HOUSE OF ASSEMBLY

Thursday 7 December 2006

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

BELAIR NURSERY

The Hon. S.W. KEY (Ashford): I move:

That the house acknowledges the important and historical significance of State Flora's Belair Nursery's 120th anniversary.

On Saturday 21 October and Sunday 22 October, State Flora celebrated an important and historically significant anniversary: the Belair Nursery's 120 years of continuous operation. The weekend was a great success and enjoyed by over 3 000 South Australians, a testament to the hard work and commitment by all the State Flora staff involved in two years of planning and preparation. For 120 years, the Belair Nursery has been a very special place for so many South Australians. You might say that my family has certainly benefited from the Belair Nursery, as has my garden.

From the early days of propagating radiata pines to the establishment of South Australia's forestry plantation, to the members of the community who visit Belair Nursery today to select from South Australia's largest range of Australian native plants, whether it is for revegetation projects or to establish a water-saving garden, the Belair Nursery offers a diverse range of reliable native plants, with the support of the nursery's professional staff who are well renowned for offering customers expert advice and assistance. All South Australians were invited to enjoy in celebrating this special weekend by taking pleasure in the interesting, informative and entertaining events, including jazz, bush poets, food and wine, information stalls, presentations, talks, face painting and a bouncy castle for the children.

Rabecca Darlington, Project Officer, State Flora 120, with an enormous amount of support from the dedicated Murray Bridge and Belair State Flora staff, organised and coordinated the event. I would urge members of this house to take a leisurely drive this weekend and spend some time looking at the improvements and browse the outstanding range of plant species, books and gardening accessories—a very good place, I might add, to buy Christmas presents—and, most importantly, take advantage of the expert information and service from the professionally trained staff, which makes the Belair Nursery a unique and great state asset. It is interesting to note that Belair Nursery has been promoting revegetation for 120 years. From the Belair Nursery's conception, seedlings were propagated not only in the state forest reserves but also for state revegetation.

The Belair Nursery provided distribution of seedlings to rural land-holders as part of the government program to encourage tree planting in the colony. In 1988, Belair Nursery raised 55 451 seedlings (mostly eucalyptus) to be planted across the state. Also in 1886, 208 acres (which was originally the Government Farm Belair) was gazetted as the Belair Forest Reserve. Within this reserve, 4.2 hectares was set aside for the Belair Nursery, which was established by the woods and forests department. In 1891, the Belair Forest Reserve was dedicated as a national park, but the Belair Nursery remained under the auspices of the woods and forests department and has operated continuously from the same site since. This provided a unique setting for the nursery, surrounded by a serene, natural environment for continuing propagation.

In the mid-1970s, a new woods and forests nursery was established at Murray Bridge, with a modern propagation facility. So after 90 years of production at the Belair site, propagation was shifted to the Murray Bridge site, where nearly all State Flora plants are grown today. In 1925 Belair propagated 123 000 plants; 200 000 in 1974 in its final year of propagation; and, in the last year, State Flora propagated just over 1 million seedlings, which is just an amazing number. This is obviously a great achievement and demonstrates the nursery's community service and solid reputation. In the early 1990s, the Belair Nursery became the State Flora Nursery—its only name change in the 120 years of its history. In 2003 State Flora became the Department of Water, Land and Biodiversity Conservation, and it has continued to flourish, increasing its range in diversity of Australian plants.

During the celebration weekend, State Flora staff presented some interesting, informative talks and demonstrations. Phil Collins—no, not the singer but the Manager of the State Flora Nursery—presented a session on propagating Australians plants.

Mr Kenyon interjecting:

The Hon. S.W. KEY: This has initiated some singing in here. Horticulturist, Gill Muller, presented a workshop session on growing Australian plants in containers, and Mark Thomas gave a session on a waterwise garden. In addition, State Flora horticulturist, Linda Niemann, was a guest on ABC Radio's—I must say that this is one of my favourite radio programs—talkback gardening show with Jon Lamb, which was broadcast live from the nursery on that Saturday morning to respond to the many questions about native plants and waterwise gardening. The Hon. Russell Wortley opened the official ceremony on behalf of minister Gago, with a speech highlighting the history from the nursery. This was followed by two of the most important events for the weekend, which were the launch of the new State Flora catalogue (which is not only very helpful but also very beautiful) and the presentation of prizes for the colouring contest.

The new catalogue, entitled *120 Years and Still Growing* was launched by the Department of Water, Land and Biodiversity Conservation Chief Executive, Mr Rob Freeman. The catalogue, the result of many hours of teamwork and effort by State Flora staff, provides a comprehensive, helpful and instructive resource—an invaluable record of Australian native plants. It provides details of growing conditions and characteristics of over 900 species, specialising in South Australian flora and indicating the regions where local species occur naturally within South Australia. Team members Naomi Wallace, who undertook the bulk of the research and compilation, and Gill Muller, who devoted many hours of proof reading, provided significant contributions to this publication.

Another important event of the weekend was the presentation to prize winners of certificates of merit for the Belair Nursery 120 year celebration colouring-in contest. A total of 709 primary schools entered the contest, colouring in South Australian flora and fauna. The prize-winning students, some of whom travelled from country regions, received plant vouchers for their respective schools, and certificates of merit were presented during the speeches on Sunday.

I congratulate State Flora and the Department of Water, Land and Biodiversity Conservation on such a successful day for an important celebration. All South Australians should be

very proud and privileged to have such an important and appreciated asset such as State Flora. Providing the South Australian community for 120 years with a diverse range of native plants, information and advice is one of the special things that makes this state great. On behalf of my family, I would like to thank the staff at State Flora very much. They have always been very cheerful and helpful and they are very interested in the different gardening pursuits my family has been involved in.

The Hon. R.B. SUCH (Fisher): I commend the member for Ashford for moving this motion. She was obviously trying to get in before I thought of it.

An honourable member interjecting:

The Hon. R.B. SUCH: That is right. I commend her for this. Unfortunately, I was not able to attend the 120th anniversary celebration on the weekend of 21 and 22 October, even though I was sent a special invitation. I am quite passionate about this nursery, for a range of reasons—not simply because it propagates and provides a huge range of native plants but also because this nursery went close to disappearing a few years ago. I do not know whether members are aware of that. Unfortunately, it was during the time of the Olsen government. There was a move on under this ideologically driven notion that government should not own any enterprises. Some of the members wanted to get rid of State Flora—not only the nursery at Belair but also the one at Murray Bridge—and, personally, I could not understand the logic of that, given not only the sale of native plants to domestic users but also the fantastic range of plants that is made available to farmers and other progressive people in the community who want to revegetate.

To the credit of the member for Frome, I believe, who at the time was the minister for primary industries, that silly proposal to get rid of State Flora was not proceeded with. I think, to the lasting good sense of the member for Frome, with some significant assistance from various people in the community, including myself, that facility was saved, and I am thrilled about that.

The role of native plants is a huge topic, and it is a huge range of plants. You hear people say, 'I do not like native plants.' What plants are they talking about? You hear people saying that we should plant native plants, but a plant native to Queensland is not necessarily native to South Australia. We can see that now in the increasing sophistication of organisations such as TREENET, which I have spoken about. There is a motion before parliament about that organisation, and it has been doing research and looking at what are the most appropriate street trees. One example under question is the Queensland box, which is fine for Queensland. It is an attractive street tree but it is not necessarily ideal for South Australia. So, when people talk about native trees they should really talk about trees which are indigenous to a particular area.

What we should always be trying to do is plant the trees, shrubs and grasses that are indigenous to a particular area, and that is valuable for a whole range of reasons. We know that, for instance, trees are the most recognised part of the environment. If you do any survey, people will always indicate that trees are the most recognised aspect of the environment. They are only part of the environment, but they are an important part. Often, for example, in relation to street trees, and even in the garden, people are looking at the aesthetic qualities of shape, size and flowers, and that is important, but we need to go beyond that. I think we can see this now in the farming community where people are becoming much more sophisticated in regard to what sort of native plants they use to revegetate their farmland, and there has been some success with revegetation of some of the various salt bush and blue bush varieties. But, if you are planting trees and shrubs, as I say, the aesthetic aspect (the look) is important.

What is also important, and what many councils, sadly, have not come to realise fully, is that we are also talking about biodiversity. If you are planting trees in a street environment, for example, or in a backyard, you should also look to see what you can do to enhance and safeguard the diminishing number of, particularly, small native birds in South Australia. We have lost many species of not only birds but also other creatures and, without habitat, they are dead. You can have all the laws in the world about not exporting birds and animals, but if they do not have somewhere to live you do not have something to export or even to keep locally.

It is important, when planting trees or shrubs, that people look at what I would call the ecological aspect as well. I acknowledge that the city council has planted a lot of native trees in the parklands. However, in the inner CBD, as a statement of commitment and as a recognition of the importance of ecological aspects of planting street trees, we need to bear in mind that it is not simply aesthetics and not simply shade that matter, it is also the fact that we are providing habitat, particularly for birds. People tend to plant trees and have little regard for the understorey. Small birds generally live in understorey; they do not live in the big trees, which are not their common food source. So, if you just plant big trees you might think you have saved the environment: you will help some of the larger bird species but it will do little for the threatened smaller birds. I remember that as a kid in the Adelaide Hills, we used to see robins, wrens, all those sorts of birds, and now you hardly ever see them because the understorey has gone.

