes more advanced, particularly with the advent of 3G phones, I would expect that we will use this technology in a variety of ways. For example, text messaging has already been used in Hong Kong to assure 6 million people that rumours of an outbreak of SARS were untrue. There is the potential for such technology to be used to communicate in the event of an outbreak of something such as pandemic flu.

Text messaging services have been used to help people manage their chronic diseases at home; for instance, by reminding patients to take their medication at the correct time. A UK university has developed a system that will enable a patient's temperature, blood pressure, ECG and oxygen saturation to be transmitted by mobile phone to a doctor, no matter where they are.

I recently met a company which is using mobile phone technology to allow GPs to have encrypted access to their patients' notes through a Blackberry or Palm Pilot. This system would allow a doctor access to important medical history information when seeing or speaking to a patient, no matter where they are. With the advent of 3G video mobile phones, there is great potential for linkages to 000 operators or the new health call centre. The emergency worker or nurse at the other end of the line will not just get to hear what is happening, they can see it for themselves.

In fact, one of Adelaide's renal physicians is using broadband technology to keep in touch with his renal patients who live in remote areas such as Roxby Downs and the APY lands. This is a wonderful use of technology that can increase the quality of care for these patients, with the potential to reduce the need to travel or to be admitted to our hospitals. There is also the potential that video phones and broadband technology will be used in hospitals so that doctors at a different location can assess a patient in emergency. One of our country emergency departments is already using technology to contact the on-call general practitioner when there is a sick patient in emergency.

This obviously enables faster diagnosis, as the doctor can see the physician before he or she has been able to get to the hospital. Video phones have also been trialled in a Sydney hospital to enable emergency doctors to get an instant opinion from specialist consultants who are sometimes hard to reach. So there are a number of different possibilities for this technology, some of which I expect we will see come to fruition in the future.

#### DIRECTOR OF PUBLIC PROSECUTIONS

**The Hon. I.F. EVANS (Leader of the Opposition):** My question is to the Attorney-General. Is it the government's intention to determine whether or not the Director of Public Prosecutions acted unlawfully and, if not, what process will be used? The state's corruption watchdog, the Auditor-General, has indicated the DPP has acted unlawfully. The government has previously always taken action on Auditor-General's Reports where unlawful acts have been alleged.

**The Hon. M.J. ATKINSON (Attorney-General):** I do not think the Auditor-General means unlawful in the sense that someone is about to be indicted. He means that he thinks there is a breach. I have met—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.J. ATKINSON:** Mr Speaker, there is obviously a clash between two independent statutory officers, and we give these statutory officers a measure of independence because it is in the public interest to do so. That is why we do it. We do it for very good reason. There is some tension between them, which could be creative or could be wasteful. At the moment the Auditor-General is relying on a legal opinion from the usual sources—namely, the Crown Solicitor's office and the Solicitor-General. The Director of Public Prosecutions, in his defence, has obtained his own legal opinion which says something different—two lawyers, three opinions. We all know what it is like. At this stage I have had a meeting with the Director of Public Prosecutions. I have listened to what he has had to say. He is bringing a supplementary report to parliament, and this rally could go over the parliamentary net for quite a long time to come.

#### SA SHORTS

**The Hon. L. STEVENS (Little Para):** My question is directed to the Minister for Tourism. What is the government doing to expand the popular SA Shorts program?

**The Hon. J.D. LOMAX-SMITH (Minister for Tourism):** I thank the member for Little Para for her question. She knows how important the tourism industry is to South Australia and, in particular, realises that marketing product is one of the ways to get people to travel around South Australia. Our Shorts program, called SA Shorts, was developed nearly two decades ago, in fact, by the South Australian Tourism Commission to encourage South Australians to holiday at home by providing a list of accommodation and touring packages throughout the state. Since that time, the packaging and maintenance of those programs has changed substantially. It originally targeted solely South Australians and was distributed through visitor and travel centres around the state and also through RAA offices and a few selected agents. South Australian Holidays was the interstate marketing wholesale program. The key role of this publication was to provide travel agents and motoring associations with a comprehensive range of bookable products to promote to the consumer.

For the first time the 2006-07 editions of *SA Shorts* and *SA Holidays*, launched in early 2006 respectively, feature the same product. This provides the interstate consumer with more choice and allows us to more accurately track interstate bookings. The web site [www.shorts.com.au](http://www.shorts.com.au) was launched in March 2005. All packages in the *Shorts* and *Holidays* collection are now automatically featured on this web site. This web site is accessible from the [southaustralia.com](http://southaustralia.com) web site, and, under [www.southaustralia.co.nz](http://www.southaustralia.co.nz), there is a link displayed to make South Australian holidays across this whole spectrum available in New Zealand. Total sales from both the SA Shorts and SA Holidays program target reached just over a million dollars. In the 2007-08 year both brochures will be printed in the smaller, more user-friendly A5-format size, with a wine and dine page detailing local cafes, pubs and restaurants to be added as an introductory page in each region. This information will provide extremely popular



information for the wine and food guide elements of our tour market, and will be included in all our mainstream brochures.

Finally, a number of suggested itineraries will be showcased in each publication to make it easier for consumers to drive and make up their own routes around the state. We encourage South Australians to holiday in our own state and there is a 32-page retail sale catalogue containing retail offers from each tourism region that has recently been inserted in the *Sunday Mail*. The catalogue features more than 100 South Australian packages with travel bonuses, as well as information on must see, must do attractions. This offer is available for holidays booked between 15 October and 15 December, and I recommend it to those who have a free weekend. I am pleased that this campaign has proven to be so successful, together with the brilliant 'Breaks' link in the southaustralia.com home page which has received over 4 800 hits. As a result this campaign is looking very promising. The government recognises the importance of these marketing activities and publications and will continue to maximise on the benefits they bring to the South Australian tourism industry.

#### DIRECTOR OF PUBLIC PROSECUTIONS

**The Hon. I.F. EVANS (Leader of the Opposition):** My question is again to the Attorney-General. What action is the Attorney-General intending to take now that he has been advised by the Auditor-General that the DPP acted unlawfully, or does the Attorney accept that you can have a DPP acting unlawfully?

**The Hon. M.D. RANN (Premier):** I think I have answered this question.

*Members interjecting:*

**The Hon. M.D. RANN:** No, I am quite happy to answer this, because—

*Members interjecting:*

**The Hon. M.D. RANN:** If you want me to I will issue a judgment signing it Rann JP in the matter of the duel between the DPP and the Auditor-General. I can say I understand that an honourable member opposite rang, I am told, the DPP's office today, presumably to pour oil on troubled waters. I know that that is a practice in New South Wales—

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

**The Hon. M.D. RANN:** A celebrated practice in New South Wales, where members of the opposition ring the DPP. I understand that a member of the opposition today—indeed, I am told, I hope reliably, a member of the front bench of the Liberal Party, who perhaps wanted to just give the benefit of her legal expertise, maybe to act as a mediator between the two distinguished and learned gentlemen—

*Members interjecting:*

**The Hon. M.D. RANN:** I will make a suggestion to the Attorney-General that maybe in the matter of this duel of issuing writs at 20 paces between the DPP and the Auditor-General—

**Mr WILLIAMS:** Point of order, Mr Speaker.

**The SPEAKER:** Order! Point of order, member for MacKillop.

**The Hon. M.D. RANN:**—that maybe the Solicitor-General—

**The SPEAKER:** Order!

**The Hon. M.D. RANN:**—could act as the mediator.

**The SPEAKER:** Order! The member for MacKillop.

**Mr WILLIAMS:** I have been listening for a long time, sir. I am seeking the relevance.

**The SPEAKER:** I think the Premier has finished his answer. The member for Giles.

#### HOUSING, WHYALLA

**Ms BREUER (Giles):** My question is to the Minister for Housing. How is the government increasing the supply of affordable housing in Whyalla?

**The Hon. J.W. WEATHERILL (Minister for Housing):** I am very pleased to take this question from the honourable member about her electorate and home town of Whyalla, and I am delighted to report that more affordable homes will be on offer in Whyalla through the extension of the Myall Place project. The expansion of the urban renewal project, one of Whyalla's most significant housing developments, will involve McCracken Country Homes purchasing vacant state government land to build more houses, along with Housing SA upgrading surrounding properties.

This exciting initiative builds on the success already generated by the Myall Place project and provides a unique and desirable living environment for prospective residents and the existing community. The Myall Place redevelopment is a great example of what can be achieved with some forward thinking by the government. The leadership provided by the capital projects division of the then Housing Trust in negotiating for private builders and developers to partner with them to revive some of the run-down areas in Whyalla has led to the new private investment going into this area. This is a crucial thing to remember. This would not have happened without public investment.

For all those people who run around saying that the market is the solution to all our problems, there was no market investing in Whyalla. They were not prepared to invest. It was only when the Housing Trust used its good offices to ask a builder—and I must say he was reluctant—to go up there to invest in this project that it then created the market value that allowed other investors to gain the confidence to go further. That is what can happen with market-based initiatives. Those from the Friedman school over there think the invisible hand of competition is going to rise up out of the dust in Whyalla and start building houses. It just does not happen; the government needs to be involved.

From modest beginnings stage 2 of Myall Place will be a further boost to Whyalla's recent economic boom and future prospects. Since development began in 2004 McCracken Country Homes has constructed 15 homes for Housing SA, with construction soon to begin on a further 10, which will be sold and the income reinvested to provide a mixture of public and private housing opportunities. Housing SA will retain a number of newly constructed homes for public housing and upgrade some of the existing public housing in Whyalla Norrie. Other projects facilitated by Housing SA include the sale of land for the development of a retirement village (together with the council), the establishment of a green reserve and improved streetscapes. The next phase will be delivered by the Department for Families and Communities and McCracken Country Homes, and the council will continue its investment in upgrading the streetscape.

This early investment in housing by the state government has played a major role in the resurgence of Whyalla. Myall Place is a great example of the public and private sector working together. In addition, Myall Place last year received recognition for starting the rejuvenation of Whyalla, winning an award of merit from the Civic Trust in the material

category, as well as the President's Award for redevelopment at the recent UDIA awards.

### OUTBACK CATTLE DRIVE

**Dr McFETRIDGE (Morphett):** When did the Minister for Tourism make the decision, or become aware of the decision, to cancel the first three stages of the Outback Cattle Drive?

**The Hon. J.D. LOMAX-SMITH (Minister for Tourism):** Members opposite may not be aware of the fact that there is a significant drought in South Australia. They may not have noticed that the Outback areas of our state are suffering significant loss because of the lack of water. I am surprised that those opposite have not noticed, but the pastoral industry is suffering significant loss. In fact, I do not think there is an area across outback regional South Australia that has not suffered from significant changes to their economy and viability. What do they also have less of? They have less stock because they cannot afford to feed and water it.

*Dr McFetridge interjecting:*

**The SPEAKER:** The member for Morphett will come to order!

**The Hon. J.D. LOMAX-SMITH:** As one would imagine, we do not change issues around marketing or special events just by an arbitrary decision. We talked to the stock owners, volunteers and the cattle men, who advised us that they believed it was a strain on the local area because there has been a drought. Because there has been a drought there are fewer cattle, there is less feed and there is less energy.

*Members interjecting:*

**The SPEAKER:** Order! I am not calling the member for Morphett to order again. The Minister for Tourism.

**The Hon. J.D. LOMAX-SMITH:** In fact, we have not cancelled the event. We have not stopped the event. We have reshaped it to take into account local circumstances.

**Dr McFETRIDGE:** My question is again to the Minister for Tourism. When the government decided to cancel the first three stages of the Outback Cattle Drive, why did the minister not ensure that the cancellation was immediately publicly announced and that sponsors and tour operators were immediately informed?

**The Hon. J.D. LOMAX-SMITH:** I fear the member for Morphett was not listening. I explained that there were special circumstances. I think everyone in this chamber knows there are special circumstances, and we have told everyone who was involved with bookings and marketing. In fact—

*Members interjecting:*

**The Hon. J.D. LOMAX-SMITH:** Of course we are trying to sell it! The issue is that we are contacting everyone involved and explaining the problem.

**Dr McFETRIDGE:** Has the Minister for Tourism, either directly or through her staff, at any time instructed any public servant to delay the announcement or not announce to the public, tour operators or sponsors the cancellation of the first three stages of the cattle drive?

**The Hon. J.D. LOMAX-SMITH:** This was a decision made by the SATC in conjunction with the operators, the volunteers and those involved in the drive. The decision was made within the last couple of weeks, I believe, although I cannot remember the exact date, but there was much debate

because I was extremely reluctant to limit the scope of the event. In fact, it took several weeks for me to agree to restrict the scope of the event, because I like the event and I think it is a good one for outback areas. However, if the locals believe that it is better off restricted; if they are concerned about the land and the cattle, then I think it must be pretty difficult for us to insist that they volunteer to help us.

**Dr McFETRIDGE:** My question is again to the Minister for Tourism. Why were people who were seeking to make bookings for the first three stages of the Outback Cattle Drive told by the Tourism Commission that these stages were booked out when they had actually been cancelled? The opposition has been contacted by a constituent who advises that, when she tried to book for the drive in early November, she was advised that the first three stages were booked out and that the launch was not going to be open to the public. The truth is that this part of the event has been cancelled.

**The Hon. J.D. LOMAX-SMITH:** I think the member for Morphett is trying to construct some kind of conspiracy. It is to do with the drought. Clearly, there are people who are unable to make bookings. I am not responsible for every discussion of every agent and every booking agency. The reality is that there is a drought, and the operations people in charge of the event cannot run it because of the lack of stock and the lack of feed, and the event has been restricted because of local conditions.

*Members interjecting:*

**The Hon. J.D. LOMAX-SMITH:** Yes, because there is a drought.

**Dr McFETRIDGE:** Why has the Minister for Tourism not issued instructions to advise national and international tour operators of the cancellation of the first three stages of the Outback Cattle Drive? As of yesterday, national and international tour operators were still advertising all seven stages of the Outback Cattle Drive.

**The Hon. J.D. LOMAX-SMITH:** There seems to be a problem here. We have made a decision.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. LOMAX-SMITH:** The member for Morphett is clearly unaware of the climatic conditions in South Australia. He clearly has not noticed that it has not rained for some time, the dams are empty, the cows are suffering, the stock numbers are down and we are not taking bookings because we have restricted the length of the cattle drive.

I must say that I am very keen to maintain this event at some level of activity, because it is such a good event for marketing. In fact, one of the reasons I was reluctant to limit the length of the event was that I believed the volunteers and the morale of the outback would be affected if it were restricted. I was very reluctant to do anything that would undermine the esprit de corps, the camaraderie and the joy the volunteers feel when they are involved in this event. I had to be convinced that there was no alternative, and I was convinced only after discussions and on the basis of the feelings of the community members who were volunteers. In fact, I can advise those who are interested that the last event was filmed and is about to be shown on the Discovery channel.

Ownership of the Outback is a very important part of South Australia's marketing profile, and that was one of the reasons I did not believe we should cancel this event. I

wanted it to go on in the best form possible under the current conditions because I know that, in terms of international profile, South Australia, in a sense, owns the Outback and we want to carry on like that. We want to make sure that South Australia has cornered the market in Outback travel, in indigenous product, in Outback tourism, camping trips, national parks, tour cycling—a whole range of issues in the Outback. I also know that within two weeks the Discovery channel will be showing a fabulous film (which I will be launching later this afternoon) on the Outback and on the cattle drive. It is an important marketing tool but, regrettably, even the member for Morphett cannot make it rain.

**Dr McFETRIDGE:** My question is again to the Minister for Tourism. Why are South Australian government tourism websites—including those of the Tourism Commission, SA Major Events and SA Central—still advertising the first three stages of the Outback Cattle Drive when it has been cancelled?

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Tourism.

**The Hon. J.D. LOMAX-SMITH:** I have to say that members opposite do not seem to understand that it has not rained for a significant amount of time. We are maintaining the cattle drive in the best form possible on the basis of our wanting to have it as a marketing program. It is not in any way a mass tourism event; it is a narrow, boutique opportunity that profiles the Outback. The reality is that the event will go on. I want the event to succeed, and I do not want those opposite to talk it down.