I would urge people to have regard for the ecological aspect in their front and back yards as well. Part of that is planting trees and shrubs whose leaf litter will not damage the riverine systems. We have a flora that has developed in a warm climate, and it is probably going to get warmer by all the predictions. But if you plant exotics—and I am not against exotics totally; I have some at my place and I have a lot of fruit trees—and their leaves get into the riverine systems, we will have a cold climate leaf damaging a warm weather environment. You do not have to be a scientist to realise that, over time, this can cause a lot of damage. That is one of the causes of the problem in the Torrens, although it is not the only cause: we are pumping leaf litter from European trees into the Torrens, and the local natural environment cannot absorb that in the same way that it can deal with genuinely indigenous flora.

Another very important aspect—and it is one of the reasons why a lot of farmers, the sensible ones (and that is the majority of them), are planting and revegetating—is dealing with salinity. I think the Victorians have set a fantastic example in what they are doing. Members should look at what is happening throughout western Victoria. The commitment there to revegetation and reducing salinity issues is fantastic.

The other aspect which is at the top of the agenda at the moment is water conservation. Our native trees, particularly those indigenous to South Australia, are water conservers. They use very little water compared to many exotics, although not all exotics. Some exotics from, for example, the

Mediterranean are noted for being conservers of water. Some cacti, which do not particularly appeal to me, are also water conservers. So, what we have in terms of celebrating the 120th anniversary of the State Flora's Belair Nursery is a tribute to the people who had the foresight to establish that enterprise: the governments over time, both Liberal and Labor, that have kept it going and ensured that it has grown to a situation now where the Murray Bridge Nursery is propagating, I think, something close to a million plants a year. I think that figure is correct, from information I was given recently. I say, 'Well done' to the people who work in State Flora; may it long flourish and may South Australians appreciate the importance of revegetating, conserving our native flora and, in particular, planting genuinely indigenous native plants, whether it be trees, shrubs or grasses. I commend the motion to the house.

Motion carried.

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): I move:

That this house—

(a) notes that a public meeting was held at 7 p.m. on 30 November at the Virginia Community Centre to air public grievances in respect to the manner in which the government is developing the Northern Expressway (NExy);
(b) shares general community concerns about the route alignment and the compulsory acquisition process in connection with the proposed NExy development;
(c) expresses its regret that the project costs have increased from $300 million to $550 million; and
(d) calls upon the Minister for Transport to provide an assurance that the excision of the nine kilometre widening of the Port Wakefield Road will not cause major traffic congestion and bottlenecks on the northern approaches to Adelaide.

I draw to the attention of the house the outcomes and discussions at a most important public meeting held at the Virginia Community Centre, to which this motion refers. The meeting was held on 30 November at 7 p.m. so that stakeholders, businesses and residents out in the north of the city could have their say about the Northern Expressway development proposed by this government.

There are community concerns about the route alignment and the compulsory acquisition process in connection with the NExy development, and it was noted at the meeting that there was considerable regret that the project cost had blown out from $300 million to $550 million. The meeting called upon the Minister for Transport to provide an assurance that the excision of the nine kilometre widening of Port Wakefield Road will not cause major traffic congestion and bottlenecks on the northern approaches to Adelaide.

Slightly over 200 people attended the meeting, representing a wide range of people. Some were growers, some were residents and some were people living close to, but not immediately affected by, the development. Some were truck drivers. There was, literally, a mixed bag of people. I was helped at the meeting by my friend and colleague the Hon. John Dawkins (a resident of Gawler), who attended and assisted with the running of the meeting.

There are a number of issues relating to this development that the government simply needs to acknowledge. Before we go to those issues, let me remind the house that what is being delivered by the government is not what was promised. The original plan for the Northern Expressway in a fact sheet was handed out at the meeting. It is a shame that the member for Light was not present, nor any member of the government or a representative through any of its departments. The facts put to the meeting were that the construction of the new two-way freeway standard road between Gawler and Port Wakefield Road was to be approximately 22 kilometres.

A widening of Port Wakefield Road was to be part of the project. A six-lane freeway standard road was to be built with high speed connections, a 110 km/h speed limit and restricted access with limited interchanges and overpasses, and it was to be around 9 km long. The overall cost of the project was to be $300 million. We know this because it was widely promulgated, not only in the government's own strategic planning documents but in briefings to councils. Those facts appear in council planning documents and briefing notes. They also, as I have mentioned, appear in the government's own Major Developments SA directory, titled 'Creating Opportunity 2004', in which the project is clearly specified in those two parts.

We all know what happened after that—the Minister for Transport realised that he had messed up his fiscal planning for the project. He discovered that there was no way he would be able to deliver the project for $300 million and had to slash the plan to the bone, to scale it down to $550 million. The opposition asked him whether the cost would be $500 million or whether it would be $900 million, but all of that was avoided by the minister, who in the end came up with a figure of $550 million.

What he did not tell the house, of course, at the time was that he had decided to, in effect, excise from the project the entire Port Wakefield Road widening. The six-lane widening, the improvements to that road to freeway standard—all of that which is required to connect the Northern Expressway and the Gawler Sturt Highway extension through to the Port River Expressway (which would seem logical) so that trucks and other traffic could fly, as it were, straight through on a freeway all the way to Port Adelaide and the city—was to be excised.

In briefings to the council we know that the government anticipates anywhere between 20 000 and 26 000 vehicle movements per day along that road. They have said that the Gawler Bypass to Curtis Road section would involve 20 500 vehicles per day; the Womma Road to Port Wakefield Road section, 26 300 vehicles per day. The government wants to spill that number of vehicles onto a section of Port Wakefield Road which will not be widened. There will be some improvements to the intersections but, essentially, a 110 km/h expressway will stop with an abrupt halt, which is a traffic light, and then spill onto the Port Wakefield Road, which has a variable speed limit—I think most of it is around 90 km/h—I think there might be some sections involving 80 km/h but otherwise it is certainly 90 km/h. There are traffic intersections before you strike the Salisbury Highway, where you connect to the Port River Expressway; there are stops; there are adjoining roads; there are obstacles close to the road; there are businesses accessing to and from the road—there is a whole range of potential hazards.

If the government thinks this is going to work, it is kidding itself. This is going to be the biggest bottleneck this state has ever seen. Because the minister stuffed up his sums for the project, he has now had to completely excise that work from the development, thus rendering it far less effective than it would otherwise have been. We are still trying to get an admission from the minister as to what it would have cost to go ahead with the Port Wakefield Road widening, had it been delivered as originally promised. I expect that the acquisition of land along that route and the widening of that road to six lanes probably would have put the final figure up from

$550 million to not far off the $900 million that the opposition put to the government some time ago. So, we were not far off the mark at all.

It has been quite disingenuous, in my view, the way the government has attempted to wriggle itself out of this situation. So, the bottleneck and the design that we have now been presented with is a major concern. I would be very worried if I lived on Yorke Peninsula. I would be very worried if I was engaged in the mining industry in the Mid North. Anyone whose business depended on frequent and regular traffic from Port Pirie, Port Augusta or other destinations north along the Port Wakefield Road, particularly on long weekends and during holiday periods, would also be very worried—it is going to be a mess. It is indeed is a major concern.

But it does not stop there. People at the meeting expressed concerns about the way they had been handled. I will just read one letter from members of the public, whom I will call Richard and Elizabeth, from Two Wells Road, Buchfelde. They say:

> We are writing to you on the subject of the recent release of the long-awaited route for the Northern Expressway. To say we are unhappy is an understatement. The release of the route was delayed a number of times this year until after the state election, when the seat of Light changed hands and became a Labor seat for the first time in 60 years. There has been no prior consultation with homeowners, such as ourselves, who are to be directly impacted upon by this project—despite registering through the Transport SA site on a number of occasions.

I wonder whether the outcome of that election might have been different if the member for Light had had to explain to his constituents where the route would go. They go on in their letter to say:

> The need for this project is not in question; what is in question is the reasoning behind this particular route. As it currently stands, we in Buchfelde will be paying the price for Angle Vale, Evanston Gardens and Kudla. Given the large areas of non-residential land which exist to the north of the Ward Belt Road, would it not be less disruptive for the expressway to be routed through such areas?

The letter goes on:

> What is to become of the Adelaide Soaring Club and the Gawler Trotting Track? According to the DTEI people at Munno Para on Saturday, the trotting track is to be relocated to the west of its current position along Two Wells Road—again, where was the consultation?

And so it goes on. I am happy to show the letter to any member who wants to read it. That is just the tip of the iceberg. The government plans to close a series of roads, the service roads from Atyeo Road to Lange Road, Whitelaw Road, Hillier Road, Fradd Road, Petherton Road, Argent Road, and concerns were expressed that people will not be able to get across the expressway, that they will have to backtrack many kilometres to get onto it and to get across. Concerns were raised about emergency services and their access. Concerns were raised about flooding and how the development would affect the water situation during times of flooding in the precinct. Concerns were raised about amenity for those whose lands will not be acquired. One woman described how the expressway will encompass her property on three sides, quite close to her home. It will completely affect her family, but her land is not being acquired.

Mr Piccolo: It's just wrong.

Mr HAMILTON-SMITH: The member for Light says to this constituent that she is wrong. I put to the member for Light that if he had come to the meeting and faced the people he represents, he himself could have put that to them, instead of cowering and hiding elsewhere. I can assure you that they were not very happy with him nor were they happy with the member for Taylor, many of whom reside in her electorate. They want their local members to represent them, not to toe the party line. The member for Light has been a stunning success in the past week during private members' business, thumbing his nose at his electorate, and here he goes again—get lost if you are concerned about the Northern Expressway! He does not give a hoot. I can tell the member for Light that we will make sure they know. The member's name came up a number of times at the meeting—be assured.

All of those roads are to be disrupted, and not only that: the meeting also heard from people who, as they put it, have not been able to sleep at night, worried about how this will affect their families. In one family of five the kids appealed just to be left alone. The meeting also heard that officers of the department had told members of the public not to attend the community meeting on the 30th but to stay away. They were outraged about that attempt to interfere with their democratic right. They also heard that the government was running advertisements in the local press saying that consultation was still under way, while officers were going around telling people, 'This is it. It is a fait accompli. This will be the route—like it or lump it. We want you bulldozed out of the way so that we can build our highway.' That is what was said at the meeting in front of plenty of witnesses: if you do not like it, too bad! Documentation, described as a fact sheet, is still being handed out which says, 'Come along, consult. What we would like to do is talk to you.' It says:

> People living, working or with an interest in the northern region are invited to contribute to the Northern Expressway assessment process from November 2006 until March-April 2007.

Apparently it is all up for grabs until March-April 2007. Tell that to the people who have already been told that this is where the route is going—full stop—get out of the way, we want your property! Some property owners have had their properties split in half, others have been separated from their water supply. In one case, the route chops a property into two-thirds on one side and one-third on the other, which leaves a postage stamp area of land owned by this person on the other side of the expressway which he is expected to farm and operate. It just is an act of stupidity. The way the government consulted on this matter is flawed. It is still telling people that it is available for consultation but, quite clearly, the government has made up its mind. There was a very clear indication at the meeting that residents wanted to see the other choices, alternatives and prospective routes that were up for grabs, but they were not shown any of that. There needs to be a new round of consultation so that we can get the right route selected.

I would describe it as a fairly emotive meeting. A lot of people were there whose lives were about to be turned upside down. They can accept that, if it is for the greater good of the state, then so be it, but the government has an obligation to treat people fairly and with dignity and to live up to its promises. The government may be interested to know that the South Road Action Group attended the meeting and its members were invited to speak. They are actually comparing notes, I say to the government. The same people who got rolled over and bulldozed and are still being browbeaten into selling their land at unreasonable prices along South Road at the underpasses at Anzac Highway and Port Road are communicating now with an action group that was formed, or is being formed, as a result of the meeting to help in connection with the Northern Expressway. I commend all those who were present at this well attended meeting.

I urge the government to listen to the people who elected it. I say in particular to the members for Light and Taylor, whose constituents are the residents concerned: listen to the people you represent and represent them. You are here to do that, not to toe the party line. There are serious concerns about the government's plans in respect of this expressway. I am happy to talk to any member about the events that unfolded at the meeting and the contributions that were made by the individuals concerned, and perhaps the member for Light might even like to take an interest in the matter.

Time expired.

Mr PICCOLO (Light): Mr Speaker, I must—

Mr Hamilton-Smith: Be careful, Tony. You were a real hero last week.

The SPEAKER: Order!

Mr PICCOLO: Yes, you see, I don't have to be careful, Marty. The truth always holds up. I rise to speak against this motion because it is just another cynical political stunt by the opposition, which only seeks to exploit the emotions of people affected by the proposed NExy route. This motion is meaningless and it does nothing to address the genuine concerns expressed by residents in the area. It seeks to exploit rather than inform and assist. The concerns can only be addressed through meaningful discussion on a one-to-one basis, as I and others have been doing. This motion is a very cruel hoax for the member for Waite to lead people to believe that it is more than just a political stunt. Proof? The notice of motion was given before the meeting was held, so we actually have the answer to the meeting before the meeting was held. The member for Waite went along to listen as the residents told the story he wanted to hear.

Mr Kenyon: He was listening to the voices again.

Mr PICCOLO: That's right. He was listening to the voices again. It is no accident that he is getting no support from his federal counterparts on this matter. This motion is just one of many moved by the member for Waite as his stunt roadshow travels across the state. Recently, his roadshow travelled to the Barossa where he performed a few more media stunts, this time with his stunt assistant the member for Schubert. As part of the Barossa roadshow, the member for Waite issued a media release, not addressing the issues but attacking me. Emboldened by this action, the member for Schubert followed suit, so there were two media releases attacking me within two days. I must have kept the opposition pretty busy. So, his stunt show continued.

What credibility can this motion before us have when the opposition tells this house one thing and the electorate, the community, another? In the recent media releases the members for Schubert and Waite criticised the government for wasting money on the proposed tram extension. To be fair they are entitled to do that; that is quite reasonable. But what did the member for Schubert tell this house on 27 October 1999? Let us remember that date: 27 October 1999. Who was in government then? The Liberal Party was in government then, and what did the member for Schubert tell the house about trams? Let us see what he said:

> But I believe they do have a future and at least the Glenelg to Victoria Square line should be extended through the heart of Adelaide to the Torrens Parade Ground. If not, to the end of O'Connell Street. This would be a real thrill, add an extra source of enjoyment to the tourism experience in Adelaide, and would also be very useful for moving people from the inner city out to North Adelaide where they can park their cars, and enjoy a further experience.

So he says it is a great idea. It was Liberal Party policy, but now he attacks it. The dynamic duo go on, they go further, and state that the government has a moral responsibility to commence the train service in the Barossa. But what did the member for Schubert tell the house on 10 April 1996? And let us remember, 10 April 1996: Liberal government. The Liberals were in government and were able to do something when they had the reins of power. So what did he say? He said:

> I want to do everything I can to help the private operators because the public system has shown quite clearly it cannot do it.

That is what he said. Now it is all different, in opposition. Now he wants the government to do it. So you can understand why these motions have no credibility.

Members interjecting:

The ACTING SPEAKER (Mr Pengilly): Order!

Mr PICCOLO: Mr Acting Speaker, as you can see, the opposition has no credibility when it comes to transport issues. While the opposition indulges in meaningless motions and stunts, the government has been working hard behind the scenes to help the private promoters get the Wine Train back on track. In a media release last week the member for Waite asked the rhetorical question: 'Where does this leave the Barossa Wine Train?'

Mr HAMILTON-SMITH: On a point of order, Mr Acting Speaker: whilst I am interested in the member's contribution, he is making reference to another motion before the house, still active, to do with Barossa Rail, and he is straying from the motion before us today which is about the Northern Expressway.

The ACTING SPEAKER: Could the member for Light please refer to this motion only.

Mr PICCOLO: The reason I am mentioning it is that I am speaking against a motion that has no meaning, and just as an example of how the member moves a motion that has no credibility and is just a political stunt. The Wine Train will soon be on track, whereas the opposition's transport policies, which this motion is about today—transport policies from the opposition, if you can call them that—have been derailed once again. As I said recently, in response to the dynamic duo's attack on me last week, through their media release and photo opportunities, those things are no substitute for hard work.

Unlike those opposite, I will roll up my sleeves and work with the people in my electorate to overcome their genuine concerns about NExy, and there is no denying that there are genuine concerns which need to be addressed. And Richard and Elizabeth have written to me, and a few people who were at that meeting, which was organised by the member for Waite, have come to me since because they said there was a lot of heat but very little light. What do you expect? It was just a political stunt. I was actually naive enough when I came to this house to believe that the opposition was about an alternative government, but it is clear from this motion that where they belong in opposition because they can provide no meaningful alternative vision for transport in this state.

Mr VENNING (Schubert): Mr Acting Speaker, I did not intend to enter the debate, but after listening to such nonsense from the member for Light I have to refer to the matter. I certainly support the motion before the house—as the member for Light leaves—and I certainly support the Northern Expressway and I am very pleased that the federal government is going to come to the party and put a lot of the

money up there. I have had several meetings in relation to this matter and I am very, very pleased that it is actually happening. I can understand full well the anxieties of all those people who own property out there who are going to have the highway through their properties. I can understand that, I really can, but understand it: somebody has got to be a victim of progress. It happened to me personally many years ago with the railway line which went straight through the property one end to the other. We complained about it and everything else.