**Mr Venning:** Where the bloody hell is she?

**The SPEAKER:** Order! I remind the member for Schubert of my remark the other day about repeated interjections.

**Dr McFETRIDGE:** My question is again to the Minister for Tourism. Do you feel it is fair to have public servants put into a position in which they have to tell lies to people waiting to book for the first three stages of the—

*Members interjecting:*

**The Hon. P.F. CONLON:** I rise on a point of order. I hardly think that asking the minister about her feelings on a hypothetical situation is in any way an orderly question. It is entirely hypothetical—unless, of course, the honourable member has some evidence (and, knowing the member, I can be absolutely sure that will not be the case). It is no use asking the minister about her feelings on a hypothetical situation.

**The SPEAKER:** Order! I have heard the point of order. I—

*Members interjecting:*

**The SPEAKER:** Order! I did not hear the question over the interjections. If the member for Morphett repeats it I will rule on it.

**Dr McFETRIDGE:** My question was: does the minister feel it is unfair to have public servants put into a position in which they had to tell lies to people ringing, waiting to book for the first three stages?

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! The question—

*Members interjecting:*

**The SPEAKER:** Order! I should not have to call for order more than once. The question is out of order for a number of

reasons. One is that it does suggest its own answer, and it also makes an allegation. I think the member for Morphett needs to rephrase it.

**Dr McFETRIDGE:** I will rephrase the question. Is the minister aware that public servants have had to tell untruths to people inquiring about the Outback Cattle Drive's first three stages? A copy of an email sent to me by a constituent states:

I rang the 1300 tourism number to book cattle drive tours. Interestingly, I was told that all first three stages are totally 'booked out' and can only do from William Creek to Marree legs.

**The Hon. J.D. LOMAX-SMITH:** The member for Morphett has a funny turn of phrase. When he came in here to discuss the Auditor-General's Report, he did not have any questions for tourism, but he spent a lot of time eulogising about the quality of the CEO, and now we have him effectively accusing the department of instructing people to lie. I think this is reprehensible and deeply offensive.

**Dr McFETRIDGE:** Is the Premier satisfied that the government is not acting in a misleading or fraudulent manner while advertisements for the Outback Cattle Drive continue to omit the cancellation of the first three stages, and promote the drive as the seven-stage event?

**The Hon. M.D. RANN (Premier):** I can say that I did take part in the first stage of the Outback Cattle Drive. I think it was back in about 2002 and, in fact, I remember giving the opening speech from horseback. Indeed, I was grateful when I was told that my horse was 19 years old. I think that members should realise that there is a drought in outback Australia and that they should listen very carefully to the Minister for Tourism's explanations.

#### CHILD DEATH AND SERIOUS INJURY REVIEW COMMITTEE

**Ms CHAPMAN (Deputy Leader of the Opposition):** My question is for the Minister for Families and Communities. Why has the Child Death and Serious Injury Review Committee, in its first report, not investigated the death of a baby at Victor Harbor in 2004, and/or made any recommendations as to how to prevent further deaths? On 6 September 2004, the minister announced the formation of the Child Death and Serious Injury Review Committee, which will do the following:

... investigate non accidental deaths and serious injuries of children, particularly where they occurred in government or government funded systems. It will also provide advice to the minister and to the Coroner on recommendations for system improvements where they are appropriate.

On radio that same day, the minister stated that the committee was established to 'learn from what we have failed to do to prevent further deaths'. In parliament on 15 September 2004—that is over two years ago—the minister stated that the death of the baby at Victor Harbor would be—

an appropriate matter for the committee to investigate. . . it will look at the range of cases both current and past.

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** It remains a proper case for the committee to investigate. It will choose to investigate those deaths that come within its province, and it will look at historical matters as well as the matters that occur in each of the years in which it carries out its work. That certainly is an appropriate matter for it to take into account, and I expect that it will, in accordance with the statutory charter. I must say, this body

was set up through an act of parliament. Its statutory charter is determined by the powers this parliament chose to give it, and if it thinks that that is an appropriate matter—I certainly do—I think it should inquire into it.

**Ms CHAPMAN:** Given that the minister referred this matter to them in 2004 and that their report was tabled in this parliament this week (and this report refers only to deaths in the 2005-06 period), can the minister indicate what action he will take to ensure that the committee will look at this case?

**The Hon. J.W. WEATHERILL:** The premise of the question does not flow from the remarks the honourable member read from *Hansard*. I believe that it is an appropriate case to be investigated. Indeed, as I understand the way in which the Child Death and Serious Injury Review Committee will conduct its work, it will seek to look at both historical data and relatively new data; that is, the data that emerges in the deaths that occur in each of the years the subject of its annual report. So, it is still open to the committee to consider that death, or indeed any other death that comes within its terms of reference.

### GUARDIANSHIP

**Ms CHAPMAN (Deputy Leader of the Opposition):** My question is again to the Minister for Families and Communities. How many children under the minister's guardianship are currently held at the Magill Training Centre (that is, the children's prison) because there is no suitable accommodation for them? In her 2005-06 annual report, which was tabled this week in the parliament, Ms Pam Simmons, the Guardian for Children and Young People, states:

Of immediate concern to us is the young age that children can be detained in custody, the high number of children and young people who are unnecessarily incarcerated for lack of community-based options.

**The Hon. J.W. WEATHERILL (Minister for Families and Communities):** The first thing that needs to be said is that I have noticed that the honourable member has been making some points about this issue on radio and suggesting that somehow homeless children are locked up as some solution to their homelessness. I think that is somewhat stretching the point that was made in the report by the Guardian, Pam Simmons. The other point of context that needs to be made is that it is the court that makes the decision about the disposition of young people. The court does not put young people in gaol without good cause; indeed, its statutory charter is to use detention as a last resort. So, we are usually dealing with children whose conduct is extreme and often persistent, and the choices the court makes—

*Ms Chapman interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** —are the choices that the court thinks are appropriate. The Guardian does make observations about the number of appropriate community-based options and, of course, that remains a challenge. We want to ensure that we have as many appropriate options as possible for the court to have the full range of sentencing options before it. We will certainly take seriously the observations and criticisms she has made.

### TAFE, STRUCTURAL REVIEW

**Mr GRIFFITHS (Goyder):** My question is to the Minister for Employment, Training and Further Education. What cuts to courses and training opportunities are being

suggested for the regional TAFE network as a result of the structural review that is being undertaken? Reports indicate that an organisational restructure is proposed for the regional TAFE network of campuses to control a deficit of \$5 million.

**The Hon. P. CAICA (Minister for Employment, Training and Further Education):** I thank the honourable member for his question, and I am pleased to be finally asked a question. I agree with the reports that he should be further up the line than he is at the moment.

*An honourable member interjecting:*

**The Hon. P. CAICA:** I think so. I know that the honourable member is aware of the situation that applies within my portfolio responsibilities at the moment because he is kept very well briefed about events within our organisation. Some of the reports that have been very disappointing over the last week have heightened a fear, more than anything else, about the cutting of courses, organisational restructure and the like. It is clear that, as a result of cost pressures within the organisation, business plans are being conducted at the moment to look at the way in which we can deliver services within our organisations. I give the house an undertaking, as I have previously, that there will not be an inappropriate cut in courses within our organisation; in fact, we will be delivering more hours this year than we have in previous years.

That is not to say—and this is a very important point and I make no apologies for this—that, as a publicly-funded training organisation, indeed, the premier training and vocational education organisation in this state, we should not be looking (because we should), at ways by which we can get a better bang for that public money. That means to ensure that that money is orientated towards training programs that deliver the best possible outcomes, and that means the best opportunity for those participants to move into meaningful and sustainable employment. That is our goal and objective, and I know it is one that the opposition would share, particularly the shadow spokesperson.

**Mr GRIFFITHS:** My question is to the Minister for Employment, Training and Further Education, and I commend him for his answer and the commitment to increase training hours. How many full-time and part-time employees and hourly paid instructors of the regional TAFE network will lose their positions as a result of this organisational restructure required to control this—

*An honourable member interjecting:*

**Mr GRIFFITHS:** No; I did not. This is about employees. Media reports from the South-East indicate that at a recent meeting at the Grant District Council it was claimed that 60 regional TAFE employees would lose their job as a result of this restructure.

**The Hon. P. CAICA:** I read with interest the editorial and other reports in the newspaper to which the shadow spokesperson referred. I say again that that is less than helpful in that it creates a climate of fear, more so than a process by which things can be spoken about and discussed in a reasonable and mature way. The simple fact is that there has been no decision to shed staff in any of the regions at this time. That is not to say, as I said earlier and in line with my previous question, that the business plans will not look at ways in which there will be staff cuts. I make no bones about that.

Again, it will be in line with ensuring that we get the best delivery of service within our organisation to ensure that the publicly funded training institution of vocational training in this state remains exactly that, the premier training organis-

ation and the most responsive to the needs of South Australian people, both young and old, to ensure that we build on the success that we will have in the area of mining, defence and social support services that need to underpin those industries in our community. I make no apologies for the business plans and, in fact, it is quite responsible for our institutions to ensure that on an annual basis they undertake a business plan and a review of the way by which they deliver that service—that is only appropriate.

#### TAFE FUNDING

**Mr GRIFFITHS (Goyder):** My question is to the Minister for Employment, Training and Further Education. Given the decision to withdraw User Choice funding support for entry level certificate 2 training in retail and hospitality, can the minister tell the house what effect this decision will have upon youth unemployment in South Australia? Youth unemployment in South Australia is around 25 per cent. Parents have contacted the opposition concerned about the cuts to User Choice funding and the difficulties this will create for their children in finding employment.

**The Hon. P. CAICA (Minister for Employment, Training and Further Education):** The simple fact is that I do not think that the User Choice funding for certificate 2 will have an effect on youth unemployment. I met with Mr Drake today, amongst others, and I have consulted very widely with the retail industry. Indeed, other strategies will be implemented to address that particular problem.

**Mr GRIFFITHS:** My question is directed to the Minister for Employment, Training and Further Education. In deciding to withdraw the User Choice funding support for entry level certificate 2 training in retail and hospitality, the minister has commented that 'subsidy will still be available to provide support for target groups disadvantaged in the labour market'. Will the minister define what is meant by this statement and confirm whether it actually refers to location, age or employment history?

**The Hon. P. CAICA:** Amongst other things, it will be based on regionality—that is, the regions. It will also be based on long-term unemployment, our indigenous communities and those who fall within the category of being the disengaged.

#### KURRALTA PARK CHILD CARE CENTRE

**Mr HAMILTON-SMITH (Waite):** My question is to the Minister for Transport. On what basis did the minister breach confidentiality by revealing to the media an amount which he claims the proprietors of the Kurralt Park Child Care Centre are to be paid without first obtaining approval from the other party to reveal that information? The minister revealed a figure for the purchase of the child care centre (which is situated astride the planned tunnel works under Anzac Highway) before taxes and charges, which supported his representation that the proprietors had made a commercial decision to sell the business rather than relocate. The proprietors have since refuted that proposition on radio.

The government has previously required other parties to keep such information confidential and has used the commercial-in-confidence argument to defend its decision not to reveal the full facts and cost of a number of public works projects. On talkback radio concerns were expressed that the minister's actions may have compromised the future plans of

the small business proprietors involved and contravened instructions they have received from the department.

**The SPEAKER:** The Minister for Transport.

*Mr Hamilton-Smith interjecting:*

**The SPEAKER:** Order! The member for Waite has asked his question.

**The Hon. P.F. CONLON (Minister for Transport):** You actually did not listen.

*Members interjecting:*

**The Hon. P.F. CONLON:** I will continue, sir. What I am doing at the moment is observing the orders of the house, while the opposition is ignoring them. I do not want to have to yell at them; I want to go and watch the cricket.

*Members interjecting:*

**The Hon. P.F. CONLON:** You see, sir, they are incapable of good behaviour, just like the shadow minister is incapable of presenting the facts to this chamber. He talks about us breaching confidentiality. Perhaps he can explain to me what the confidentiality clause that we have breached is. Just to help him out, say there was one, my understanding of it is this. The proprietors went on radio and presented some information, much of which was not factual. They said they did not get enough money but that they were not allowed to say what that amount was because we had tied them up in confidentiality. They would have liked to, but the big, bad government would not let them. So, because they believed they were tied by some confidentiality clause, which was not my advice, and because they so dearly wanted to put out the information, I helped them out.

I have to say, it was not about an amount alleged to have been given to them, it was about the amount given to them. What is more, the amount given to them which was not sufficient was the amount their legal advisers asked us for in full settlement of the whole heads of liability under the compulsory acquisition act. If the member had concentrated on what I said and applied that enormous intellect of his to the situation, he would have heard me say on the radio that there was something else we did. You know the people we did not give enough money to? We sought to do more for them than we were strictly legally bound to do, including the proposition of another payment of \$50 000, which would have been entirely ex gratia, and I had to ask the Treasurer for permission to do that.

We did ask them to keep that dealing confidential because, if we were going to do more than give them their strict legal entitlement (which is apparently the position of the opposition, because the member said we did not pay them enough), we did not want everyone knowing you can get more than your legal entitlements.

**Ms Chapman:** You have to do better than that.

**The Hon. P.F. CONLON:** We have to do better! The problem the deputy leader has with her interjection, and her voice like a Ryobi power tool that is so annoying, is that I do not have to do better than that, because it is the truth. The difference between me and your shadow spokesperson is I always tell the truth in this place, and that is the truth of the matter. Can I say that it could only be in Marty world where you give people more money than they ask for. It could only be in Marty world where their legal advice asks for \$2.7 million and we should give more. We tried to do more for them. We did.

*Ms Chapman interjecting:*

**The Hon. P.F. CONLON:** We tried to do more for them; it would have enhanced the value of their business. But can I say that the wrongdoing I am accused of is from people who

went on radio and said they were not allowed to tell the truth because of a confidentiality agreement. I fixed that for them and gave them all of the information. Can I just close by talking about the absolute rank hypocrisy of these people on this matter.

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** And now there's someone else. I am one of the eight out of 10 who does not know who he is so I cannot actually tell you! But I can hear someone else interjecting, sir. Can I say this: it is utter, rank hypocrisy of the opposition to talk about the increase in the estimate of costs—of course, again factually misdescribed by the shadow spokesperson; it is his specialty—to accuse us of getting it wrong on the costings and then to insist, whenever something arises, that we give more than we legally should. That has been the proposition throughout. In fact, he introduced a private member's bill to give more compensation to business than the law allows at present, and certainly more than they ever did when they did Portrush Road. But can I just say that, if you are going to ask questions in this place, one, they should be based on fact and, two, you might just want to reduce the level of hypocrisy to something less than historic levels.

## DISABILITY PORTFOLIO, WORKFORCE

**The Hon. J.W. WEATHERILL (Minister for Disability):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** At the Estimates Committee A hearing on 20 October, the member for Heysen asked me to identify how much of the portfolio's increased workforce of 729 full-time equivalents reported in the workforce summary was for employment in disability organisations. In my reply I stated:

- 143.1 FTEs for additional staff to IDSC;
- 33 FTEs for casual positions at Julia Farr;
- 22.3 FTEs for new group home services at Fourth Avenue, Cedar Avenue and Cawthorne Crescent;
- 17.8 FTEs at Julia Farr arising out of the disbanding of CASA
- 14.8 FTEs for additional staff for IDSC for a range of things—6 FTEs for the Northlink program, 5.2 FTEs for the emergency accommodation program, one psychologist for the behavioural management program, 2.3 FTEs for the volunteer services program, and another 4 FTEs for IDSC; offset by 2.9 FTEs for reduced staff.

However, I have since received advice that the FTE data for 2004-05 as reported in the 2006-07 Portfolio Statement was incorrect, as it did not count a total of 104.6 FTEs who transferred to Julia Farr Services from the Adult Physical Neurological and Brain Injuries Options Coordination. This oversight was due to the transfer date within the CHRIS payroll system from the IDSC database to Julia Farr Services on 24 June 2005. As a result of the omission, the total 2004-05 actual FTEs was under reported. The correct number is 4 325 FTEs—not 4 221 FTEs as reported. Therefore the variance, when compared with the 2005-06 estimated result, is 625 FTEs, instead of 729 FTEs as reported.

In terms of identifying how many members of this increased workforce went into disability organisations, the first two dot points should read:

- 23.5 for additional staff at IDSC; and
- 48.3 FTEs for casual positions within Julia Farr Services.