An honourable member interjecting:

Mr VENNING: Yes, we got compensated, but it does not make up for the peace and quiet you have lost. So you own a property, and when this happens it is bad luck, but it is progress and somebody has to be disadvantaged. I feel very sorry for them and I hope that they are able to be compensated. I also hope that they realise that it is for the overall good of the state.

I want to quickly comment about what the member for Light just said in relation to what I said about trams in 1996. I do not back off from what I said at all. That was 1996 when we had more money, and I looked at it and I thought it was a good idea. Since then I have not changed my mind about transport but I have changed my mind about the route. I do not believe the trams should go anywhere near King William Street. If you have to get to North Terrace—and I think it is still a good idea—they should come down Pulteney Street and go back up Morphett Street, going in a big loop, single lane. Coming down King William Street is just a nonsense.

It is all very well, but you cannot go back with these sorts of things and quote what someone said 10 years ago. I am not going to say that I got it right because things do change. I think as an MP you have got to have the courage to say, 'Well, yes, I did float this idea.' I was on Di Laidlaw's committee at the time and we were looking at tram routes all over Adelaide trying to bring back a pollution-free transport system, and that is why we made those comments. But we have moved on, I believe, from that, particularly with the congestion of Adelaide today. Back then there was plenty of room in King William Street. Anyway, that is not on the subject. All I can say to the member for Light is that I do not back off or resile from what I said—

Mr Piccolo: You're not on the subject; you just admitted it.

Mr VENNING: I just said it; don't state the obvious. Anyway, I support the motion of the member for Waite. I thank him very, very much for being proactive in these things. I thank him very much publicly for the support he has given me in my electorate of Schubert, and he certainly made a big impression with his presence during our visit, and also the subsequent press releases and photo opportunities that were just marvellous—front page of all my papers—and I am sorry, but the member for Light—

Members interjecting:

The ACTING SPEAKER: Order!

Mr VENNING: The member for Light walked into the obvious trap. I think he may have learned. I tried to warn him privately, but he did not listen. There is an art of knowing when to shut up but an even bigger art is knowing not to be here. I support the motion.

Ms BREUER secured the adjournment of the debate.

ROADS, SPEED LIMITS

Mr VENNING (Schubert): I move:

That this house—
(a) expresses concern on the inconsistency of speed limits across South Australia and Australia;
(b) recommends that the state and federal governments agree to introduce standard speed limits across Australia; and
(c) supports the trialling of multicolour lines or markings on roads to designate the applicable speed limit.

I note it is the Clerk's last day in the job and I congratulate him, and pay tribute to his long service and support to us; and it is rather sad that we will not see him again.

I hope every member of this house will support the motion because we all get very annoyed with the current regime of speed limits across South Australia. I recommend that the state and federal governments agree to introduce standard speed limits across Australia and support the trialling of multicolour lines or markings on roads to designate the applicable speed limits. Inconsistency with speed limits remains a problem in South Australia not only in built-up areas but also on the open roads. Along just one Adelaide main arterial road the speed limit can change three or four times as you travel from the suburbs to the city. These inconsistencies have become a problem for motorists.

South Australia is often the butt of criticism from many interstate motoring commentators, and I get to the point of anger when I listen to the radio at night, particularly the ABC. They laugh about the ridiculous speed limit situation in South Australia. There needs to be a standardisation of all speed limits and I suggest 100 km/h (which is the current default speed limit), 110 km/h on designated roads (where it is safe) and, most importantly, 60 km/h on all arterial and through roads. I believe that 60 km/h should be the default speed limit—not the other way round. The other way round is purely to raise revenue. I believe it should be 60 km/h on all arterial and through roads. That used to be the speed limit, but now the 50 km/h is creeping in like a cancer. I am sick of seeing 'speed limit changed' on the bottom of the speed limit signs, as all the areas change from 60 km/h to 50 km/h. It just means there is more revenue for Treasury. It should be 50 km/h—the current default speed limit which I oppose—in suburban and built-up areas only.

In a speed limit survey done on behalf of the RAA this year, 68 per cent of those surveyed in metropolitan Adelaide and 61 per cent of regional South Australians considered the speed limits to be confusing. The main reasons for this confusion were identified as:

- The limits can change while you are on the same road (metro 58 per cent, regional 54 per cent).
- Unsure which roads speed limits apply to (metro 44 per cent, regional 30 per cent).
- Not enough signs showing speed limits (metro 38 per cent, regional 34 per cent).
- Depends which type of road you are on (metro 19 per cent, regional 21 per cent).

Even knowledge of the term 'default speed limit' was mixed, with half the respondents in both metropolitan and regional South Australia having little understanding of it. There is no doubt that the many speed limits in built-up areas have added to the confusion, and no-one can predict what the speed limit will be in any particular area. One cannot presume anything and it is causing chaos. I know the member for Fisher agrees with me, because he moved a similar motion some time ago.

Local government has also failed as different standards apply in local council areas, and I blame them more than anyone—starting off with Unley council. One speed rule applies to one council area, but in the next council area a whole new set of rules apply. The confusion in Adelaide has meant that many people drive around Adelaide at 50 km/h. Adelaide's traffic congestion increased at the same time that this was introduced. Lately the congestion has got worse, especially while the confusion continues. When one adds the silly rule about tailgating, it has got even worse. People now not only drive slowly but also drive a considerable distance from the car in front. The old adage seems to apply that we want others to drive past our place at the slowest speed possible, yet we are happy to zoom past everyone else's place. Is that the rule? That is the rule and that is what is happening, and it is up to governments to control it.

We have a vast array of road humps and bumps in different areas with no uniformity and with residents having to endure the constant noise of vehicles going over them at various speeds. For instance, in the northern suburbs Salisbury council has introduced three new speed restrictions in one Pooraka street, which has now become nothing more than an obstacle course for hoon drivers, providing constant skidding, acceleration and thudding noises day and night as they take up the new challenge—much to the dismay of local residents. I am critical of councils, including Barossa Council, in their setting of ridiculous speed limits. The road from Greenock to Nuriootpa has gone from 100 km/h to 80 km/h all the way; and that is just a revenue raiser for the government. It is open country. Why is it 80 km/h? I get annoyed. This whole regime should be controlled by one national body. I know that, privately, police are annoyed with the ridiculous speed limit regime.

I have written to the Police Commissioner but he has not written back. I did not quite expect him to, although I tried to be apolitical with the letter. I have a lot of time for the Police Commissioner and have had cause to apologise to him before and I will do it again if I overstep the mark. I wrote to him because his officers are privately saying to me that this is an absolute nonsense. I have also spoken to Sir Eric Neal, Chairman of the South Australian Road Safety Council. A new system to inform motorists of speed limits could be introduced here, as well as the signs that we see all over the countryside, which appear round almost every corner, due to the inconsistency of our speed limits. I am proposing that the speed limit could be identified on the road itself.

Various colours on the centre or side lines could symbolise various speed limits. For example, blue could denote 110 km/h; white, 100 km/h; yellow, 60 km/h; and green, 50 km/h. Uniformity of speed limits has long been a problem for all motorists as they pass through other states of Australia, often for the first time. Here we have an opportunity to lead the way in assisting all motorists to travel more safely the width and breadth of this country, with the simple introduction of easily understood uniform markings to indicate speed limits. Different designs in different colours could also be introduced. Markers on the road could be placed on their own so that motorists could be reminded of what the speed limit is. I understand that a satisfactory road marking material combining good reflectivity and skid resistance is not quite yet available, but several are being trialled.

Even the audio tack tiles on the roadsides, those tiles that make a noise if you put your tyres on them, indicating that you are going off the road, could be painted different colours or have a reflector on them to denote the different speed limits. The white posts could have a colour strip on them: anything to denote the speed limit. It will save the proliferation of all these signs which themselves are a hazard to safety because people are forever looking out for the signs rather than watching the road. Hopefully, a suitable material will become available so that the colours will be quite vibrant and noticeable. I am but one motorist who gets very annoyed at our ridiculous speed limit regime here in South Australia.

It is a disgrace. I am not blaming this government for it: this stupid situation just seems to have evolved, and it reflects badly on all of us in here because we are the law makers and we allowed it to happen. We must never forget that people out there are apprehended as law breakers because they did not see one speed sign.

Mr O'Brien interjecting:

Mr VENNING: The member asks whether the colours are done anywhere, but I am not aware of that. However, they do not have quite the nonsense we have here, either.

Mr Bignell: All you have to do is look at the signs. It is the same all round the world.

Mr VENNING: The member for—

Mr Bignell: Mawson.

Mr VENNING: Bright ideas, I was going to say.

The ACTING SPEAKER: Order! The member for Schubert has the floor.