## GRIEVANCE DEBATE

### OUTBACK CATTLE DRIVE

**Dr McFETRIDGE (Morphett):** Today we heard the Minister for Tourism try to explain away a decision to cut the first three stages of the Outback Cattle Drive. In reply to a question just before that we heard her pumping up marketing and iconic events in South Australia. Well, let me tell you that the reason for the cutting back of the first three stages of the Outback Cattle Drive is because they do not have the people applying or paying to go. They have not marketed this event.

This has nothing to do with the drought. The minister can say, 'There is a drought. Where has the member been?' Well, I have been to the north and the APY lands, and I drove from Coober Pedy through that area not long ago. I went to the Flinders Ranges. That country has been in drought for nearly seven years. I spoke to a local person this morning. There is nothing different from last year. They have the cattle, water, feed, horses and the accommodation, but they do not have the people to participate. Why? It is because it has not been marketed. It is still being advertised on the web, and this is what needs to be stopped. This is a fraudulent misrepresentation of an iconic event that has been undermarketed by the government. We should not dare blame Bill Spurr and the South Australian Tourism Commission. It is the minister's responsibility. This government cut over \$4.6 million from tourism marketing.

**The Hon. R.G. Kerin:** Is that the drought?

**Dr McFETRIDGE:** That is where the drought is. Yesterday the minister talked about small schools and said that that money was overflowing in the bath tub. Well, this government is drowning in money, but the drought is in marketing tourism and funding schools. We will not let this minister off by accepting her tedious and repetitious rhetoric in this place that it is the drought. It is not the drought. This government has not marketed tourism in South Australia—which is evidenced by the tourism figures last year. Last year Fran Bailey's office put out figures on Australian tourism. Tourism in South Australia dropped by over \$250 million between 2004 and 2005. It dropped from \$3.992 billion in 2004 to \$3.732 billion in 2005. That is a drop of \$260 million. Why? Marketing has dropped and advertising in South Australia takes money. This government has not put it in there. Let us look at what happened to the regional spend in that time. Regional spend dropped from \$1.789 billion to \$1.614 billion—a \$175 million drop in tourism spend in the regions. Why? It is because it has not been marketed.

The minister said today that they are marketing tourism in South Australia. She does not know what marketing is. It is more than making stellar announcements. 'South Australia: a brilliant blend' is a great marketing campaign, but we have to spend money on it. We have to spend money on getting international and domestic tourists here. She does not have a handle on what is going on in this department. In relation to the education department, on ABC 891 she said, 'I don't know what my department has done.' Well, she has no idea what is going on. She has tried to shift the blame to the locals, saying that it was done following consultation. I have spoken to the locals and the operators. It is not because of drought but, rather, this government has not marketed it internationally or to the corporates. It is not marketing tourism.

Tourism in South Australia employs 30 000 people and it is a \$4 billion a year industry. What did we see in 2004-05? We saw a \$260 million drop in marketing in South Australia. Why? This minister has failed. She has failed small schools and education generally, and she is failing tourism. J Lo, it is time to go! Mike, move her on because she is failing in her departments. There is no argument about this. The facts do not lie. Having to cancel the first three stages of the Outback Cattle Drive is an absolute disgrace. If it was marketed effectively and money was invested instead of just rhetoric, this event would be as successful as the many other events that Bill Spurr has overseen in his time in the SATC. He is working his backside off to try to compensate for an incompetent minister—a minister who should be sacked; a minister who comes in here without knowing her facts; a minister who does not talk to the locals; a minister who does not know what is happening in her portfolios; a minister who does not know what her departments are doing. It is time for her to move on. Mike must sack Jane today.

### SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

**Mr O'BRIEN (Napier):** Response to the announcement of the future SACE by the Minister for Education and Children's Services has been positive, generally. Where there has been criticism it has been based on the erroneous assumption that the current SACE is working well and, because of this, continuity and stability are more important than risky change and innovation.

Let us be perfectly clear about this: business as usual is not an option. The current SACE is failing thousands upon thousands of young South Australians each year, with some areas of the state, including my electorate of Napier, having year 12 retention rates of less than 50 per cent. I have taken a considered interest in the SACE review, to the extent of speaking to the review's chief architect Prof. Alan Reid and a group of Flinders University academics who are particularly critical of the review. I also made a 15-page submission to the minister on the review's chief recommendations. I was strongly supportive of the major recommendations and reiterated what I had verbally conveyed to Prof. Reid, namely, that there should be a renewed emphasis on literacy and numeracy in our schools, particularly in the SACE years.

I understand that the universities expressed a strong preference for encouragement of student take-up of mathematics and science, and I believe that future SACEs will lead to this outcome. The inclusion of year 10 in SACE is one of the major positives to flow out of the review. Year 10 has in many ways been a wasted year because of the lack of strong connectivity with the years that follow, and it is my view that the middle school proposition fails to deliver the promised educational benefits for very much the same reason. Commencing SACE in year 10 will deliver strong educational outcomes, not the least of which will be higher year 12 retention rates.

There are three other aspects of future SACE that also contribute to making this reform of secondary education highly significant. The first is the personal learning plan, which will be undertaken in year 10. It is a learning unit in its own right, the significance of which lies in assisting students through a formal process of determining which post-school pathways they would like to pursue and the SACE learning program they will need to follow to join the pathway. If we as a state are to engage our young people in

education and training up until year 12 and beyond, we have to draw a clear and tangible link between the world of school and the world of work. If adequately resourced in areas of high educational disadvantage, such as my electorate, the personal learning plan will return significant dividends in terms of greater engagement by students and a broader and deeper skills base for South Australia.

The second aspect of future SACE that is highly significant is the extended learning initiative. This allows students at stage 2, which is year 12, to pursue a subject or an interest in considerable depth. For a young person wanting to undertake university study, extended learning could offer the opportunity to pursue an aspect of engineering studies or legal studies, while a student undertaking a more VET-oriented course of study could carry out an in-depth study of building or motor vehicle technology, for example. This aspect of future SACE interlocks extremely well with our new trade schools for the future. The third aspect of future SACE that will bring about a greater relevance of the final years of high school to young people is the learning space. The concept will probably require a name change but, essentially, what the learning space amounts to is a recognition that not all learning will take place within the confines of the high school classroom.

Learning will be allowed and accredited under future SACE in environments such as TAFE as part of VET studies or with private training providers within business settings as part of school-based apprenticeships or traineeships within community organisations and, possibly, even within our universities. Future SACE offers the possibility of near 100 per cent year 12 retention rates and the benefits of a near-total spread of secure, well-paying employment for our young people.

### CHILD PROTECTION

**Ms CHAPMAN (Deputy Leader of the Opposition):** Of all the responsibilities of government, it would be clear to all in this house that one of the most important is the protection of children. Since this government came to office in 2002, I have been concerned to observe a number of things in relation to its failure to undertake this responsibility. Members will recall how it took over a year to gain from the government its acceptance of an inquiry into the sexual abuse of children who had been in previous institutional or foster care. That is a very important issue, which gives an indication as to the government's priorities or to its lack of priorities in relation to children who are the most vulnerable and the most at risk in our community. During the time that I have had the privilege, on behalf of the opposition, of being a voice for these children who are most vulnerable and for their families, we have seen the most shameful conduct of the department under the responsibility of the minister in relation to the treatment of foster care parents in this state who have been available, willing and qualified to care for children.

Even today we have seen examples of where the department under the direction of this minister, under his area of responsibility, fails to give any respect or real consideration for the extended family of children in tragic circumstances when the natural parents of children cannot look after their own. Today we hear of two young girls who, apparently, in the last two years have been under the care of the minister and who have been separated not just from each other but from their family, when they have had a fully qualified person, namely an uncle, available to provide care for them.

We saw a most tragic circumstance this week, understanding that the minister has some 1 500 children for whom he has a legal responsibility in this state, those already under a guardianship order.

Two very important reports were tabled in this parliament. One was the Child Deaths and Serious Injury Review Committee's report by Ms Deej Esenji, the Chair of that committee; and the other was the report by Ms Pam Simmons in her responsibility as Guardian for Children and Young People. One of the most disturbing features of the first report is that the deaths of children prior to 2005 have been ignored. The second point is that the four deaths that the committee has identified as needing investigation have been put on hold pending coronial inquiries. That could take years—and clearly it has already taken years, because we are now near the end of 2006 and we are dealing with children who died as far back as early in 2005.

The third area is that this committee (the report tells us) has not been resourced to look into any cases of serious injury. They do not even have the resources to start looking into the situation regarding those children who have not died but who have suffered a serious injury; they have not looked at any of those instances. Today we heard the minister tell us that the case of the Victor Harbor baby who died in early 2004 has not been examined at all. What is being done about this? We have a situation where this government, having received the Layton report in 2003 (a report which they said we needed to have), and having announced in May 2004 that it would establish a child death and serious injury review committee as recommended in the report, has taken a further two years for the legislation to be passed to enable the committee to formally commence work. We were to learn through this committee what we had failed to do to prevent further deaths. The delay is typical of this government, which is big on announcements but fails on delivering. Because of this minister's inaction and laziness, the necessary enabling legislation was delayed, and the first public report of the committee was not released until June 2006—three years after the original recommendation. How many children have to die before this government will actually take notice and deliver on what it has promised to do?

Time expired.

### MULTICULTURALISM

**Ms PORTOLESI (Hartley):** Today I rise to speak on the state of multiculturalism in Australia. I was shocked a couple of weeks ago to read in *The Weekend Australian* that the federal government—in particular, Andrew Robb, who is parliamentary secretary for immigration, multicultural and indigenous affairs—admitted that the government is considering the abolition of the term 'multiculturalism'.

**An honourable member:** Shame.

**Ms PORTOLESI:** Shame, indeed. I was shocked, because when one looks over the last two to three decades I think it is fair to say that there has been no other policy area like multiculturalism, which has been the subject of so much consensus and bipartisanship between the major political parties. However, we have all become familiar with John Howard's political tactics, which seek to foment and exploit the worst elements in our community. John Howard wants to turn the clock back. I suggest the alternative term the federal government is searching for is 'monoculturalism', because that is Australia's future if we fail to speak out against this proposal.

One of the most rewarding aspects of my job as a member of parliament is the privilege of watching the pride on people's faces when they become Australian citizens. At these ceremonies I tell the story of my own parents' migration experience, and how they arrived in the 1960s with five children and felt lucky and privileged to become Australian citizens, even if it meant giving up their Italian citizenship.

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

**Ms PORTOLESI:** That is correct; I was born in 1968 and was nicknamed 'the kangaroo'. Thankfully, Australia does not now require people to give up their country of origin's citizenship—in fact, people are welcomed and respected just as they are with diverse cultural traditions and languages. In Australia we celebrate this diversity because we believe it enriches our community in so many ways. This is the essence of multiculturalism, a policy pioneered by many governments through the 1970s and 1980s with bipartisan support.

Multiculturalism is just that, a recognition that our society is made up of many cultures. It means that as the host culture, Australians are not threatened by diversity but embrace it. However, multiculturalism is a two-way street, which is why it has been so successful. New migrants learn English, abide by Australian laws, and uphold Australia's commitments to human rights in exchange for the right to participate in Australian society. Multiculturalism is also pragmatic. Migrants bring different languages which give Australia access to trade and markets overseas. We all know of migrant families that have created successful industries and thousands of jobs. Why would we, or should we, shut the door on these opportunities?

While Australia continues to welcome migrants into this country (as it should), multiculturalism provides a transparent policy that is tried and tested. It is ironic that at a time when countries around the world are looking to Australia's multiculturalism policy as a framework for dealing with their own migrants, the Liberals in Australia are considering its abolition. The Liberals suggest scrapping the term as a way of increasing the emphasis on promoting integration among migrants, but multiculturalism is a policy for integration, not separation. Supporters of multiculturalism would never argue for separation, as this would defeat its very intention. Perhaps multiculturalism has become so successfully entrenched in the Australian community that we now take it for granted, but children of migrants, such as myself, who are now well and truly Australian citizens should remember that there was a time when it was not so easy for our parents, in the same way that it is not easy for new arrivals.

To abolish the term 'multiculturalism' would be to take a step back in time and deny the community in which we live. If we do not reject this attempt, who knows what is next—restrictions on speaking your native tongue in public? I call on members opposite to reject the federal Liberal Party's proposal and to reaffirm the state's commitment to multiculturalism.

**Honourable members:** Hear, hear!

### WATER SUPPLY

**Mr PENGILLY (Finniss):** I would like to return to the subject of water and spend just a few minutes talking about the future of water provision in South Australia and the lack of—

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

**Mr PENGILLY:** Thank you, Attorney; but I can do pretty well on this without your assistance. I do not believe



we are being strategic enough in our approach in addressing the water issue in South Australia. I think we are in crisis management rather than being objective and looking long term at what we actually have to do about the provision of water in this state. As I indicated the other day, I am not at all happy with the proposal put forward regarding a weir to be built at Wellington. I think it is short-sighted and, although the government claims it is just in the planning stage, I believe we need to put it in the history books and forget all about it. It is not the way ahead: the way ahead is to be more strategic about where we are going with our water resources and about how we contain our water.

I totally disagree with Mr Hill's comments the other day that we do not need to build more dams. Those of us who have lived out in the bush for a while know that dams form the backbone of water supply for rural areas. Indeed, they form the backbone of supply for Adelaide. To say that it is ridiculous to build another dam, I do not believe is appropriate at all. One only needs to go down to Myponga and look at the amount of water that is in that dam—I think it is currently running around 85 per cent—and to look at the other great dams that were built over the last hundred years to supply Adelaide with its water. This government and, I would have to say, past governments of either persuasion have failed to pick up on the water provision requirements for Adelaide. They have failed to provide extra dams and they have failed to provide additional storage in the existing dams. All we have done is draw on the mighty Murray time and time again.

As we have been told on numerous occasions, we are in a drought. Well, drought is nothing unusual in Australia, but this year has been a rather unique drought experience. We have to learn to adapt to the fact that there is no water coming down the Murray. Wet years will come back as sure as night follows day. We need to look for a long-term solution, in my view, with respect to additional water resources. I am a great believer in desalination, and I think we have to address that issue seriously. A fair bit of hoo-ha has been made about the provision of a desalination plant on Eyre Peninsula, and I think that it is an excellent move to put a desalination plant there.

I suggest to the house that an enormous desalination plant for Adelaide is imperative, and the government of the day should be moving on that as a matter of urgency. Desalination is used widely in the Middle East. Many locations in the Middle East on the Persian Gulf use enormous desalination plants and have done so for some time—decades, I understand, in some quarters. We also need to look at the provision of water in the north of the country, and I refer to the nation-building projects that get thrown about every now and again. The Western Australian Liberal Party put up a proposition prior to the election, which perhaps was not sold all that well. We have enormous supplies of fresh water in northern Australia, and we just have to look at nation-building projects such as bringing down water from the north; whether it be in Western Australia, South Australia or the Eastern States is irrelevant.

We need to get real and work about providing water for our population. I would like to think that far more thought is given to water usage and the water situation in Adelaide. I believe that there is just far too much wasted water in Adelaide. Salisbury council, for example, has done a terrific job with its wet areas. I have visited the Salisbury wetlands, and I think they are fantastic. What really gets up my nose is

the wasted water that goes down through the stormwater drainage to Glenelg and out to sea.

Time expired.

## HEALTH ANNUAL REPORTS

**The Hon. L. STEVENS (Little Para):** Earlier this week, the first annual reports of two newly formed statutory bodies were tabled in the house. I want to spend a few minutes referring to them. They are the first annual report 2005-06 of the Health and Community Services Complaints Commissioner and the 23rd annual report of the Medical Board, which is the first annual report of the new Medical Board under the new Medical Practitioners Act 2004. I will begin with the former.

The importance of having in place an accessible, robust complaints system for all health and community services—both public and private not-for-profit providers—to enable the improvement of services through the resolution of complaints was something that the government worked on for many years in opposition. The importance of being able to resolve complaints and to be able to learn from those complaints for the benefit of the system and the satisfaction of the consumer is what this is all about it. If people take the time to read Commissioner Leena Sudano's report, they will find that it has been a very good start. Remember that this is the first year of the office's operation—a year to establish protocols, to do service planning, to put in place performance monitoring requirements, and to really get the show up and running. It is a very good report in terms of the thoroughness of ensuring that all aspects of a complaints system are put in place.

The other thing that I was really pleased to see was on page 11 of the report. In planning for the future, the report states that this first year was the foundation year and that they have been planning for the future. One of the things that they are doing is ensuring that there will be a systematic review of public health service complaints handling against the national better practice guidelines and complaints management for health care services. South Australia will be the first jurisdiction to do that. A very important part of the legislation is to ensure that not only were individual's complaints resolved either by conciliation, mediation or, if necessary, investigation, but that the commissioner would have the opportunity to make sure that there was an overall monitoring and improvement of the system. So, congratulations to Leena Sudano and her staff for a very thorough first year. I look forward to many more of these reports that will enable ongoing improvements to health and community services in the state.

The second report was that of the new Medical Board. I was also pleased to see some very important matters taken up by the board. Members will remember that, before the new board was formed, there was a lot of criticism in the media of the old medical board, a lot of which, I might add, was unjust. However, to be fair, there was a lot of justified criticism in terms of the perception of the old medical board by the community, of its being a doctors' club, and of consumers being completely dissatisfied with the handling of their complaints about doctors.

The new act contained specific measures to ensure that complaints handling procedures would improve and that there would a strong emphasis on the public interest in terms of the board's role. I must say that, in reading the report, it is pleasing to see a much better job of its being open in what it

has done in the sorts of complaints it has handled and how it has handled them. I also congratulate the board in tackling its first year and putting in place a new regime and a new tone of operation of a very critical board in terms of regulating the medical profession and ensuring that the public interest is upheld, and that is very clear in what is written.

## LOCAL GOVERNMENT (STORMWATER MANAGEMENT) AMENDMENT BILL

**The Hon. M.J. Atkinson**, for the **Hon. P.F. CONLON (Minister for Infrastructure)** obtained leave and introduced a bill for an act to amend the Local Government Act 1999; and to make related amendments to the Natural Resources Management Act 2004. Read a first time.

**The Hon. M.J. ATKINSON:** 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.

The *Local Government (Stormwater Management) Amendment Bill 2006* will establish new and improved financing and governance arrangements for stormwater management throughout South Australia.

The Rann Government is the first to recognise the importance of stormwater management and the need to improve current arrangements. In this regard, we have worked closely with the Local Government Association (LGA) to develop long-term solutions.

The Government identified in the Strategic Infrastructure Plan for South Australia the need to prioritise and implement high priority stormwater works arising out of the Urban Stormwater Initiative and the Metropolitan Adelaide Stormwater Management Study.

The Government subsequently entered into a memorandum of agreement on stormwater management, dated 14 March 2006, with the LGA of South Australia. The LGA and its member councils are to be commended for achieving this agreement.

The agreement addresses responsibilities for stormwater management and provides the basis for joint and collaborative action by all levels of government to deal with the threat of flooding and better manage the use of stormwater as a resource. The State Government committed as part of the agreement to a long-term (30 year) funding arrangement for stormwater management and flood mitigation works.

New governance arrangements have been set up for the management of stormwater and the Hon Nick Bolkus is chairing the Stormwater Management Committee under the interim arrangements set out in the March 2006 agreement.

The agreement foreshadows the need for a Bill to give statutory effect to aspects of the agreement. This is reflected in the Bill that is being introduced into Parliament today.

This Act of Parliament will establish the Stormwater Management Authority as a statutory corporation to implement the agreement for an improved framework for implementation of priority flood mitigation works throughout the State.

The Stormwater Management Authority, which will be managed by a board having representation from Local and State Government, will prioritise stormwater infrastructure works based on total catchment planning considerations.

The Stormwater Management Authority will work closely with councils to progress stormwater management plans and implement stormwater infrastructure works.

The provisions outlined in this Bill are just one part of a comprehensive package of measures for the management of stormwater in the State.

Guidelines for Stormwater Management Plans have already been developed with the support and approval of the Natural Resource Management (NRM) Council. Plan Amendment Reports under the *Development Act 1993* will continue to be used where needed to reduce the flood related risk implications identified by floodplain mapping information and stormwater management plans.

Community education will be undertaken by councils and other planning authorities to assist in achieving better economic, social and environmental stormwater management outcomes.

One of the key responsibilities of the Authority will be to administer the allocation of funds towards appropriate priority stormwater management works. The focus will be on priority works established on the basis of catchment-wide Stormwater Management Plans produced by councils. These plans must be prepared in consultation with the relevant regional NRM Boards.

The Authority will direct available funding, including any funds that may be secured from the Australian Government, and will utilise borrowings if necessary to accelerate implementation of priority works.

The Bill that is before the House today has been through an extensive consultation process with Local Government. The LGA has undertaken a process of consultation with all its member councils both on the terms of the agreement and now on the specific measures set out in the Bill. Comments received through that process have been taken into account by the LGA in agreeing with the Bill in its current format.

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 *Local Government Act 1999*

##### 4—Insertion of Schedule 1A

This clause inserts a new Schedule 1A into the *Local Government Act 1999* dealing with implementation of the Stormwater Management Agreement entered into by the State of South Australia and the LGA on 14 March 2006.

The Schedule contains the following provisions:

- an interpretation provision containing definitions for the purposes of the Schedule;
- a provision approving the Stormwater Management Agreement;
- a provision specifying that the Schedule is in addition to and does not limit or derogate from the provisions of any other Act;
- provisions establishing the Stormwater Management Authority (the *Authority*) and setting out its functions, namely:
  - to liaise with relevant public authorities to ensure the proper functioning of the State's stormwater management system;
  - to facilitate and co-ordinate stormwater management planning by councils;
  - to formulate policies and provide information to councils in relation to stormwater management planning;
  - to undertake functions in relation to stormwater management plans;
  - to administer the Stormwater Management Fund;
  - to ensure that relevant public authorities co-operate in an appropriate fashion in relation to stormwater management planning and the construction and maintenance of stormwater management works;
  - to undertake stormwater management works in certain circumstances;
  - to provide advice to the Minister in relation to the State's stormwater management system;
  - provisions with respect to the Board of the Authority (which is to consist of 7 members of whom 4 are to be appointed on the nomination of the LGA and 3 are to be appointed on the nomination of the Minister);
  - provisions with respect to the preparation of stormwater management plans by councils and for approval by the Authority of stormwater management plans prepared by councils and provisions giving the Authority power to require the preparation of a stormwater management plan;
  - provision for the Authority to make an order requiring action by a council where a council has failed to comply with a requirement to prepare a stormwater management plan or has failed to comply with an approved stormwater management plan or where the Authority is satisfied that action by a council is necessary to provide for the management of stormwater or to

preserve and maintain the proper functioning of any stormwater infrastructure that the council has the care, control and management of. If a council fails to comply with an order the Authority may take the necessary action and may apply monies from the Fund to cover the costs and expenses of taking the action or recover the costs and expenses (or a portion of them) from the council as a debt;

- provisions with respect to the Stormwater Management Fund, including its establishment, the circumstances in which payments can be made out of the Fund, accounts and audit and annual reports on the operation of the Fund;

- miscellaneous provisions dealing with the exercise of powers in relation to land, a power of the Minister to vest land or infrastructure, liability, assessment of costs and expenses, evidentiary matters and regulations. In addition, provision is made to specify that the provision of money from the Fund to meet the whole or part of the cost of construction of any work will not be taken to make that a public work for the purposes of Part 4A of the *Parliamentary Committees Act 1991* and where the Authority takes action under an order because a council has failed to do so, the work to be constructed by the Authority will, for the purposes of the Part 4A of the *Parliamentary Committees Act 1991*, be treated as if it were work to be constructed by the relevant council.

#### **Schedule 1—Related amendments to *Natural Resources Management Act 2004***

##### **1—Amendment of section 3—Interpretation**

The definition of *surface water* is to be amended to include water that is contained in any stormwater infrastructure. It is also to be clarified that a *surface water prescribed area* may include stormwater infrastructure, and that *to take* water includes to stop, impede or direct the flow of water in any stormwater infrastructure, or to extract water from stormwater infrastructure.

##### **2—Amendment of section 89—Amendment of plans without formal procedures**

This amendment will provide a mechanism to incorporate a stormwater management plan into a regional NRM plan.

##### **3—Amendment of section 124—Right to take water subject to certain requirements**

This amendment will recognise a right to take water from stormwater infrastructure.

##### **4—Amendment of section 125—Declaration of prescribed water resources**

##### **5—Amendment of section 128—Certain uses of water authorised**

##### **6—Amendment of section 146—Licences**

These are clarifying amendments.

##### **7—Amendment of section 223—Evidentiary**

This amendment will assist in providing for the status of infrastructure connected with stormwater management for the purposes of proceedings under the Act.

Mrs REDMOND secured the adjournment of the debate.

#### **STATUTES AMENDMENT (DOMESTIC PARTNERS) BILL**

Adjourned debate on second reading.

(Continued from 22 November. Page 1394.)

**Ms BREUER (Giles):** I must admit that I was fairly inflamed last night, but I have calmed down somewhat today. I still question why we continue to discriminate against sections of our community, and I was interested to hear the member for Hartley talking about multiculturalism. Certainly, many of our multicultural residents in this state would be very aware of what I am talking about.

*Mr Venning interjecting:*

**Ms BREUER:** Yes; it is interesting to see the former member for Hartley here. During his time in this place, we heard many times about same-sex issues, and I must admit that many times I had a go at him about this and his obsession

with this issue. It is interesting that the bill is before us today and that he is here to hear, I presume, what happens in this place.

As I said, I do feel very strongly. Why do we continue to discriminate against sections of our community? The figure that has been quoted is that one in 10 people are gay. Earlier today, I read in a newspaper that something like 30 000 people in South Australia are gay. I would like to know about the 67 members in this place and those who would like to out themselves. There is some question about that one in 10 figure, but I would say that it is probably pretty close to the truth. However, I will not name anyone, nor will I expose anyone at this stage.

Why do we discriminate against people? Why have we continued to do so for so many years? We continue to punish them and not recognise their decisions, their lifestyle or their true selves. I believe that it is time we accepted that there are differences in people in our society and in people's lives. I look forward to seeing the new Sacha Baron Cohen movie because, apparently, it highlights how silly prejudice is in our society. He goes to the extreme, but I think that it would be an interesting movie and perhaps make us realise how silly we are in the way we view people and see things in our society.

Who are we as a society to judge how people live their lives? We should be supporting people in their lifestyle, and we should be giving them the rights that everyone else has. We should enable them to live their lives doing things other people are able to do. There is this suggestion about people who are living together for many years and having them recognised in this legislation, whether they have a sexual relationship or not. There has always been wills that you can leave money to people and say where you want your estate to go. I urge members to support this bill and to let it go through. Let us get equal, let us support them in their lifestyles and let us get rid of this nonsense that is being talked.

**The Hon. G.M. GUNN (Stuart):** I do not share the honourable member's enthusiasm for this particular document. At the last election I gave a clear undertaking to my constituents that I would not support legislation of this nature. I think it is an appalling set of circumstances that this parliament is taking hours of its time to debate a proposal of this nature—

**The Hon. M.J. Atkinson:** All right; sit down.

**The Hon. G.M. GUNN:** You don't want me to speak now?

*Members interjecting:*

**The Hon. G.M. GUNN:** An appalling set of circumstances. If you look at this particular document, it has got 73 pages, 228 clauses, in a very large document setting out to legitimise a course of action which the overwhelming majority of the people of this state do not agree with, or think is proper.

*Members interjecting:*

**The Hon. G.M. GUNN:** I make no apology whatsoever for my views on this particular matter.

*Ms Fox interjecting:*

**The Hon. G.M. GUNN:** The honourable member can have her opportunity and go out and tell who she likes. I am elected to this parliament and during the last election when I was on the television I was asked, 'What is the difference between you and the Labor Party?' I clearly came out and said, 'I will not be supporting legislation which legitimises

same-sex marriages. The Labor member, if elected, would be compelled to do so.' I am still here and I take that as a vote of confidence. Everyone knows my views, and I make no apology whatsoever.

**The Hon. M.J. Atkinson:** You are still here by the narrowest margin of any member. The judge had to call for a developed print!

**The Hon. G.M. GUNN:** If the honourable Attorney-General wants to be a party to it and wants to have it on his conscience that he was responsible for this, well so let it be. I am not going to have it on my conscience. It will be a division; make no mistake, there will be some divisions on this matter.

**The Hon. M.J. Atkinson:** Good. Because you won't be facing the electors again.

**The Hon. G.M. GUNN:** Can I say to the Attorney-General, and his henchmen: if I want to I can come back here again too.

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

**The DEPUTY SPEAKER:** Order!

**The Hon. G.M. GUNN:** I have a view in this world—

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

**The Hon. G.M. GUNN:** We know that the misguided Attorney-General is a captive of Don Farrell. My view on this matter is clear: what people do in the privacy of their homes is their business, it is not mine, but it is not the responsibility of the parliament to legitimise and legalise this sort of behaviour.

*Members interjecting:*

**The Hon. G.M. GUNN:** It is obvious they have got a pretty weak argument. There are one or two people who rarely get to their feet or are capable of saying very much, who are squawking across the chamber—

*Ms Fox interjecting:*

**The Hon. G.M. GUNN:** If you want to get up and have a go, hop right into it, because I say to the honourable member: enjoy your limited time here. You would want to keep your teaching skills up because you will need them; because as the chilly winds of the ballot box catches up with the honourable member she will be back in the real world.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! Please allow the member to be heard.

**The Hon. G.M. GUNN:** I am normally such a humble person. They are putting me off. They are really interrupting my train of thought.

**The DEPUTY SPEAKER:** We know, member for Stuart. On this occasion I would like the chamber to humbly listen in silence.

*Ms Fox interjecting:*

**The DEPUTY SPEAKER:** Order! Member for Bright, please desist and allow the member for Stuart to continue.

**The Hon. G.M. GUNN:** Thank you, Madam Deputy Speaker. You cannot make something that is wrong right. Same-sex relationships, in my judgment, are not right, we should not legalise it and we should not legislate for it. It has been a long accepted practice throughout the civilised world; and I, for one, have a very firm view in this particular matter. It is interesting in this debate that the member for West Torrens and one or two other prominent members of the Labor right are not here this afternoon.

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

**The Hon. G.M. GUNN:** We understand that the Attorney-General was given his marching orders. I will give the Attorney-General one accolade in relation to this: they have

gone to great difficulty to dress this particular proposal up, but at the end of the day it is going to achieve the same objective as the previous legislation. That is what it is all about. You have dressed it up, you have put out a smoke-screen and you have tried to make out that this is a very moderate proposal—it achieves the same objective as was the original intention.

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

**The Hon. G.M. GUNN:** In a democracy everyone has the right to choose. Earlier today we paid tribute to someone who exercised his democratic right and got thrown out of the Labor Party. In our party we are entitled to exercise our own conscience, and my conscience clearly dictates that I should not support this particular proposal. We should not, in my view, be advocating, countenancing or encouraging this sort of behaviour.

I am totally opposed to it. I do not think people engaging in these sorts of acts are acting reasonably or rationally. That is my view, and I make no apology for it. If the Attorney-General wants to wear it, he can. He can carry it with him. In my long time in this parliament I have a clear conscience. I did not support it, I did not countenance it, and I have done my part, because I believe it is not in the interests of the people of this state to have legislation on the statute books that in any way countenances, supports or encourages these courses of action.

Therefore, I oppose the bill and I will certainly oppose clause 2, the commencement, because I believe this act should not commence. It is a retrograde step, and therefore the people of this state expect those of us who hold views the same as mine to ensure that every step possible is taken to prevent this particular provision being put on the statute books. Wherever I have gone in my electorate when we have discussed this matter, the overwhelming majority of people are not in favour of it. And I say to the Attorney-General that his blue-collar working people do not support this legislation. After I made my comments on television during the election campaign I happened to go through one of the big workshops in my electorate, and the overwhelming majority of people came up to me and said, 'Hold your ground and don't give in, because you are right.'

**Ms Bedford:** Is that the only thing they mentioned?

**The Hon. G.M. GUNN:** They are good, hard-working, decent people and they are good family people and believe in the sanctity of marriage and their families, and that is what I believe in. I believe in supporting the sanctity of marriage and I do not believe this legislation does that, and I certainly will not have it on my conscience. This parliament was established to pass good laws and improve the welfare of the people of South Australia, not to pass laws which downgrade family life.