Mr VENNING: I am happy to listen to any common sense from either side. If members think that what we have out there is satisfactory, they should get up and say so. I have not heard anyone say that they are happy with the current regime. It is not fair if a person who just does not see one sign goes round the corner and bang, goes right into a speed trap, doing 60 in a 50 zone. Not only can you get a fine of up to $250 but you also attract demerit points and, in the end, could lose your licence. It is not fair or sensible. The upshot of all this is that people now drive around Adelaide at 50 km/h, even in 80 km/h zones past the airport—

Ms Ciccarello interjecting:

Mr VENNING: Is the member for Norwood saying we should drive even more slowly? I have been driving in and out of this place for 16 years, and in the past six months it has got particularly bad. Congestion has gone up considerably, and that is because everyone is driving at 50 and then you have this ridiculous tail-gating law tacked onto it. No wonder in the city people are getting frustrated. I see road rage every day, and I never used to see it at all five years ago.

Members interjecting:

Mr VENNING: I hear the interjections from the other side. I hope that members opposite will enter the debate and put some ideas forward. I believe that it is high time that this parliament sent a message to local government saying, 'We don't believe you should have this power, because you've abused it. It is a nonsense, what is happening out there.' I believe we should have national standards in relation to speed limits.

Mr O'Brien: We have. Where do you think the 50 came from?

Mr VENNING: So, why do we have arterial roads at 50? Why, when you go across the Parklands, are some roads across at 60 and the King William Road extension at 50? Is that sensible? If you come into Adelaide on Glen Osmond Road you come across at 60, but if you go back out King William Road and you do not see that sign—and the police are always out there—you are gone. So, that is a nonsense. We all know of silly anomalies such as this. There is no politics in this. I hope the government will support it and

even feel free to amend it. If we get some commonsense out of this, I will be really pleased.

The bottom line, of course, is that people lose their licence because of this silly regime. I commend the motion to the house as an earnest attempt to address a problem that I think ought to be addressed, with another idea that I think someone should do further work on to assist people as they drive. Safety is the most important thing on our roads although, on the other hand, people have to be able to obey the law without the frustrations. I hope the house will support the motion.

The Hon. R.B. SUCH (Fisher): I would like to make a brief contribution. I have some sympathy for this motion and I would give it qualified support. The member for Schubert highlighted a couple of inconsistencies, and I think the best examples are in the southern Parklands where there are parallel roads with different speed limits and without any distinguishable difference in the attributes on the side of those roads. For example, Sir Lewis Cohen Avenue is 50 km/h. Only a couple of magpies live there: it is not a residential area. The argument from the department is consistency—

Ms Ciccarello: What about pedestrians?

The Hon. R.B. SUCH: There are not any pedestrians in Sir Lewis Cohen Avenue. If the honourable member can find one, I will give her a reward. The point is that there needs to be some finetuning of these speed limits. I think there are some inconsistencies. I was a great supporter of the 50 km/h default limit, but its implementation was done in a hurry, with some councils playing a few games. I do not believe that it was implemented in as good a format as it could have been and should have been. I am not arguing that we need a wholesale change of speed limits—I do not agree with that—but we need finetuning of some anomalies which currently exist. One anomaly that exists is the continuation of the 40 km/h zone in some council areas.

I have said this repeatedly: Unley has it, and it is not its fault because, at the time it was implemented, there was no suburban 50 kilometre limit. There is now and I do not think that there is a justification to keep that 40 kilometre limit. Mitcham has areas with the 40 kilometre limit. When I have raised this with people within the council, they say, 'If you don't work there and don't live there, don't go there.' Well, I will apply that argument to them: keep out of my street. Or, if those people can have a 40 kilometre limit, I would like a 10 kilometre limit in my street. It is a silly argument. Then I have applied their logic and said, 'If you are going to keep 40 kilometres for some people in the city of Mitcham (which is the council area in which I live), how about the rest of us get it?' The response? 'No, you can't now because we do not intend to implement it in other areas.'

We have this lopsided silly approach, and in some council areas—it is not just Mitcham and Unley—you can go from 40 km/h in one street to the next street which is 50, then 60, then 70 and, in some cases, you go to 80 and then even 110 in the same council area literally within a stone's throw of the 40 kilometre area. I am talking about a zone, not just one street zoned 40 kilometres. We do have this inconsistency. The worst thing in terms of road safety is to have inconsistency because motorists are not sure, particularly those who are new to an area, what to do, and that does create danger. That puts people at risk. The other thing is that people are watching for a speed indication (the limit), and that is also in itself distracting. We know with the 50 kilometre zone, if there is no sign, then it is 50 kilometres. However, the way the system is, you turn off and suddenly you need to reduce your speed.

The member for Schubert raises the possibility of road markings. I think it is worth looking at because the technology is changing, but you have to be careful about putting paint on the road because of cyclists and motorcyclists. We already have areas with painted lines, but we have to be careful that we do not create an additional danger for motorcyclists, particularly during wet weather, on hitting a painted line. The technology is changing all the time, and I think that there is merit in looking at this. The member for Schubert is simply asking for these limits and the road markings to be investigated. He is not putting forward a dogmatic position. I do not think it hurts to look at these things and to review them.

Even in relation to school zones and speed limits, we have different arrangements in South Australia from the other states. Members might recall the great debate we had when the then minister, I think it was Hon. Diana Laidlaw, first introduced a school speed change. There was confusion, and people did not know the detail of it, and then it was changed again. I think it was the Hon. Robert Lawson who expressed a view that technically, if a child was in a car going past at the same time that you were travelling the other way, you were in breach if you were not observing the special school speed limit because a child was present, if you take the law literally. That seems to have settled down, and maybe we do not need to rock the boat on the school speed zone and markings, but we have a different system in South Australia from the other states.

I was in Victoria a week or so ago. The speed limits around schools in that state are at designated times, that is, at times when children are likely to be going to and from school, whereas our law is that, whenever a child is present, the law applies. That could be a minute after midnight, but realistically people do not expect children to be in the school zone just after midnight—or one would hope not, in most cases, anyway.

I have some sympathy for this motion. I have corresponded with the Minister for Transport, as he would admit, on the odd occasion. The experts always say that they look at the speed limit in terms of the Australian standard, including how many houses are on one side of the road or whether there are houses on one side compared to the other side and so on, but I would have to suggest that, at times, we do end up with speed limits that seem to be at odds with commonsense.

Road engineers will tell members that the speed limit on a road is usually determined by the motorist (or motorist collectively) in the speed that they travel along the road. I am not saying that they should speed, but members would notice that during peak hours cars travel at a certain speed which motorists believe is the speed to follow. Irrespective of what limit might be legally imposed, the motorists and other road users come to a conclusion about what is the appropriate speed for that road. This motion is a recommendation. I think it should be looked at. The minister (Hon. Patrick Conlon) has the people within his department with the expertise. It would not hurt if they had a systematic look at some of the roads which I think probably all of us have indicated to his department we feel have some inconsistency about them.

So, on that basis, I think this motion deserves to be examined and I would hope the government would treat it in a constructive way, which I am sure the member for Schubert has in mind in proposing it. So, I give it my qualified support

and trust that we can improve the road situation in South Australia.

The Hon. S.W. KEY secured the adjournment of the debate.

AUSTRALIAN WHEAT BOARD

Mr VENNING (Schubert): I move:

That this house—
(a) notes the Cole report and is dismayed by the culture and resultant performance of AWB Ltd and accepts the inevitability of changes to wheat marketing; and
(b) strongly supports the notion that wheat growers are not disadvantaged and that the benefits of orderly single desk marketing are maintained and not lost in the change process.

This is an important motion. In the first instance I declare an interest as a grain grower and, previously, a shareholder of AWB. I sold those shares because of my conflict of interest and, as luck would have it, I sold them at a much better price than they are worth today. One can smile, but it is really sad to reflect on what has happened.

The AWB scandal embodied in the Cole report signals rough times ahead for our wheat growers. Modifications to or total abolition of the single desk system are already being talked about, but I do not believe it has anything to do with the AWB scandal. Why should it be a victim? Growers are already paying the price through loss of sales due to the Iraq wheat trading scandal and the huge drop in their share prices, as I have just intimated. The loss of the single desk marketing system would be a triple whammy for the growers, and the question must be asked: why are associates of the United States so keen to get rid of our single desk if such an action does not create value for Australian wheat growers? Generally, the anti-single desk movement is being driven by commercial interests who want a piece of that pie. I note the minister has walked in and I certainly welcome his input, and I appreciate his efforts in recent days involving the ABB.

First, it is important that, in the event of export licences being issued to others, in the process licence holders do not compete the price down in the given market by use of a mechanism to stabilise the price. Secondly, the uniqueness of Australia's marketing system should be preserved because of the system's ability to maintain the integrity of the grain from the point of delivery at the silo through the supply chain to the end user. This gives Australian wheat growers a marketing edge over their subsidised competitors. Thirdly, Australia's reputation as a quality supplier (and we have an excellent reputation) should be preserved through the maintenance of controls on varieties grown and quality specifications. Fourthly, the pool should be recognised as a beneficial tool for farmers to boost their returns, especially when poor cash prices prevail at harvest time.

My late father often reminded me what it was like before wheat stabilisation—that is, when we had ordinary marketing, and the government had a lot to do with it. I will give a history of what it was like, but I will not do it now because it will take too much time. But farmers back then were purely price-takers, and the price could fluctuate 100 per cent from one day to another. I am told farmers would arrive at the siding with their load of wheat and they would go to the various little huts on the side of the road with all the different agents and the price could be anything, varying up to 50 per cent on any given day. It was a worry, because of course, as is the case today, the traders know so much more than the growers know. They are in a position to know and forecast, and the growers are in no position to do that. Most farmers who can remember that do not want to go back to it. The banks, of course, do not want to go back to that, because wheat stabilisation, and the subsequent single desk, has given surety in the market. Farmers with so many acres and expecting a crop know approximately what the price is going to be, and it certainly has been a great asset to them.

I say that what has happened to the AWB is very regrettable, but we must never forget—and we have been forgetting—that we have been selling wheat to Iraq for over 40 years. We have been a preferred supplier to Iraq all that time. Most of us realise, although we never talk about it, that when you do business in many countries of the world kickbacks are a normal part of the business. Members have all experienced it, as indeed I have. In several countries, and in the largest trading countries in the world, that is the normal practice. We do not condone it in Australia—in fact, it is illegal—but in these countries it is the normal thing to do. Although no-one can condone what happened to the AWB, you can understand how it happened. We were trading in wheat, we wanted to preserve the market and the kickbacks were paid all the while, I believe; but finally, when it got to the point where the food for oil issue arose, the organisation did not know how to break the nexus. That is how they got into trouble and when they went overboard, and the whole thing is a very sad story indeed. We all agree that we cannot go back to what we had. We have to address a very serious problem.

So, in short, the farmers are paying a big price for this situation and have lost a lot of value in their shares. That is the first problem. Given AWB's performance, it cannot expect to maintain the power of veto over the issuing of export licences to others. That has already gone, and I am pleased about that. I am also very pleased that the federal government—and I was not sure how it was going to do it—has given the federal minister for primary industries, Peter McGauran, the power of veto for at least six months. So, anybody, including the Barley Board, wishing to sell wheat back in to Iraq can do so, but Mr McGauran will sit there and be the umpire. That is a very good interim measure, and I congratulate them for that; I believe that it has wide support across the industry. A very quick move was made while we waited to see how things tended to shake out.

The Australian Wheat Export Authority should become an organisation with authority to control the selective issuing of export licences owned and controlled by the growers, the A-class shareholders. The Grain Australia model, of which members may be aware, is a model existing between the South Australians and the Western Australians. The Wheat Australia mechanism should be used to maximise the return to growers. This will satisfy the need for change and maintain the benefits of orderly marketing. Irrespective of what happens, we know there must be a change.

Over the last few years, I have appreciated the words of support and wisdom by the member for Enfield, who I hope will enter this debate. I am trying to make this matter absolutely non-political. This motion does not necessarily have the support of my own party; I am flying it here as a private member and I want to see what the house will do with it. I hope that the member for Enfield will join me and give me some advice, as he always does. Some of it might not be palatable to me, but it does not matter, I will still take it on board. I do not need to remind members that the situation confronting our farmers is putting their confidence at a very low ebb, with the worst drought on record. The confusion and

the unsurety of what has transpired has really added to the very low esteem of our farmers. Most farmers lost thousands and thousands of dollars over the last six months. What are they looking at in the future? Some of the farmers are sitting on what wheat they were able to salvage from a shocking season, not knowing what to do with it, and this has just added to the confusion.

We had a very good system of selling grain here in South Australia, and Australia generally, over many years, and I note that the member for Frome, who is present in the chamber, would be very much aware of this. His father was a great friend of my father, and they often talked about the system we used to have and acknowledged that what we have had in the last 30 to 40 years has been very good for the industry. Our farmers have flourished under this system and now the whole thing could come tumbling down around their ears.

In the worst case scenario, if we do not control this system, ASIC could step in—and I should not flag these things—and remove the A-class shareholding from the company. In other words, the stock market controls the whole thing: the shares are floated at the low price, farmers need the money, they sell their shares and, hey, presto, somebody else owns our system. It could be a company like Glencore (a Swiss company), which would just love that scenario. They could walk in and buy the shares, and then we will have to pay to use the silos that we all built and paid for, and they will have the assets stripped out. That is a terrible scenario, but that is what will happen if we do not get this right.

I am urging an apolitical approach. I am happy to arrange briefings for members on the other side. Again, I declare my interest as a wheat grower. I am annoyed to be told sometimes that, because I am a wheat grower—as is the member for Stuart sitting alongside me—we should not be talking about these things because we have a conflict of interest.

Mr Piccolo: Who says that? We don't.

Mr VENNING: The Treasurer said it yesterday when I gave notice of this motion. I was not prepared to say it then but I say it now: I declare quite clearly that I am a wheat grower; that is where my love is, where my life is and how my family makes its money. If I cannot get up here and support the industry in which I am involved, who can? I do not believe it is a conflict. I know the previous member for Hammond had a shot at me about such matters, and in the end the house ruled in my favour. It is always a thin line to be trodden when we discuss where we come from.

As I said earlier, luckily for me and sadly for everybody else, I sold my shares because of that conflict 18 months to two years ago, and the price was almost double that which it is today. Yes, I was lucky but it was not what I wanted. I urge the house to support this motion and I certainly look forward to the input of others.

Mr RAU (Enfield): I could not let that invitation from the honourable member go without responding. I also must declare an interest in this matter. My interest is not that I have any shares or, indeed, have ever had any shares in either of the public companies that are really the focus of this matter, the ABB and AWB. My interest is in the welfare of the farmers of Australia and, in particular, the farmers of South Australia, and a complete lack of interest in people poncing around international trade cocktail circuits with fancy drinks with umbrellas in them, posing to the international marketplace and saying what great fellows we are in Australia because we have removed every form of assistance that has ever existed for our farm and primary industries, and getting slaps on the back from the Americans, the Europeans and all the other people who are driving our farmers into more and more marginal positions. I am not interested in those people I have just described, nor am I interested in economic zealotry that drives this stupidity.

It is a very great disappointment to me that, as a member of the Labor Party, I am obliged to get up here and make a speech that members of the opposition in Canberra (the government) should have been making in their own party rooms and in the federal parliament. It is a very sad day indeed when you have to rely on a backbench member of the Australian Labor Party in the South Australian parliament to articulate positions that farmers should have had articulated in the federal parliament through the representatives they had sent there for decades. It is a tragedy, an absolute tragedy.

Where did this tragedy start? Was the tragedy something that began with the spivs in the AWB, or was the tragedy something that began with the foolish politicians in Canberra who handed the single desk over to those spivs in the first place? That is the question, and the answer is absolutely obvious. The truth of the matter is that economic idiots, who have read too many books and have spent too much time listening to free market rubbish, decided that we could not leave the Australian Wheat Board as a public authority: that was not satisfactory, it had to be corporatised, and as soon as it was corporatised it was on the stock market. As the member for Schubert quite correctly says, once you are on the stock market, once you have got public shares, once you are a listed company, sooner or later you are up for grabs. That is the moment when the fiasco that we are presently dealing with became not a question of 'Will it happen?', but a question of 'When will it happen?'

The federal government reminds me of Lady Macbeth. In fact, when I saw the honourable member sitting in here today I rushed down to the library and here she is saying, as she is washing her hands, trying to get the stain of Duncan's blood off her fingers, 'All the perfumes of Arabia will not sweeten this little hand.' That is the problem the federal government has got, and in particular, I have to say, the National Party and the federal government. They have laid down on this issue. They have allowed economic idiots to dominate their position.

The Hon. K.A. Maywald: Barnaby hasn't.

Mr RAU: Barnaby hasn't. I agree with the honourable member. Barnaby Joyce, with whom I do not agree on many things, at least is right about this. The fact is, at a state level the same idiocy is being perpetrated with ABB. It is the same idiocy, with—I am very sad to say—probably the same almost inevitable conclusion. By that I do not mean that ABB is involved in anything corrupt. That is not my point. My point is, when you move something out of the public sector, where it has got control, where it is orderly, and you put it up for grabs, the outcome is inevitable.

The question of the single desk, the core question is: why is the single desk important? The single desk is important for this reason. In international agricultural trade there are two choices—in the real world, not in the Milton Friedman fantasy world. I am talking about the real world. There are two choices in the real world: organise or subsidise. No person who is sane expects the Australian government to subsidise our farmers—it is not going to happen. But, in Europe, in the United States, in Japan, they subsidise people to do things that we would laugh at.