**Ms Fox:** It doesn't. How does it do that?

**The Hon. G.M. GUNN:** The honourable member can—

**Ms Fox:** No, answer me. Instead of insulting me, answer me.

**Ms CHAPMAN:** Madam Deputy Speaker, whilst there is some interjection going through, we are having an enormous amount of noise from the other side of the chamber—

**The DEPUTY SPEAKER:** Order!

**Ms CHAPMAN:** —and I raise a point of order.

**The DEPUTY SPEAKER:** Yes, it is okay. There is no need. The member for Stuart.

**The Hon. G.M. GUNN:** Thank you, madam. So, in conclusion—

**The Hon. L. Stevens:** Good!

**The Hon. G.M. GUNN:** I am really pleased to have the support and comfort of the honourable member opposite! She was obviously wishing me not to continue. I could go through clause after clause—

**The Hon. M.J. Atkinson:** Tell us what you really think.

**The Hon. G.M. GUNN:** Well, I have told you what I think. I make no apology. I will tell anyone. I do not mind who knows my views on this matter. I make no apology for them. I have never been shy to state my views on a wide range of issues, and I have done so on this issue. I put my views on the public record. I am not going to hide behind the scenes and be silent on these issues.

In conclusion, I say I am totally opposed to it and I hope the house comes to its senses and rejects this proposal, because I do not believe that many of these provisions are in the long-term interests of the people of the state. I do not believe they will create a better atmosphere for the next generation of South Australians to grow up in. In fact, I think it will be detrimental to them. We should not encourage and promote some of these proposals, and therefore I oppose the second reading of this bill and hope that it never goes on the statute books.

**Mr PICCOLO (Light):** I rise to speak in support of this bill, and I do so without the need to feign anguish or a heavy heart, reservations or concerns. I support it because it is the right thing to do, and I will explain why I believe so. Australia is a democratic nation, based on a secular form of government, but a society in which many would identify as religious in some shape or form. Personally, I am part of the community that identifies as Christian and on the political left. Having said that, I do not see this bill as an issue that deals with religion but one that explores the financial and various legal relationships between particular groups of individuals in our community. I acknowledge that the underlying relationship between individuals may be one that impacts on the religious views of some of our community. I respect their right to hold such views.

This bill is not about homosexuality or any other form of sexual relationship. This bill does not alter the existing law in relation to sexual behaviour between consenting adults. Some have tried to sexualise the character of the bill for their own purposes and their own need to divide and polarise community opinion. These individuals thrive on conflict and focus on those things which make us different, rather than highlighting our common humanity. To reduce the breadth of human experience to sexual behaviour diminishes our humanity.

The existing law causes a great deal of pain and distress for some in our community. The question then arises: what public benefit is derived from the state interfering in the financial and legal relationships this bill seeks to clarify? Why should the state continue to allow individuals in domestic partner relationships to be discriminated against in financial and various legal matters? The extent of the discrimination can be seen from the sheer volume of acts (93) this bill will amend if passed by parliament. Paradoxically, this bill is simultaneously both conservative and radical—conservative in that it does not push the moral or spiritual boundaries but radical in that it does not seek to differentiate between non-marriage relationships on the basis of sexual behaviour. While those on the other side have sought to characterise this bill as a compromise or a sell-out to the Family First Party, I see its structure as one that is respectful and sensitive to the broad and, at times, competing interests

of those who have displayed an interest or stake in this issue in the community debate.

We should not underestimate the breadth of opinion on this bill. The fact that the opposition has made this a conscience vote for their members, I suspect, is an admission that a consensus could not be reached within the Liberal Party room, despite their relatively small number. In that context the Attorney-General has achieved much in the wording and the structure of this bill. While many have been involved in the journey that has resulted in this bill being debated in this house, I particularly wish to commend the Attorney-General for displaying great patience and wisdom in the careful crafting of this particular piece of legislation.

Comments that this legislation will somehow catch spinster aunts or mates who share a flat are just nonsense and scaremongering, and one can only assume that those promoting such views do not support the proposed changes to the existing discriminatory laws and lack the courage to do so. The clause in this bill that defines a domestic partner relationship has both subjective and objective criteria, therefore providing individuals with appropriate legal safeguards. In the lead-up to the state election, other candidates in the electorate of Light and I were invited to a community forum hosted by the Northside Christian Life Centre. At that forum, which became rather infamous for other reasons, and which I will not elaborate upon today, I was asked—

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

**Mr PICCOLO:** I will tell you later. I was asked whether I would support a bill like the one before us today. I was very frank and honest with an audience who I knew would not in the main be happy with my answer. I replied 'Yes,' and for the reasons I outlined today. Some at the forum—and some clergy I have discussed the issue with—see this bill as anti-family; they see this legislation as promoting homosexual behaviour. While I acknowledge that they hold such views with honest conviction, I do not agree. If we are concerned about families, then we should be tackling those issues that undermine family life. We need to look at those federal, economic and industrial relation policies that reduce families to an economic unit and prevent them from sharing more of that precious commodity—time—together.

Some members opposite have indicated that they are not likely to support the bill because they have reservations about some aspects of it. I would pose the following question to those members: is the injustice that the current laws impose on these members of our community of less importance than the perceived imperfections of this bill? I support this bill because it is the right thing to do.

**Mr HANNA (Mitchell):** I am speaking in support of this bill. The proposal for equal property rights and other rights for same-sex couples has been around for many years now. Indeed, it has been the policy of the Labor Party for at least five years, and it is extraordinary that it has taken so long for the Labor government to bring a bill of this nature into the parliament, and apparently with a will to bring it to fruition at this time. It is a bill to remove the civil penalties faced by homosexual couples as they go about their lives and face the everyday mundane features of stamp duty law, inheritance law and so on. There are other non-financial penalties faced by such couples at the moment in the sense that they do not have the same capacity to care for each other in respect of health care arrangements and funeral arrangements as their heterosexual counterparts have.

It is very important to stress at the outset what this proposal does not do. First of all, it has absolutely nothing to do with marriage. It does not refer to marriage. It refers to marriage only insofar as to exclude married people from the scope of the bill. The second point to make is that the bill has nothing to do with children per se, so it cannot be said to be a bill that is against the interests of children. The fact may be that there are gay couples in the community who have the care of children, but this does not change that configuration or that relationship in the slightest way; it has absolutely no bearing on those arrangements.

The third thing to stress is that it does absolutely nothing to encourage homosexuality. If there is a social stigma in relation to homosexuality, then that will continue. It will certainly continue for as long as there are people who have prejudice against homosexual people. Sometimes that prejudice is based on a reading of their religious scripture; sometimes it is just an ignorant prejudice. But the fact is that homosexuality is out there. There are gay couples in the community; some of them who have lived together for many many years in fulfilling relationships; some of them with children; some of them who wish to leave their estate to the other; some of them who wish to transfer their house into joint ownership—all of these being marks of the strength of the relationship between the two people. This bill does nothing to encourage homosexuality.

Having established those points, I turn to perhaps the other view which has been so fervently expressed by the Assemblies of God party. The Assemblies of God party have influenced the drafting of this bill. The Attorney-General has obviously very closely taken into account their views. They have strongly pushed for the inclusion of what they call domestic partners or close companions, or something of that nature, into the bill, and that feature is now there. The bill insists upon including people who have this close personal relationship as defined in the bill. As an aside, I make an assessment of the political landscape and note that it is quite a dangerous thing politically for the religious right within Labor to be politically dealing with the Assemblies of God party. The Assemblies of God party does have the function of lowering Labor Party primary votes and delivering a good proportion of them to the Liberal Party.

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

**Mr HANNA:** The Attorney-General and his faction do have to weigh up whether it is in their political interest, apart from anything else, to do deals with that particular party. I am indebted to the member for Unley for recording in his contribution yesterday some of the statements that the Assemblies of God party has made about this bill. It is worth repeating those statements, and I quote:

Family First believes that the best interests of children should come before the rights of any group. We are glad that this new bill does not grant these rights and in fact places a substantial roadblock in the gay lobby's path.

I will comment on that passage, which comes from an email distributed by Family First to its supporters. No-one would argue with the proposition that the interests of children in our society should come first. The false logic in the statement arises from the fact that the bill does nothing in respect of the interests of children. There are cases where the interests of children could conceivably be promoted by allowing the passage of this bill. For example, a lesbian couple in my electorate have the care of two children. The two children are the natural children of one of the couple; the natural father has long since departed the scene. The fact is that the two

women care as two mothers would in respect of the two children; the parenting is very much shared.

Frequently, due to work commitments or other commitments, the two women take turns to pick up the children from school or take them to sporting activities. One could well imagine a situation where the natural mother of the children is at work and unable to take the children to or collect them from a hospital. One can imagine there might be difficulty with the other woman in that household seeking to guide one of the children through the hospital system or to discharge them from hospital after a trip to that hospital. There are situations such as that which would be facilitated by the passing of this bill. The Assemblies of God party also makes a statement, as follows:

Family First does not believe that we should be granting anyone legal rights on the basis of homosexual relations.

The feature of this bill is that it removes disabilities suffered by homosexual couples. Let us think about the logic of that statement. If we recognise that there are homosexual couples in society—and there always will be—and Family First is insisting that the parliament should not remove civil penalties currently faced by homosexual couples, the notion is that homosexual couples because of their sinful sexuality (and that is their concept, not mine) should be punished by law. If that is the case, it is hypocritical, in my view, for Family First not to argue for penalties according to the criminal law. Why are they not saying that the 1975 sodomy laws should come back? If they were being consistent that would be their position. The civil law of inheritance rights and stamp duty is not the place to punish people for their sexuality. If they really want to do that, then why do they not have the courage to ask for a change in the criminal law? They know very well that would not be supported by the majority in the community. Most people, I suspect, could not care less about what people get up to in their own bedroom.

There is another hypocrisy to the position of the Assemblies of God. If they go back to what they perceive as biblical authority and say, 'Thou shalt not commit homosexuality,' why do they not say that about unmarried heterosexual couples, as well? As I understand, it has always been part of the Christian position on sexuality that couples should be married, and that the purpose of sexuality was to procreate and that should happen in a marriage relationship.

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

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

Motion carried.

**Mr HANNA:** The hypocrisy to which I refer is the judgment and condemnation of homosexual couples while apparently turning a blind eye to the sexual coupling of unmarried heterosexuals. For the sake of consistency, if they are grounding their condemnation in scripture, then why on earth are they not coming out and condemning de facto heterosexual relationships?

Of course, when we say 'de facto' we mean de facto marriage. Why are they not screaming about the steadily closing gap between the rights of married heterosexual couples and unmarried heterosexual couples? They do not do it, I suspect, because they know that it is well and truly part of our society. It is not going to go away, and the best we can do is arrange people's affairs as the majority of the commun-

ity expects them to be. I suspect that that is what this bill will achieve, except in one important respect. As I will explain further when it comes to the amendments I propose, the notion of domestic partners has been stretched too far. It does not include married people or relationships between carers and the person they care for, where it is a commercial relationship, but it does include heterosexual couples and homosexual couples who have lived together for more than three years.

There are some refinements on that, but I will not go into the detail. The point is that an additional category is captured by the government proposal: it also captures people in a close personal relationship. To be in a close personal relationship, the legislation proposed says that they must be a couple who live together on a genuine domestic basis and, if one of the couple wants to go to court to get a declaration about their status, there is a series of criteria for the court to examine. Interestingly, it does not exactly say that it is important whether the couple present themselves as a couple in society, although there is one criterion: the reputation and public aspects of the relationship. My point is that that is so vague and general that we run a very real risk of people being roped in who never imagined that they might be caught by a law like this.

I think of this situation as a good example of the problem I am talking about. Grandma has a lady friend who has been living with her for some years after being widowed, and they share the housekeeping. One pays the gas and one pays the electricity, and they might even have a joint bank account for some of these expenses. They might decide to go halves in a car so they can share transport costs. They frequently go to the opera together and to other forms of entertainment. They go to parties together, they tend to have the same circle of friends, and so on. They have lived together for more than three years, perhaps for many years.

One of them then dies, and the children of the deceased fully expect to inherit their mother's estate, but the other person who has been living with them seeks legal advice and is told that, if they apply under this proposed law, they can argue that, because of the duration of the relationship, the fact that they had a common residence, they had some financial interdependence, they went out together and they both committed themselves to sharing aspects of their life together, they could well succeed in getting a determination that they were a couple. That, then, would give the successful applicant to the court rights of inheritance, rights of superannuation benefits, and so on.

In this set of circumstances, there are going to be some very unhappy people who never would have imagined that, simply because their mother lived with a good friend and did all these things together, they might be robbed of part of their inheritance. Of course, there is a question about whether they will even get to know that the declaration is being sought in the court, because it is not meant to be the subject of publication. There could be some very surprised and disappointed beneficiaries should this law pass as it is. There is an obvious remedy, and I believe that it is in line with community expectations. That is, to have an opt-in scheme. My amendments, which I hope we will deal with this afternoon, clearly provide an opt-in scheme.

That is to say, if there are two people in a situation such as I have outlined, then they can seek legal advice, sign a certificate saying that they are a couple within the meaning of the act, and then everyone knows where they stand. No doubt, that would then become a fact known among family

and friends and, when the financial consequences flow of being a couple according to the legislation, no-one can be too surprised. They might still be disappointed, but they cannot be surprised. That, in my view, would be the way to remedy quite a serious flaw in this bill.

In conclusion, the bill is about removing several penalties from homosexual couples. It does not have anything to do with marriage. It does not have anything to do with children. It does not have anything to do with promoting homosexuality. It is, then, something that most of the community, as far as my community is concerned, can live with.

**Ms BEDFORD (Florey):** This bill is a significant milestone on the road to a fairer South Australia. It represents the culmination of many years of effort for recognition by the South Australian gay and lesbian community, led by the Let's Get Equal campaign. It is also a landmark moment in the journey we as a community undertook over 30 years ago when we became the first Australian state or territory to decriminalise homosexuality. That first step ended generations of persecution and social oppression, but it did not end discrimination. I want to quote some comments made by the Hon. Justice Michael Kirby, AC CMG, at the 1999 Conference on Legal Recognition of Same-Sex Relationships at King's College School of Law, University of London, because they express succinctly what this legislation is about. According to Justice Kirby, when the laws changed:

People came to know their gay and lesbian fellow citizens. They came to realise that, boringly enough, they have all the same human needs as the heterosexual majority. The need for human love, affection and companionship; for family relationships and friendships; for protection against irrational and unjustifiable discrimination; and for equal legal rights in matters where distinctions cannot be affirmatively justified.

He went on to say:

As a people committed to equal justice for all under the law, I have confidence that the Australian legal system, and those who make the laws in Australia, will, in due course, eradicate unfair discrimination on the basis of sexuality. The scales are dropping rapidly from our eyes. Injustice and irrational prejudice cannot survive the scrutiny of just men and women.

He also said:

It can only be in the interests of society to protect stable and mutually supportive relationships and mutual economic commitment. It is against society's interest to penalise, disadvantage and discourage them. And beyond Australia there is a world of discrimination and oppression to be shamed and cajoled into reform by Australia's just example.

I commend the bill to the house and, along with many, look forward to its speedy enactment.

**The Hon. L. STEVENS (Little Para):** I support this bill, and wholeheartedly support equality before the law for same-sex couples. I wish the bill a speedy passage through both this house and the other place. As others have mentioned, it has been a long time coming and that has been an embarrassment for many of us. However, it is now before us. As my colleague, the member for Ashford, said in her contribution, numerous other jurisdictions around the world have recognised the rights of same-sex couples and we should be doing the same as a matter of urgency. Some of the comments made by those who oppose this, in my view, are no more than homophobic nonsense and they must not prevail.

I thank the Attorney-General for his efforts and would also like to acknowledge the work of the Hon. Stephanie Key, member for Ashford, for her work, as both minister for social

justice and minister for the status of women, in bringing this bill to fruition.

**The Hon. M.J. Atkinson:** And she assisted me in trying to get it through the last parliament.

**The Hon. L. STEVENS:** The Attorney acknowledges this, and they worked together surprisingly well. It is disappointing for a person to be so prominent in the development of legislative innovation but not to be there to see it come into being. The member for Ashford has made a significant contribution to this cause and should be acknowledged for that.