They grow sugar beet in Europe, which is a crop infinitely less suitable for the production of sugar, cannot compete on a level playing field with sugar cane, yet our cane farmers are being barbecued up there in Queensland courtesy of this free trade deal with the United States, and these people in Queensland are having to get out of the industry. They are facing a mountain of sugar produced from a crop which cannot compete. Why? Because that crop is subsidised. A Frenchman can have a backyard full of sugar beet and live on it. A Frenchman can have a cow and two goats and live on it. Why? Because the EU subsidises these people. Why is it the United States—

An honourable member interjecting:

Mr RAU: Probably. It is a French thing. Why is it that the United States is pumping so many billions and billions of dollars into their farming sector? How are we supposed to compete with that? The answer is: we cannot, but we can organise. The one weapon we have is organisation, and that is the one weapon that is being stripped out of our hands by fools in Canberra. The people who made the decision to move the AWB out of public ownership, where it was safe and secure and had some sort of integrity, and put it into the hands of spivs—if I can use one of the expressions I often hear fall from the lips of the member for Stuart—should be flogged, because it is a disgrace what they have done, an absolute disgrace.

Of course, the last little one—I cannot let this one go—National Competition Policy. Here we are, National Competition Policy; we have got the federal government ruining us on the international front and then just to make it more interesting we have the trade deal with the United States which says: one of the conditions is you will not challenge our single desk arrangements. That is one of the conditions. Mr Vaile comes back to Australia singing like a canary, 'Look, we have got this great deal with the United States, they are going to fleece us but we will not notice anything because we can keep our single desk.' And then what do they do? They destroy the single desk by their own idiocy, by putting spivs in charge of it, and then ABB Grain, which is the other single desk that is floating around the place, they try and use National Competition Policy to destroy that as well.

As I said before, maybe the destruction of these single desks was inevitable—it was written as soon as they got the foolish notion of moving it out of public hands in the first place. This whole thing is a debacle, it is a disgrace and I do not honestly know how this mess is going to be cleared up. I do agree with the member for Schubert, it is not possible just to jump into the time tunnel and go back to 1950 when everything was nice. But, let us be very clear about where this problem is and, for goodness sake, in future when these economic coneheads drop their ideas on everybody, instead of going around in a fuzzy thing saying, 'Well, they are clever, they must know, they have been to a university', just apply commonsense to the thing, for God's sake. Apply the commonsense of generations of farmers who actually evolved our single desk marketing schemes for a reason.

I am glad that the member has brought the thing forward. I know he genuinely is concerned about this matter. I know the member for Stuart also has very sensible ideas on this but, honestly, I lament the way they have been let down by their federal colleagues.

The Hon. R.B. SUCH (Fisher): I support this motion. The first part was a sad and sorry episode and, sadly, the people who will pay the price, primarily, will be the farmers, for that escapade by a few people who should have known better. In respect of the second part, I think it is important that the federal government hasten slowly in respect of what could happen to the single desk marketing arrangements. As the member for Enfield has pointed out, and I agree with him, we do not have a level playing field in terms of trade. The idea of the market economy, the pure market, is pure nonsense—we do not have one, never have had one and are not likely to ever see one.

Even the dear old Central Market, which I love, is not a pure market; it is about as close as you can get to one but even that is not a pure market. We would be fools to engage in self-flagellation on the altar of the so-called free market. I draw a parallel with what is happening to our manufacturing industry because we seem to be in the business of punishing ourselves in the context of trade, which is often referred to as free, but it is certainly not fair. I do not know what it is that is driving us to engage in practices, whether they affect the farming sector or the manufacturing sector, which are not in the best interests of this nation. I look at it this way: we should have some approach which is focused on what I would call a reciprocal trade approach. That is, if other countries do certain things, we take that into account in developing our own policies.

In manufacturing, before we bring in Chinese drills and other tools that cost next to nothing that are made by cheap labour, we should impose on them a tariff or some other tax that takes into account the fact that they do not have proper occupational health and safety provisions, they do not pay proper wages, they do not have any regard for environmental considerations, and, therefore, those factors should be taken into account before the price of their goods is set in our marketplace. Likewise in agriculture, as the members for Enfield and Schubert have pointed out, the Americans and Europeans subsidise their farmers. It is more than a subsidy, they support them basically so that they can survive. Therefore, the poor farmer out at Jabuk or anywhere else in this state does not have a hope in hell of competing against the economic might of the United States and their farmers subsidies or the European farmers.

I do not regard the orderly marketing through the single desk as an evil approach at all. It is a realistic approach when you are the small person on the block up against the big operators who have an unfair advantage. The single desk approach should not be thrown out in haste; it should be looked at very carefully to see whether the whole process of marketing our grain can be improved so that we do not shoot ourselves in the foot during this period of concern and regret about what happened during the kickback scandal in Iraq. I am pleased that the federal government has, in effect, taken a deep breath on this. It has given special authority to the federal minister for agriculture and trade not to throw out the baby with the bath water.

Action is needed because we know for instance that, in Western Australia, the farmers who have had a reasonable season over there have stockpiled their grain because they are not happy at the prospect of losing money under what were the arrangements until recently. They were stockpiling it because they could make a lot more money if they could sell direct and bypass the existing arrangements. I support what the member for Schubert has put forward here. I think it is a question of the federal government taking its time to make sure it gets it right in regard to the marketing of all of our grains and to remember, as the member for Schubert has pointed out, that the so-called good old days were not so good

for many of the farmers who lived in a very uncertain environment which was subject to the vagaries of not only growing crops but also the jungle of the so-called market which people talk about existing in the rest of the world which clearly does not.

I say to members that, in focusing on agriculture today, which is very important, let's not overlook the fact that we are also allowing the decimation of our manufacturing industry because we have a lopsided, unfair approach to imports which are coming in and ripping out the heart of our manufacturing industry. In a few years, we will end up with very little in the way of manufacturing. We will basically be a quarry and a farm and not much else because we have allowed key elements of our economy to be ripped out under the guise of people promoting so-called free trade. It is not free trade; we want fair trade which is fair to the farmers and fair to those involved in manufacturing. I support the thrust of this motion and I hope that we are prudent despite what happened in relation to the kickbacks. I acknowledge what the member for Schubert said, that it is the way trade is often done with a handshake and a brown paper bag, but for us in Australia that is not our normal way of trading. Putting that aside, we need to ensure that we do not get rid of a system which has many faults but can be improved by reworking and refocussing on the single desk approach in order to protect the small farmer because, at the end of the day, there is not much else to protect the small farmer against the giants of the economic world in the United States and Europe.

Mr KOUTSANTONIS: I rise on a point of order. I refer to a ruling made in the 48th parliament by Speaker Oswald relating to members' voting on matters in which they have a direct interest. I understand that the member for Schubert is a—

Mr Williams: He has declared it.

Mr KOUTSANTONIS: I am sure he has declared it, but there is a ruling of this house which excluded the then members for Schubert and Stuart from voting on the grains board, I think, or the deepening of the harbour—

The Hon. R.B. Such: This is a motion, not a bill.

Mr KOUTSANTONIS: I understand. That is why I am asking the question. I just want to ask: is it appropriate for a member, who has a direct interest, to vote on a motion or a bill in this house on this matter?

The DEPUTY SPEAKER: Thank you for alerting the chair to this matter, member for West Torrens. I would not expect that a vote will be taken immediately; however, you have alerted the chair with time to check the precedent to which you have referred and to seek advice.

Mr WILLIAMS (MacKillop): This is a very interesting debate, and I congratulate the member for Schubert on bringing this before the house today to give members an opportunity to reflect on what has happened not only with regard to ABB but also to think a little bit ahead about what we may or may not do in the future, because a very similar question will be put to this house, I believe, probably early in the session next year. I draw the attention of the member for Enfield to our state Barley Marketing Act and possible changes. I happen to totally agree with the sentiments and words of the member for Enfield. I thought he made a fine contribution, and I have heard him express similar sentiments previously. I urge all members, particularly those who have not been in the chamber, to read the *Hansard* and think deeply about what has been said on this matter, particularly as we consider what we might do with the state's barley marketing arrangements.

I just make a couple of points. Australia is blessed with an agriculture sector that has the ability to feed a hell of a lot more people than we have in this country. That is a blessing for us as a nation but it also causes significant problems in a marketing sense. We produce virtually every food commodity that is available in the world and, in general, we produce them in quantities that are surplus to our needs. As a consequence, we have to try to sell a whole range of products on world markets. As has been pointed out by other members, we have to compete with agriculturalists, farmers, from all over the world.

A number of our farm leaders—agri-politicians—have, in my opinion, a misguided idea of the way in which world trade can operate, and I say 'can' because I think it is possible that it can operate in that way, but the reality is that it will never operate in a free system. I will just give one example of the European common agriculture policy. We make the fundamental error in believing that the European agriculture policy is about agriculture. It is not about agriculture. It is not about subsidising farmers to enable them to produce milk, canola, cereal grains or whatever; it is not about that at all. It is about giving people in France, say, the ability to remain living outside the major cities.

It is a social policy. It is a policy designed to ensure that the infrastructure—in the case of France—which has been developed and built over hundreds of years and enables people to live in the country villages, is actually utilised. If members go to any country village in France, they will see dozens and dozens of buildings literally falling down because there is nobody there to maintain them. Dozens and dozens of schools, medical clinics and hospitals are underutilised, yet their major cities have the same problems that we have here in Australia. The cities are expanding and the community cannot keep up with providing the sort of infrastructure that the population growth in their cities is demanding.