My thanks also go to others involved in bringing the legislation to this point, members of both this house and the community. I would like to congratulate the members of the Let's Get Equal campaign, who have done a very good job, and I would particularly like to mention the support, over many years, of the member for Florey in this area. I would also like to mention the Hon. Ian Hunter in another place who has supported this for many years in previous positions. I also believe Mr Matthew Loader deserves a special mention. I commend the bill to the house.

**The Hon. M.J. ATKINSON (Attorney-General):** The fundamental question is whether two people live together as a couple on a genuine domestic basis. If, by housemates, we mean people who are not in a relationship but who share lodgings as a matter of convenience, the risk that they will be found to be a couple under this law is remote. Using the indicia that the court must apply, housemates will perhaps be able to establish that they have resided together for a long time and share domestic tasks, but that is probably as far as it will go. It is unlikely that they will own property in common. Their land holdings, their shares, and their vehicles are likely to be individually owned. Even their personal possessions, such as furniture, are likely to clearly belong to either one or the other rather than being jointly owned, even if each allows the other to make some use of them.

It is unlikely that either is financially dependent upon the other. That they may split the utility bills or that one pays one bill and the other pays another is not evidence of financial dependency. Dependency refers to the support of another person who is not fully supporting him or herself. In general, housemates would fully support themselves; neither would be able to claim the other as a dependent for tax purposes, for example. The extent of common residence will probably be limited—for instance, they may have separate bedrooms and they may avoid being in the bathroom at the same time. It is also unlikely that they provide care for children together, or present themselves to friends and society as a couple. They will not have made a domestic commitment to a shared life. If they are really not in a relationship and are leading separate lives, the mere fact that they reside at the same address and share the housework or split the bills will not make them domestic partners.

I was astonished when, on ABC Radio, I heard the member for Mitchell say to listeners that the members of a football team playing together would become domestic partners.

*Mr Hanna interjecting:*

**The Hon. M.J. ATKINSON:** Could be, says the member for Mitchell. I played at half forward for the Australian National University Australian Rules team for years, and I had a deep understanding with some centre men. We undressed and dressed together but I do not think that, in any circumstances, we were going to become domestic partners.

It is an absurdity for the member for Mitchell to claim that. I note that the member for Mitchell did not answer my question about his dealings with what he now calls the Assemblies of God party. When he was importuning the Hon. Andrew Evans before the election for his preferences, I think he would have referred to them as the Family First party.

The member for Waite had some questions about the bill. He asked why the expression 'putative spouse' had been used in the four state superannuation acts, whereas it is removed from the other acts. This is because this bill retains the special definition of that term that was inserted by the 2003 Bedford bill. That definition is unique to the state superannuation acts, and it serves to distinguish same-sex couples from companionate or co-dependent relationships.

The government does not intend to disturb the provisions made in the Bedford bill giving same-sex couples the same rights to state superannuation death benefits as spouses and opposite sex de facto couples now have. This bill does not propose to extend those rights to co-dependent or companionate partners, so a unique expression is required to distinguish these two types of couples for this field only. I would like to thank all members who have contributed to the debate, especially those who have been so admirably brief.

The house divided on the second reading:

AYES (28)

Atkinson, M. J. (teller)	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Chapman, V.A.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Fox, C. C.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Kenyon, T. R.	Kerin, R. G.
Lomax-Smith, J. D.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Redmond, I. M.
Simmons, L. A.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Williams, M. R.

NOES (4)

Goldsworthy, M. R.	Griffiths, S. P.
Gunn, G. M. (teller)	Venning, I. H.

Majority of 24 for the ayes.

Second reading thus carried.

In committee.

Clause 1 passed.

Clause 2.

**The Hon. G.M. GUNN:** This act is programmed to come into operation on a day fixed by proclamation. I ask the Attorney-General to tell us when he intends for this unfortunate piece of legislation to commence, if it passes through the parliament.

**The Hon. M.J. ATKINSON:** At the first opportunity.

**The Hon. G.M. GUNN:** That is a totally unsatisfactory answer. Obviously, he does not know. They have been acting like Fred Astaire and have been quick on their feet in manoeuvring the community and members of parliament to get to this stage, with all these—

**The Hon. M.J. Atkinson:** We did pretty well, too, didn't we?

**An honourable member:** It's time to retire, Gunny.

**The Hon. M.J. Atkinson:** Did you see the vote then?



**The Hon. G.M. GUNN:** Democracy is people having rights, and I have a right to object to this if I want to, and that is what I am doing. I do not intend to be told by anyone when I am going to retire because I have been elected to this place to express a point of view. Everyone knew my point of view during the election campaign; I made it very clear. I made an issue of this. I am proud to say that I did, and my constituents supported and liked my point of view. Go and ask the blue-collar people, the people who work in the workshops, what they think about it and whose side they are on in this issue. It is not hard to work out.

If the Attorney cannot give us a date in relation to this law coming into effect, why should we allow it to come in? In my view, it should never commence. It is unsatisfactory and unnecessary, and it is certainly doing nothing to enhance the welfare of the next generation of South Australians.

The committee divided on the clause:

AYES (28)

Atkinson, M. J. (teller)	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Chapman, V.A.	Ciccarello, V.
Conlon, P. F.	Evans, I.F.
Fox, C. C.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Kenyon, T. R.	Kerin, R. G.
Lomax-Smith, J. D. t.)	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Redmond, I. M.
Simmons, L. A.	Snelling, J. J.
Stevens, L.	Weatherill, J. W.
White, P. L.	Williams, M. R.

NOES (4)

Goldsworthy, M. R.	Griffiths, S. P.
Gunn, G. M. (teller)	Venning, I. H.

Majority of 24 for the ayes.

Clause thus passed.

Clause 3.

**The Hon. G.M. GUNN:** Clause 3 states that 'in this act, a provision under a heading referring to the amendment of a specified act amends the act so specified'. What I want to know from the Attorney-General is: there is a very significant number of amendments to various acts—

*An honourable member interjecting:*

**The Hon. G.M. GUNN:** I could go on and on. I am just trying to be precise. Can the attorney explain to this committee whether these amendments are all going to come into effect in one hit, or are they going to be gradually brought into operation? Some of them are going to make quite significant changes. So, is there going to be one proclamation or a series of proclamations?

**The Hon. M.J. ATKINSON:** It is my intention to have one proclamation.

Clause passed.

Clause 4 passed.

Clause 5.

**Mr HANNA:** I move:

Pages 12 and 13—Delete the clause and substitute:

5—Substitution of Part 3

Part 3—delete Part 3 and substitute:

Part 3—Domestic partners

11—Interpretation

(1) In this Part—

*close personal relationship* means the relationship between 2 persons (whether or not related by family and irrespective of their gender) who live together as a couple

with a mutual commitment to a shared life, but does not include any such relationship if—

- (a) either of them is married (whether to each other or some other person); or
- (b) either of them is in a de facto relationship (whether with each other or some other person); or
- (c) 1 of them provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind;

*de facto partner*—a person is the de facto partner of another person if—

- (a) he or she lives with the other person as his or her wife or husband de facto; or
- (b) in the case where the 2 persons are of the same sex—he or she and the other person live together as a couple on a genuine domestic basis;

*domestic co-dependant*—see subsection (2);

*domestic co-dependency agreement*—see section 11A;

*domestic partner*—see section 11B;

*lawyer's certificate* means a certificate, signed by a lawyer, and endorsed on a domestic co-dependency agreement, certifying that—

- (a) the lawyer explained to a party to the agreement, named in the certificate, in the absence of the other party to the agreement—
  - (i) the legal implications of the agreement; and
  - (ii) the legal implications of being the domestic co-dependant of another person; and
- (b) the party gave the lawyer apparently credible assurances that the party was not acting under coercion or undue influence; and
- (c) the party signed the agreement in the lawyer's presence.

(2) A person is the *domestic co-dependant* of another if—

- (a) he or she lives with the other in a close personal relationship; and
- (b) he or she and that other person are parties to a domestic co-dependency agreement made under this Part.

11A—Domestic co-dependency agreements

(1) Two adult persons who wish to be recognised under the law of this State as domestic co-dependants may make an agreement to be domestic co-dependants 1 of the other (a *domestic co-dependency agreement*).

Note—

Despite the fact that 2 persons have made a domestic co-dependency agreement, they will not, on a certain date, be recognised under the law of this State as domestic partners 1 of the other unless they are, on that date, living together in a close personal relationship and—

- (a) they have so lived together for the period specified in section 11B; or
- (b) a declaration has been made under section 11C.

(2) A domestic co-dependency agreement must be—

- (a) in writing; and
- (b) signed by each party to the agreement in accordance with this section.

(3) The signature of each party to a domestic co-dependency agreement must be attested by a lawyer's certificate and each certificate must be given by a different lawyer.

11B—Domestic partners

A person is, on a certain date, the *domestic partner* of another if he or she is, on that date, living with the other person as the person's de facto partner or domestic co-dependant and—

- (a) he or she—
  - (i) has so lived with that other person continuously for the period of 3 years immediately preceding that date; or
  - (ii) has during the period of 4 years immediately preceding that date so lived with that other person for periods aggregating not less than 3 years; or

- (b) a child, of which he or she and the other person are the parents, has been born (whether or not the child is still living at that date).

11C—Declaration as to domestic partners

(1) A person whose rights or obligations depend on whether—

- (a) he or she and another person; or  
(b) 2 other persons,

were, on a certain date, domestic partners 1 of the other may apply to the Court for a declaration under this section.

(2) If, on an application, the Court is satisfied that—

- (a) the persons in relation to whom the declaration is sought were, on the date in question, domestic partners within the meaning of section 11B; or  
(b) in any other case—

- (i) the persons in relation to whom the declaration is sought were, on the date in question, living together as wife and husband de facto, or as a couple on a genuine domestic basis or in a close personal relationship; and  
(ii) the interests of justice require that such a declaration be made,

the Court must declare that the persons were, on the date in question, domestic partners 1 of the other.

(3) When considering whether to make a declaration under this section, the Court must take into account all of the circumstances of the relationship between the persons in relation to whom the declaration is sought, including any 1 or more of the following matters as may be relevant in a particular case:

- (a) the duration of the relationship;  
(b) the nature and extent of common residence;  
(c) whether or not a sexual relationship exists, or has existed;  
(d) whether or not the parties have made a domestic co-dependency agreement;  
(e) the degree of financial dependence and interdependence, or arrangements for financial support between the parties;  
(f) the ownership, use or acquisition of property;  
(g) the degree of mutual commitment to a shared life;  
(h) the care and support of children;  
(i) the performance of household duties;  
(j) the reputation and public aspects of the relationship.

(4) A declaration may be made—

- (a) whether or not 1 or both of the persons in relation to whom the declaration is sought are, or ever have been, domiciled in this State; or  
(b) despite the fact that 1 or both of them are dead.

(5) It must not be inferred from the fact that the Court has declared that 2 persons were domestic partners 1 of the other, on a certain date, that they were domestic partners as at any prior or subsequent date.

(6) For the purpose of determining whether a person was, on a certain date, the domestic partner of another, circumstances occurring before or after the commencement of this Part may be taken into account.

The proposed new clause provides for a different definition of 'domestic partners'. It is as close as possible to the government legislation, except for one thing: it provides for an opt-in scheme for those in a non-sexual relationship, rather than the government view which is to rope in everyone, subject to court declaration. To make things easier for everyone, I have included here a device which is known to the law already in the de facto relationships legislation. At the moment, when a heterosexual couple want to make a property arrangement similar to that which a married couple might end up with in the Family Court, they go to a lawyer and sign a certificate that says, 'We want to arrange our affairs in a certain way.' I have a similar certificate to be signed by the close companions. That will not be conclusive in itself, but it will declare to all the world that those people want to have

the benefits and the obligations of this government legislation.

Under this scheme they would still need to go for a court declaration. The reason for this is simple: it is because, whether a homosexual couple, heterosexual couple or just good friends, there is still the requirement, under my amendments, of living together for at least three years, or three years out of the last four. So, they are in no better or worse position than the sexual couples, except that they need to get one of these lawyers' certificates. In other words, they need to get legal advice so that it is clear to each of the people concerned that they are bringing upon themselves significant legal consequences, rather than having the government foist it upon them. So, having signed the certificate, if it became necessary to determine an estate, for example, and therefore one of the couple wanted to confirm that they would have inheritance rights, they would go to the court for a declaration just as in the government bill.

The reason it is necessary to still have a court declaration is that the living together requirement of three years would still need to be satisfied, and that is so for each of those three categories—heterosexual, homosexual or close companions. So, it is as close as possible to the government legislation. It still uses the term 'domestic partners' that gets all the obligations and benefits of all the different acts we are dealing with, whether it be inheritance or rights to make inquiries on the partner's behalf and so on, but it is opt-in, and that is the important thing. We do not want to see the unforeseen consequences which I have suggested in my earlier speech where children might be robbed of an inheritance through a person who lives with grandma or grandpa applying to the court and successfully persuading the court, perhaps without any evidence from anyone else, that in fact they were a couple. So, to avoid those unforeseen consequences it is much better to be opt-in so that people do not get into this without knowing what they are getting into.

**The Hon. M.J. ATKINSON:** I hope that the member for Mitchell will treat the vote on this clause as conclusive so that the bill may be expedited. The bill introduced by the government creates a single category of relationship. The intention is to catch two adults who live together in an enduring personal relationship of mutual affection and support. It matters not whether the relationship is between people of the opposite sex or the same sex. It matters not whether the relationship is sexual. The government believes that enduring relationships of mutual affection and support have much the same consequences and should be recognised in the same manner.

The member for Mitchell sees things differently. He has proposed changes that would create two classes of relationship, namely, de facto relationships and co-dependent relationships. For opposite sex de facto couples and same-sex couples the amendments would make no difference to the effect of the bill. These relationships will be recognised in the same circumstances and will have the same rights and obligations as are already proposed. The changes go to the recognition of so-called co-dependent relationships.

To qualify as co-dependent partners, two people would have to enter into a domestic co-dependency agreement. The domestic co-dependency agreement is, in truth, an opt-in mechanism that allows people to choose whether or not they will be recognised as co-dependent partners. The approach, no doubt, is a response to concerns that the government's bill will capture people who do not expect and do not want to be seen as domestic partners. This concern was first raised by

the Social Development Committee in the context of a previous bill. The fear is that too wide a definition will include almost any two people who live together and who share housework. Conscious of that concern, the government has worked to develop a definition that applies only to couples who live together on a genuine domestic basis. This phrase has been chosen because it is apt to convey a relationship between two people who share their home and their lives. The term is not intended to capture borders or paying guests in the home, nor the occupants of a rooming house, nor the relationship between a centre man and a half forward flank within an Australian Rules team, with due respect to the member for Mitchell.

It is not intended to capture people who share their lodgings without sharing their lives—for example, university students who live in a share house—even though they may contribute to common expenses and share in domestic tasks. The government believes that the definition satisfactorily identifies those who are to be recognised as couples and excludes those who are not. The bill uses an automatic recognition regime for all rather than an opt-in regime, because in this way it creates absolute equality between couples who have a sexual relationship and couples who do not. At the same time, it will not catch two people who are not a couple at all.

As well as disagreeing with the member for Mitchell's principle, the government is concerned about some of the detail of this amendment. The amendment rather curiously seeks to distinguish between those who live together as 'a couple on a genuine domestic basis' and those who live together 'as a couple with mutual commitment to a shared life'. The amendment does not say how these two situations can be told apart, but it will be necessary to do so because, in the case where parties are of the same sex, these two categories are mutually exclusive under the amendment. If two people of the same sex live together as a couple on a genuine domestic basis, then they are de facto partners. If the two people are de facto partners, then they cannot be in a close personal relationship. If that is so, they cannot make a domestic co-dependency agreement. This could pose some problems for lawyers who are asked to certify these agreements.

*Members interjecting:*

**The Hon. M.J. ATKINSON:** If members opposite are confused, they ought to ask the member for Mitchell, whose amendment it is. It is also worth pointing out that the amendment will allow two people to be declared to be co-dependents, even though they have not made an agreement in the discretion of the court. The court will be able to override the requirement for an agreement under proposed clause 11C(2)(b) if it finds the interests of justice so require. That would seem to undermine the apparent intention to recognise these relationships only where both parties have agreed to legal recognition. It will mean that, even in a case where the parties discussed the matter and decided against making an agreement, should they later separate or should one of them die, a property claim will be open if the other can persuade the court that a declaration would be just.

So, the government opposes this amendment. The government has designed its bill to embody the principle that de facto partners and domestic co-dependents should be treated the same. The government understands that this is what both groups wish.

**Mrs REDMOND:** I rise to indicate that I support this amendment, bearing in mind I support it on my own account

because it is a conscience vote for those on the Liberal side of the house. I thank the member for Mitchell for bringing in this amendment because it goes to the very nub of the problems I was talking about last night when I made my second reading contribution on this bill. I think it is quite clear from the way this bill has been structured that the difficulty that both the member for Mitchell and I have with it has nothing to do with recognition of same-sex relationships. It is this all-inclusive grab at everybody else, and the difficulty that that creates will, I suspect, lead to a situation where people who have no intention of forming a relationship and being classified will have to protect themselves by going to lawyers and entering into agreements, and incurring expense and a lot of bother, when they have not been intending to do anything.

It seems to me to be far more equitable to say well, the people who want to be in the relationship are the ones who should have to go to all that bother to register. In my view it would be pretty simple to have it so that you could simply register. But, in spite of the assurances given by the Attorney in his reply to the second reading, I know when I look at subsection (3) of 11B—Declaration as to domestic partners, when considering whether to make a declaration under the section the court has to take in various things. I know of more than one instance, just off the top of my head, of people who would come within all of those indicia from (a) to (i), but who have no intention of forming a relationship of domestic partnership giving rise to legal entitlements one against the other.

Therein is the nub of the problem. As I said, it seems to me much more reasonable to make it an opt-in provision. I indicated last night my firm view that it does not in any way discriminate. Once people are in, they are treated in exactly the same way; it is just that you are not putting into that particular group people who do not want to be there and who then have to take legal proceedings, or legal advice at the very least, to opt out of it. It seems to me we would reach a far better outcome for everyone if we changed to the situation proposed by the member for Mitchell, wherein people are able to opt in in quite a straightforward way and, other than that, as the member for Mitchell indicated, the bill remains basically untouched. All the same acts are amended, and it is a much more straightforward way of reaching a reasonable outcome for all the people involved.

**Mr HANNA:** I thank the Attorney because, in my view, he began with a fair and accurate assessment of my amendments, and I appreciate he has reiterated the intention of the government amendments. It comes down to this, that there is ground for differentiating between sexual and non-sexual couples. There actually is a big difference; there is a big difference in community expectations. If people are sexual couples you would expect, if they have been living together for a long time, sharing their lives together, that there will be a merging of property interests, etc. I think that is pretty well expected. Certainly it is for de facto heterosexual couples at present. But that is not the case for good friends who live together who are not sexual couples. So there is ground for a slight differentiation between the two.

The important principle we are voting on now is whether we want to have people opting in or not, whether they are to be caught, whether they want it or not, or whether it must be something they volunteer to do. Not only volunteer to do, but get legal advice to ensure that they know what they are buying into. I think it is a safety guard for the community. I gave the example of an elderly couple where one of them

dies, the children are expecting to inherit, there is no will in this example, and it is important that there is not suddenly out of the blue a claimed relationship on the basis that these two were very close, and so on. If the requirement is that they have to have signed a certificate together, and then they go along to court and show that they have been living together for more than three years and they have the certificate, then they get the declaration. If they have not got the certificate, no-one can make it up after the event and say, 'Actually, we were a couple,' and that is the problem with the government proposal. So it is a safety clause, especially for those who would seek to inherit from their parents' estate.

**The Hon. G.M. GUNN:** I ask the Attorney, in response to his opposition to the member for Mitchell's amendment: what is the difference with the current arrangements where a man and a woman who get married can enter into a premarriage agreement in relation to property? That is the law, as I understand it, of this country, and that is all the member for Mitchell is asking. Why is there the difference? We are getting a lot of legal advice down at the front bench now. It seems to me to be a contradiction that if it is good enough for one set of circumstances—and the Attorney has gone to great length to say how he wants to treat everyone the same, so here is his opportunity. I look forward to his response.

**The Hon. M.J. ATKINSON:** I refer the member for Stuart to clause 77. We make provision as he would want us to.

**Mrs REDMOND:** I have a question about the terminology in the clause, and perhaps I could ask the member for Mitchell—or the Attorney, if someone can explain. In the definition in the current bill, the reference to 'close personal relationship' refers to 'a couple who live together on a genuine domestic basis, but does not include: (a) the relationship between a legally married couple'. In the amendment proposed by the member for Mitchell, he has put '(a) either of them is married, whether to each other or some other person.'

I am puzzled as to why it has been worded that way instead of reflecting the government definition on that particular line. Could the honourable member explain the effect of that? It suggests to me that it would mean that if two people are married, they separate and each of them goes off to live with another person but do not actually divorce, then the relationships into which they enter with those other people could never be caught by the definition, notwithstanding that they could be in that relationship for years and have all the other indicia of a close personal relationship. I am puzzled as to why that wording is there.

**Mr HANNA:** That is a fair point. I am assuming that, if this is passed, it is a refinement that might be looked at in the upper house. One must bear in mind that if a couple is married and they separate and start another relationship, they are leaving themselves very much at risk when it comes to inheritance in the absence of a will.

*Mrs Redmond interjecting:*

**Mr HANNA:** Indeed, even in the presence of a will. The way this is drafted, it is suggesting that there is a complete separation between the marriage relationship and the co-dependent relationship. I thought it would appeal to some members because it underlines the absolute separation between a marriage relationship and this type of relationship. That is the best explanation I can give. If we can agree on this in principle—that it should be an opt-in provision—it is something that might be looked at again in the upper house.

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

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

**The Hon. I.F. EVANS:** In relation to the co-dependency principle, with whom did you consult or seek advice about the opt-in or opt-out principle? We know there is a strong gay lobby—the 'Let's get equal' campaign—with whom you would have consulted. Because this co-dependency concept is relatively new to parliament, particularly South Australia, I am wondering with whom you consulted to get feedback as to the practicality of what you are proposing as distinct from what the member for Mitchell is proposing. My concern relates to the amendments. In the second reading explanation you say that the recognition proposed by the bill is automatic. It is not an opt-in regime. In the sentence before that you say that if people now living in such relationships have any concern about this, they need to seek legal advice without delay.

I am not sure how many co-dependants have read your second reading explanation or whether they even realise they might be in a co-dependent relationship and need to read your second reading explanation and seek advice. I believe that the opt-in and opt-out principle is quite fundamental. I have serious concerns about the impact of the principle you put forward in your bill, as distinct from the member for Mitchell's amendment for the very reasons he outlines. If the government is so concerned about or aware of the impact of the bill on co-dependants that the minister said in the second reading explanation they should get legal advice without delay—certainly there has been no press release or public advertisement to that effect—it concerns me that we are about to impose on a set of relationships, without a lobby group of any organised structure, a set of obligations and responsibilities of which that group will be totally unaware. This bill will be rushed through tonight, or it will be completed tonight—

**The Hon. M.J. Atkinson:** Not if you get your way.

**The Hon. I.F. EVANS:** Well, you are putting words in my mouth, as you usually do—and you are usually wrong.

**The Hon. M.J. Atkinson:** The state can see what you are doing.

**The Hon. I.F. EVANS:** You just extended past 6 p.m., not me, you idiot! It was your motion. You extended past 6 p.m., not me.

**The Hon. M.J. ATKINSON:** I ask that the member for Davenport withdraw.

**The Hon. I.F. EVANS:** I always thought truth was a defence, but if the word 'idiot' offends the Attorney-General I will withdraw it. I voted for the second reading; I went over there for two divisions.

**The Hon. M.J. Atkinson:** I know what you are trying to do.

**The Hon. I.F. EVANS:** I have spoken to parliamentary counsel about this, so do not underestimate my genuine interest in this matter. I accept totally that those people involved in the 'Let's get equal' campaign and the gay community generally are aware. Gay people have lobbied me on both sides of the argument—some wanting it and some not wanting it. I do not think those people who are living in what are potentially co-dependency relationships have any idea of what is happening to them.

My real concern with this bill is the principle that the member for Mitchell outlines: that we are about to impose on a group of people a set of rights and obligations that they

have no idea is coming their way. I think the parliament is uninformed on their view, since it is almost impossible to have consulted them, because I do not think anyone out there knows whether they are in a codependent relationship or not, because I do not think the parliament is absolutely clear what it means by a codependent relationship. I support the proposal of opt-in, because to me it offers the protection that those people will go and get advice, not on the back of a second reading explanation but on the back of a decision that they actually want to accept those rights and obligations. They actually want to accept them and not have them imposed. So, this principle is fundamental to me in the bill.

**The Hon. M.J. Atkinson:** It became so just recently.

**The Hon. I.F. EVANS:** Go and ask your advisers, Attorney, when I spoke to them, and you will find that what you are saying is rubbish. I want to know how the government consulted. Let us inform the parliament how the government consulted the co-dependent community.

**Mr Hanna:** I've never met one myself.

**The Hon. I.F. EVANS:** I'm with the member for Mitchell: in all my 13 years, I have never had someone come in and say, 'I'm a co-dependant.' That relationship has never existed. What we are essentially doing here is creating a new form of relationship that does not have a lobby group. We are saying to a group of people, 'We're going to impose rights and responsibilities on your life and your property.' I accept that, but this lobby group has been active, it is a conscious decision. They have lobbied, and the opt-in—

**The Hon. M.J. Atkinson:** I was pointing to the clock.

**The Hon. I.F. EVANS:** I've got all night: this is an important principle of law. The Attorney can legislate by clock if he wishes. I have all night. All I am saying is—

**The Hon. M.J. Atkinson:** You promised to do this, and now you are.

**The Hon. I.F. EVANS:** That is just untrue. Anyway, I think I have made my point. I want to know who the Attorney consulted as far the co-dependent side is concerned.

**The Hon. M.J. ATKINSON:** The principle of this bill has been consulted on for four years. Its one of the most consulted-on bills in the history of this parliament. Indeed, the Liberal Party screamed as one that it would not support same-sex rights unless co-dependants were included as well. Indeed, we have the man who led the Liberal Party chorus in the house today watching this. The Liberal Party referred it to the Social Development Committee—

**The Hon. R.G. KERIN:** On a point of order, I would like to point out—

**The Hon. M.J. Atkinson:** That you disagree with me.

**The Hon. R.G. KERIN:** That I totally disagree with the Attorney because of the fact that it is a conscience vote. We allow conscience votes on this side, not like you guys.

**The CHAIR:** There is no point of order.

**The Hon. M.J. ATKINSON:** And he knows that it is not a point of order. Under pressure from the Liberal Party the bill, which was on track in 2004, was referred to the Social Development Committee and came back with a recommendation that co-dependants be included. Now the Liberal Party members are excoriating us for doing what they asked. The Liberal Party members know that, by agreement, we have till 6.15 to deal with this, and now members opposite are coming in and doing what they promised to do: that is, hold it up. If members opposite do not agree with the principle, just vote against it.

**The Hon. R.G. KERIN:** The opt-in opt-out is pretty vital to this. The Attorney just told the house, using rubbery

language again, that there had been four years of consultation on co-dependants. That is what the Attorney just said. He then came back and said that in 2004 we raised the issue of co-dependants. I cannot see that there has been four years of consultation in two years. I know that the Attorney is pretty clever, but I do not think that he is that clever. What the member for Mitchell is putting forward, I think, is a very good safeguard on intent, and I will put a case study to the Attorney on whether or not he feels that his definition covers every situation. I will put one that is pretty common. It is very common for country kids to come to the city and stay with, say, an old aunt for four years while they go to university. This is not in a paid boarding situation—

**The Hon. M.J. Atkinson:** Read the bill.

**The Hon. R.G. KERIN:** I am asking you the question. If at the end the aunty dies, what claim does that niece have if there has been no payment of board in the meantime and is the Attorney certain without an opt-in that the interests of the aunt's intent are well covered?

**The Hon. M.J. ATKINSON:** The niece has no claim. It is a question of whether they are a couple in fact and in appearance to society.

**Mr WILLIAMS:** I do not have a question but I want to make a couple of remarks, and I probably would not have done this apart from the attitude of the Attorney, who is now accusing members of wasting the time of the committee. The Attorney continues to try to put publicly other members' position on the record. I would not have bothered but, because of the Attorney's attitude, I am going to make sure that I put my position on the record, because of his wont to misrepresent people. I said in the house last evening that I wanted to see the member for Mitchell's amendment but that I would support the fundamental behind this. I want to explain my position, because I do not want my electors being told some cocked up, bunkum story from the Attorney about what I think about this matter. If it were not for the Attorney's attitude, I would not be taking up the committee's time.

*Members interjecting:*

**The CHAIR:** Order!

**Mr WILLIAMS:** I do not mind saying that I find the lifestyles that some people live incredible. I do not encourage it but I know what happens out there and I am quite happy for people to live whatever sort of life they want, but I certainly do not want to make it compulsory. However, I also do not want the state to discriminate against people.

I have always thought that if people want to live in a relationship outside of marriage, whether or not they are of the same sex, they can arrange their affairs in a legal manner to suit their situation. So for the transfer of property or guardianship, all those sorts of things, they can do that. This law, as it is presented, indicates to me just how complicated it would be for someone to cover the whole gamut of things they may need to do to set up their affairs.

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

**Mr WILLIAMS:** You are wasting more of the committee's time, Attorney. That is why I was persuaded by the former member for Hartley to go through this process and set it up so that people can live in a co-dependent relationship without having to go through a whole lot of legal hassles to set up their property rights as well as the other obligations and responsibilities they might have to each other, without having to go through a whole host of legal networks at great cost. However, as the leader has just said, this will be foisted on a whole heap of people, most likely without their know-

ledge, who will actually have to take some action to escape—and I think that is wrong.

I am more than happy to support the principle the bill seeks to establish; I do not have a problem with that. It has nothing to do with sexuality or with religion of any type; it is just a fundamental principle. I think the member for Mitchell gave an option that people like myself could support: to establish the principle that will provide those groups in the community who want this with everything they want, but also to protect all those other people in the community. The Attorney sits there and tells us that they will not be captured. He has great faith in our courts if he thinks—

**The Hon. M.J. Atkinson:** I do have great faith.

**Mr WILLIAMS:**—that no-one will unintentionally be captured by this, because I can tell him that I have somewhat less faith in our courts—and I think he has less faith in our courts than he just expressed as well, because he said so in the house the other day with regard to the High Court of Australia. So, Attorney, your faith in our courts is not absolute either; nor is mine. I think the parliament needs to be very careful about the way it frames the law, because I have seen many occasions when the court's interpretation did not necessarily reflect what I believed was parliament's intent.

I think the member for Frome used the word 'safeguard' in regard to the member for Mitchell's amendment, and I think it gives us the opportunity to get almost unanimous support for this measure. I call on the Attorney to consider that, because he would get almost unanimous support for the principle.

**The Hon. M.J. ATKINSON:** If one looks at the Festival of Light survey for candidates for parliament in 2002, one will see that question 7 was, 'Would the candidate support any recognition whatsoever of homosexual rights?' The member for MacKillop, who was just speaking, got 10 out of 10 for his answer to that—he said that, no, he would not support any recognition of homosexual rights whatsoever. That is why he has been speaking for the last 10 minutes, so that this proposition cannot go through this house tonight and get to the other place to become law by Christmas.

**Mrs REDMOND:** I have been sitting here for some time listening to the Attorney, and I am still highly offended by the comment he made earlier. I do not have the exact *Hansard* report, of course, but it was to the effect that the Liberal Party yelled as one for this matter to be referred to the Social Development Committee. I take that as a personal affront, because at no time have I ever resiled from supporting the same-sex relationships bill—and I have made that point very clearly and very publicly on the record every chance I have had.

Indeed, the only chance I had to speak on this when it was before the house on the last occasion, it almost got to the point where we continued the hearings of a committee to delay this house so that it could continue to debate this bill, which then was called the same sex relationships bill, and finalise it during the last parliament. Unless the Attorney withdraws and apologises, I intend to move a motion to the effect that the Attorney has misled the house, because it is clearly not true, and that will delay this proceeding. I am here because I want this to get through.

**The Hon. M.J. Atkinson:** No, you're not.

**Mrs REDMOND:** Again, I find the—

**The Hon. R.G. Kerin:** She wants it through more than you do. You don't want it through. You play games.

**The Hon. M.J. Atkinson:** It's not about you, Isobel; it's about people's rights.

**Mrs REDMOND:** I think I have made my point, Madam Chair. I want a withdrawal and an apology for the suggestion by the Attorney that this was in any way one shout by the Liberal Party when it has been placed on the record on numerous occasions that this is a conscience vote, when other members, and I in particular, have made it clear on many occasions that we support same-sex relationships rights and have done so at every opportunity.

**The CHAIR:** Member for Heysen, I think the record has been corrected from your point of view. The point that we have to consider is the amendment moved by the member for Mitchell.

**Mrs REDMOND:** In that case, I will have to move the motion as a substantive motion, unless the Attorney apologises and withdraws that comment.

**The CHAIR:** Member for Heysen, can I just point out to the house that we are in committee. There is a question before the chair, and that is what we have to deal with.

**Mrs REDMOND:** I indicate that, if it is not withdrawn and I do not get an apology, this house will be delayed while we deal with this—

**The Hon. M.J. Atkinson:** Yes; as you always intended.

**Mrs REDMOND:** If the Attorney continues to incite the debate in this way and to inflame the situation rather than withdrawing and apologising, he will get a great deal of delay, and we will sit here all night if necessary. I accept what you say, Madam Chair, that we are in committee and that we will deal with this question, but as soon as that has been dealt with, I will want to go back and have the house deal with my substantive motion, unless the Attorney is prepared to withdraw and apologise for comments which are clearly untrue.

**The Hon. M.J. ATKINSON:** Madam Chair, the *Hansard* record of the other place will show that it was a Liberal Party initiative and Liberal Party votes that put the bill before the Social Development Committee. Since the member for Heysen is not a member of the other place, I am not imputing that action to her.

**Mr RAU:** I think we need to bear a couple of things in mind at this point, not least of which is the fact that there are members of the public in the audience who have been listening to this and must be scratching their heads wondering why it is that adult people, who are members of the parliament, have moved from the focus of this matter, which is a—

*Mrs Redmond interjecting:*

**Mr RAU:** Please, you've had your go. It is a genuine and serious question, which has been fully articulated by the member for Mitchell, it has received consideration and the Attorney has responded to it, and other members have addressed the points he has made. Instead of dealing with that, this has degenerated into something which is unseemly, finger pointing, waving, and so on. I think everybody needs to have a Bex and a lie down right now. We need to understand that there is a proposition before the committee. Everybody understands what the proposition is. The member for Mitchell is saying that it should be an opt-in provision; the Attorney is saying that it should be an opt-out provision. Everybody understands exactly what is going on. I do not think there is any ambiguity about that point, and who said what five years ago and who didn't go here and who didn't go there—who cares?

**Mrs Redmond:** I do.

**Mr RAU:** Well, that's being clarified. I suggest that, now that everyone knows what is going on, we put it to a vote. If those people who happen to agree with the member for Mitchell succeed, good. If they do not, they still have an opportunity in another place to raise this matter and we will see it come back eventually if that is what happens.

The committee divided on the amendment:

AYES (8)

Evans, I. F.	Griffiths, S. P.
Gunn, G. M.	Hanna, K. (teller)
Kerin, R. G.	Redmond, I. M.
Venning, I. H.	Williams, M. R.

NOES (21)

Atkinson, M. J. (teller)	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Chapman, V. A.	Ciccarello, V.
Fox, C. C.	Geraghty, R. K.
Goldsworthy, R. M.	Hill, J. D.
Lomax-Smith, J. D.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Simmons, L. A.
Snelling, J. J.	Weatherill, J. W.
White, P. L.	

Majority of 13 for the noes.

Amendment thus negatived.

**Mr HANNA:** I indicate that the balance of my amendments are consequential, and I will not be proceeding with them.

**Mr WILLIAMS:** I took a few minutes of the committee's time a little while ago to explain my position, because the Attorney keeps misrepresenting people. Once more, I have to stand and explain my position, because no sooner did I sit down than the Attorney set out to misrepresent me again. I said to the house at the time that I fully supported the principle we are trying to establish—that people can decide if they form a relationship. It has nothing to do with sexuality. In my mind, I accept this. As I said, having been counselled by the former member for Hartley, he convinced me that the principle, aside from sexuality, was one that I could accept. That is the point I made. Then you stood and brought in what you called 'evidence' on a completely different matter—my attitude to sexuality. I do not deny—

**The Hon. M.J. Atkinson:** Question 7; anyone can look it up.

**Mr WILLIAMS:** They can. I am not denying it. It has nothing to do with the principle we are debating. Once again, I want to correct the record. In fact, in the house the other night you tried to suggest that I had filled out a particular survey at the last election. When you looked through the records, you found that what I had said was correct, but you did not inform the house of that. What I said was that I had not filled out the Festival of Light form prior to the last election.

**The Hon. M.J. Atkinson:** No; the election before.

**Mr WILLIAMS:** Yes, but you have changed between what you first accused me of doing and the evidence you brought to the house later. You change the statements to suit yourself all the time, and you try to misrepresent people. I have a great deal of sympathy for my colleague the member for Heysen because of what you have done to her, Attorney.

So, I want to establish firmly that I accept the principle. To my mind, in doing so, it has nothing to do with sexuality. I know that you are struggling in your mind over that point,

and I happen to know that you are trying to bait members of the opposition. You would love us to talk until midnight. At some stage, your colleagues would say, 'We're going home,' and then you would try to blame us, but you are the person who has been dragging the chain on this for years. You are trying to blame us. Get on with it, get on with the matter before the committee. You will get your bill, and you will live with it and your conscience.

Clause passed.

Clauses 6 to 134 passed.

Clause 135.

**Mrs REDMOND:** I want to ask a question in relation to part 48, an amendment to the Judges' Pensions Act, which commences at clause 132 but, in particular, in relation to clause 135, which deals with the nature of who will get a benefit. The question concerns the comparison between what happens under the Judges' Pensions Act, where, in the case of judges, the spouse or the domestic partner is the beneficiary of the change, and clauses 159 and 160, which deal with the amendment of the Parliamentary Superannuation Act. It appears that in that case, in terms of the superannuation of members of parliament, it is the spouse or the putative spouse. I do not understand why, in the case of judges, superannuation benefits will be available to a spouse or domestic partner, whereas in the case of members of parliament superannuation benefits will be available for a spouse or putative spouse. Could the Attorney explain the difference?

**The Hon. M.J. Atkinson:** The member for Heysen rightly, I think, made much of the bill's different treatment of domestic partners of deceased judges and governors compared with the domestic partners of parliamentarians and public servants. It is quite true that the bill would extend death benefit entitlements automatically to the partners of judges and governors who will be treated equally with spouses, but in the case of partners or public servants—other than defacto partners—inheritance will occur only where there is no spouse or child of the deceased. The government thinks that the number of judges or governors who will die leaving domestic partners other than de facto partners will be small or zero. Hitherto, the great majority of our judges and governors have been married, widowed or single people. The cost of the changes to these acts is thought likely to be small enough that it ought to be absorbed.

**Mrs REDMOND:** I am not concerned so much about the cost as the principle involved. There seems to me to be no rational basis for saying that one group of people will have the recognition of spouse or putative spouse, whilst another select group will have the recognition of 'spouse' or that much broader group of 'domestic partner'. Is there no principle involved in this government's legislation on that point?

**The Hon. M.J. Atkinson:** Cost is never important to the opposition, but it is important to the government.

**Mrs REDMOND:** I take it that that is a no and that no principle is involved.

**The Hon. I.F. Evans:** Did the government take any advice on costings if it was applied to the parliamentary scheme and/or the Public Service scheme and, if so, what was the advice?

**The Hon. M.J. Atkinson:** Yes, we ran it by Treasury. It would potentially be an open-ended risk to the taxpayer.

**The Hon. I.F. Evans:** What is the cost to apply it to the judges if not open-ended?

**The Hon. M.J. ATKINSON:** If the honourable member were listening earlier, I said that we think the cost will be zero.

**The Hon. I.F. EVANS:** The Attorney's position is that the government is passing a law for the judges which will not be used. That is the only way the costs can be zero. Did the Attorney take advice on cost as he did with Treasury for parliamentarians and public servants? Did the Attorney take advice from Treasury on the likely cost under the judges' scheme because, clearly, if it is there the law will be used?

**The Hon. M.J. ATKINSON:** We spoke to Treasury, and the advice was that the cost was zero or virtually nothing. We are not going to enter into open-ended liabilities to make the opposition happy.

**The Hon. I.F. EVANS:** Could the Attorney clarify for me how many judges in South Australia would be covered by that clause?

**The Hon. M.J. ATKINSON:** The number of judges in South Australia is a matter readily available to the Leader of the Opposition. However, as he does not know, I will tell him. There are about 18 or 19 District Court judges, 14 Supreme Court judges and one Governor.

**The Hon. I.F. EVANS:** Is it not right that, if one adds up the number of judges and retired judges covered, it would be roughly the same as the number of politicians? There are only 69 of us. I do not see how the costings will be a lot different. I do not understand how a government bill about equalising rights within the legislation gives different rights. The very same bill gives a different right. Why is it that, as a politician, my co-dependent gets a lesser right than a judge's co-dependent. It makes no sense to me if you are bringing a bill before the house to equalise rights. Can you imagine saying to the lobby groups that have lobbied for this bill, 'We are not going to introduce the right because of cost'? That is what you are saying to this group. The only reason that your co-dependant misses out is that of cost. No other lobby group on this bill has been given that reason.

Clause passed.

Remaining clauses (136 to 228), and title passed.

Bill reported without amendment.

Bill read a third time and passed.

#### MATTER OF PRIVILEGE

**Mrs REDMOND (Heysen):** I rise on a matter of privilege. I wish to move a motion that the Attorney-General has misled the House of Assembly in stating that the Liberal Party, as one, yelled for 'this matter'—referring to the same-sex relationships bill—'be referred to the Social Development Committee', or words to that effect, during the debate on the Statutes Amendment (Domestic Partners) Bill 2006.

**The DEPUTY SPEAKER:** Member for Heysen, you can only give notice of a motion, but you may not do that without suspending standing orders.

#### STANDING ORDERS SUSPENSION

**Mrs REDMOND (Heysen):** In that case, Madam Deputy Speaker, I move:

That standing orders be so far suspended as to enable me to give notice of motion.

*Members interjecting:*

**The Hon. M.J. ATKINSON:** I take a point of order. I ask the member for Heysen to withdraw the words 'I am going to keep the house here because he is such a dick.'

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I was on my feet. An absolute majority of the house not being present, ring the bells.

*An absolute majority of the whole number of members being present:*

**The SPEAKER:** Does the member for Heysen wish to speak to the motion to suspend standing orders?

**Mrs REDMOND:** I did not think that I was able to speak to the motion, but I want to impress upon the house that this has all come about as a result of agitation by the Attorney-General, and the motion is directed against the Attorney-General who I believe has misled the house. My intention to suspend standing orders is to enable me to put a motion to that effect to the house to be considered forthwith, on the basis that the Attorney has made a habit—it is a longstanding habit that he seems to have trouble breaking, but particularly in the last couple of hours—of misstating a situation in relation to any number of matters. He has misstated the position as to my or other people's views on issues, but on this occasion he has so misstated my position on the matter—

**The SPEAKER:** Sorry, there are a couple of things about which I need to speak to the member for Heysen. First, my understanding is that the honourable member has asked for standing orders to be suspended so as to give notice of a motion.

**Mrs REDMOND:** Yes.

**The SPEAKER:** That does not mean that you can move the motion forthwith. It means that you put it on the *Notice Paper*. Is that what you want to do?

**Mrs REDMOND:** I was explaining to the house why I wanted to suspend standing orders to be able to give that notice.

**The SPEAKER:** In speaking to the suspension, you cannot then go on to speak to the substantive motion. In other words, you cannot pre-empt the debate on the motion that you want to move. Is there anything you have to add on the suspension? Why you want to do it now?

**Mrs REDMOND:** No, only to say, sir, that the reason I want to do it now is that the Attorney has unnecessarily delayed the passage of the bill which was before the house, and I think it is appropriate for us to deal with the matters that were raised by him at the present time. For that reason, I want to put the whole thing to bed tonight and, to that end, I seek the suspension of standing orders so that I can give notice of the motion I wish to move.

**The SPEAKER:** I am just trying to ensure that the member for Heysen is clear about what she is doing. By giving notice, that does not mean that the motion will be dealt with tonight. Do any other members want to speak to the motion? The question is that standing orders be so far suspended as to enable the member for Heysen to put a motion on notice. Those in favour of the suspension say 'aye'. Those against the motion say 'no'. There being dissenting voices, there must be a division.

The house divided on the motion:

AYES (8)

Chapman, V. A.	Evans, I. F.
Goldsworthy, M. R.	Griffiths, S. P.
Kerin, R. G.	Redmond, I. M. (teller)
Venning, I. H.	Williams, M. R.

NOES (19)

Atkinson, M. J. (teller)	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Fox, C. C.	Geraghty, R. K.



## NOES (cont.)

Hanna, K.	Hill, J. D.
Lomax-Smith, J. D.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Simmons, L. A.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	

Majority of 11 for the noes.

Motion thus negatived.

**MEMBER'S REMARKS**

**Mrs REDMOND (Heysen):** I seek leave to make a personal explanation.

Leave granted.

**Mrs REDMOND:** We are now at 10 to seven on a matter that should have kept us in this chamber no later than a couple of minutes after six. The explanation for that relates to the Attorney-General and the manner in which he conducts himself in this chamber. After 4½ years of being in this chamber, I am quite used to—

**The SPEAKER:** Order! That is not an explanation. A personal explanation is not an opportunity for a member to criticise the behaviour of another member. The member has to explain that somehow she has been misrepresented, say what the misrepresentation is, and explain why it is not true.

*An honourable member interjecting:*

**Mrs REDMOND:** I heard that.

**The SPEAKER:** The member for Heysen.

**Mrs REDMOND:** The member for Bright seems to think I should sit down and shut up.

*Members interjecting:*

**The SPEAKER:** Order! If the member for Heysen has an explanation, I encourage her to go ahead and make it.

**Mrs REDMOND:** I do, sir. What I am aggrieved about, sir, and the way in which I have been—

*Members interjecting:*

**The SPEAKER:** Order!

**Mrs REDMOND:** The way in which I have been misrepresented is the point I was just coming to, and I am sorry, sir, if I did not get to it quickly enough when I first

started. It is the Attorney-General who has misrepresented me in saying to this house, during the debate on the second reading of the domestic partnerships bill—and I cannot recall the exact words, but it was words to the following effect—that the Liberal Party as one yelled or chorused for the bill to be referred to the Social Development Committee. That is a clear misrepresentation of the position I have taken throughout the debate and through 4½ years in this chamber on every issue that has come up for same-sex relationships. I have made it clear on every occasion that I have supported the recognition of same-sex relationships, and I have done so publicly and also on the record of this house, and I have done so in committees and in publications. I have done so at every opportunity, yet the Attorney has insisted on a number of occasions on asserting that I and members on this side are in some way trying to thwart legislation going through this house and trying to prevent its passage in a timely manner when, in fact, the only delay caused in this house this evening was by virtue of the Attorney's behaviour.

**The SPEAKER:** Order! I think the member is now going beyond personal explanation.

**Mrs REDMOND:** The Attorney has offended me. He declined to withdraw and apologise for his comment, which I asked him to do as soon as I had an opportunity during the debate. In fact, he then reiterated comments and made similar comments again.

**The Hon. M.J. Atkinson:** No.

**The SPEAKER:** Order! The Attorney-General will remain silent. I think the member for Heysen has made her point, which is that the Attorney-General said something—

**Mrs REDMOND:** Which was untrue, sir.

**The SPEAKER:**—which she believes to be untrue. She has put on the record the reasons she thinks it is untrue. I think the member has made her point. The Attorney-General.

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

That the house do now adjourn.

—if that would cause no offence.

**ADJOURNMENT**

At 6.54 p.m. the house adjourned until Tuesday 5 December at 2 p.m.