The common agriculture policy is not about producing food. It is about keeping people living and utilising the infrastructure that has been built in country areas over the years; that is what it is about. Once we start to understand that, suddenly we come to the realisation that we are not going to put an end to it, because it is not about the production of food. That is where our agri-politicians and other politicians get it wrong. That is a fundamental flaw in the thinking behind what we try to do.

I agree with the member for Enfield and my colleague the member for Schubert that, in trying to sell our produce on the world markets, in some areas we have developed some very good marketing systems. Being a lamb producer, I know that the lamb industry has expended vast sums of money establishing our marketing on the West Coast of the US. We have been very successful and, as a consequence, in the last 20 years the lamb industry in Australia has enjoyed very good returns. It has been one of the bright lights in farming in Australia over that period, and that is only because of investment in marketing.

The lamb industry was able to do that because not a lot of sheep are grown in the US, and there are virtually no sheep in Canada. The last figures I have are a few years old, but there are only about seven or eight million sheep in the US, so it was a market that had a huge potential to be tapped with the appropriate marketing. That is what we did as an industry, and it has been very, very successful.

The grains industry is considerably different because most countries produce grain of one form or another. Most countries produce cereal grain and it is one of the staples, it is much more difficult to market cereal grain than something like prime lamb. The advantage that we have given ourselves in marketing or competing on the world markets with cereal grain and, more particularly, wheat is that we have developed the single desk. It means that we have an orderly marketing system and individual farmers and individual grain traders in Australia are not competing against each other on the world market for market share and consequently driving down the price to producers.

One only has to look at what happened to the Australian coal industry 15 or 20 years ago, where individual coal mines competed against each other for market share, particularly into Asia, and it drove down the price of coal for everyone. It almost caused a disaster in our coal industry. I am sure members on the other side would be fully aware of the number of jobs that were lost in the coal industry. That was purely and simply as a result of stupid marketing. The Australian coal industry has now recovered because of the world boom. It is a very buoyant industry at present, but if it had a single desk to market coal for the past 20 years it would be a very different industry from what it is today. A lot more jobs would have been saved in that industry over that period.

There are plenty of examples as to the benefits of having a single desk. There are plenty of examples of the disadvantages of deregulating orderly marketing schemes. One only has to look at what has happened to the egg industry and the dairy industry. As soon as we have deregulated, no-one from the consumer to the original grower has benefited. There is one organisation that has benefited; that is, the big supermarket in the middle. But no-one in the production and distribution chain has benefited. That is the dilemma we have at present in trying to work out where we go forward. I would urge our colleagues in the federal parliament to think long and hard about what they do with the wheat single desk, and I urge members of this house to think long and hard what we do—and we will probably be asked to consider this issue next year—about the orderly marketing or the single desk for barley producers in this state.

I will talk briefly about barley, because barley is an interesting product. There are two distinct markets for barley—one is a malting market (where barley is used to make malt for beer) and the other is a feed market (where barley is used for livestock feed). The barley comes from the same plant and it is grown on the same farms, but it depends on the quality of the grain when it is harvested. It is not just a simple matter of saying that we can play around with the marketing system. It is a complex market system and, in my opinion, if we do away with the single desk for barley, we will cause hardship to a large number of farmers in South Australia.

Mr PEDERICK (Hammond): I will speak on a general basis about what is happening with this harvest in the Hammond region. We are fortunate to have a synergy with the state border of Victoria. At present, both the wheat and barley harvests are starting to tail off a bit, but the price offered at Murrayville in Victoria is far too competitive for both feed barley and wheat of any grade in the wheat silos from Murray Bridge to the border. In fact, truck drivers are getting to Murrayville in the mornings and there will be 50 B-doubles with 2 000 tonnes of grain (most of which comes from South Australia) in the line-up. Why is that happening? Why is the grain not able to be secured in all this infrastructure throughout my electorate in order to employ people who usually work these ABB sites—and there is an AWB site at Pinnaroo, as well. Why are they not getting the benefit of the local employment? Why can the companies not give the prices? When one can ship grain 250 kilometres from the Coomandook area and make $60 extra per tonne, one has to ask the question. When the B-doubles are turning up from Balaklava and Clare it is a serious issue.

Somewhere in the scheme of things we must ensure we get fairer returns to farmers across the board. A small farmer from Sedan rolled up in his 40 year old Bedford with a trailer and 10 tonne of grain. It is said that he travelled two-up; he had to bring along his neighbour to help him with the load.

Mr Piccolo interjecting:

Mr PEDERICK: The flat-front Bedford with the Detroit GM engine, and anyone who knows anything about two-stroke GM engines would know they would not have been able to talk to each other on the trip. It would have been rattling. That shows the determination of people to secure good prices for their grain. Single desk marketing is an issue in Australia at present. Obviously, there is the issue with the wheat board which has run into a bit of trouble. I agree with the national single desk system if we have a national operation in place. I believe there may be issues with ABB Grain as it is a single desk only in one state. In relation to my interest in grain, I have leased out my farm and sold all my shares, so I am not a practising farmer at this stage.

We have to ask a lot of questions in relation to marketing. I admit it is probably split 50-50 throughout the electorate of Hammond. Some want to free up barley marketing and others want to keep it in a single desk arrangement. I know I am digressing, but ABB operates in a totally free market in Victoria, a fully deregulated market. It is a deregulated market in New South Wales and it operates in a semi-deregulated market in Western Australia. It is interesting to note that ABB Grain is canvassing solidly at present. If AWB falls over it would like to take over that niche in the market for the marketing of wheat worldwide.

There are a lot of things on the table at the moment, obviously exacerbated by the situation with wheat. We need to take note, as has been mentioned by the member for MacKillop, of this report and recommendations by the latest barley marketing group. The industry needs to have a good look at it. The industry has not come up with a solution in the past four years, and I know that the barley marketing group is pushing for full deregulation after a three-year period of semi-deregulation. At the end of the day, it is up to the industry to tell the politicians in this house what it wants. There is nothing worse than politicians telling people how to operate their business. I have given my views, but it is up to the people of the electorates to say what they think.

Mr KENYON secured the adjournment of the debate.

HOSPITALS, LOCAL BOARDS

Mr VENNING (Schubert): First, I want to thank all those who contributed to the last debate. It was one of the finest debates I have heard in this place for some time, particularly the contribution by the member for Enfield, who made a brilliant speech. Again I ask why he is not serving this house at a higher level, and I mean that with all sincerity. I move:

> That this house recognises the fantastic service of our individual hospital boards over many years and supports the existing structure of local hospital boards, particularly country boards, and congratulates them on the excellent service over the years.

Today I express my concern over the pending abolition of local hospital boards in South Australia and the restructuring of the system as proposed by the Rann Labor government, through its Minister for Health, Hon. John Hill. I believe that the downgrading of local hospital boards is the beginning of the end for many country hospitals, and I only hope that the level of apathy being shown by many communities oblivious of the new direction does not continue. The Minister for Health has intimated that he will abolish every local hospital board in South Australia and replace it with toothless, so-called community health councils with no power over the chequebook. The minister intends relieving local voluntary hospital boards of 'the burden of complex management issues,' and so generously allowing them to be involved in monitoring their local health services and fundraising. Big deal!

How will people feel, particularly those who have volunteered their services for years on hospital boards and helped to nurture and shape the great country hospitals we have today? I implore the local communities all over the state to stand up and take note of this draconian move. If we do not now stand up for what we believe in, the future of our local hospitals will be in jeopardy. I note that the previous minister for health is sitting here, and I hope that she would agree. I believe that our local people have worked too hard to allow this to happen, so they should be proactive and write to their local newspapers and put their point of view. Not only have they physically supported their hospitals over all these years, they have financially done so by donations and often by very generous bequests. This happens all over the state, and I am aware of it because I myself served.

Local hospital boards are vital to the health of our local hospitals. Why change something that is working so well? If it ain't broke, don't fix it. In my own electorate of Schubert a new hospital has been promised for some years for the Barossa, yet as every month goes by the chances of constituents in this important region ever seeing their new hospital diminish even further. The strength in the two Barossa hospitals at present is not the poor level of infrastructure, which I talk about regularly, but the efficient management and excellent service they give. Why put this in jeopardy by changing the management? Poor budget allocations for country health are proof of the minister's contempt for health services outside Adelaide. Regional South Australia is in the midst of a drought, and country health is suffering from a similar funding drought.

Country health has received a sparse $1 million for 10 dialysis chairs at Port Augusta out of a $130 million capital works budget. There is $17.5 million to waste in de-privatising Modbury Hospital while country health is left with nothing, at the same time as the minister has admitted that the total cost of the public sector running Modbury Hospital could be as high as $42 million. Minister Hill's intention to abolish every local health and medical board in the state except the Repat Hospital board will leave his bureaucrats in Adelaide with complete and total control over health. He is taking away all the capacity of our old boards to manage their own affairs, and our communities should be up in arms over the direction that the government is taking.

I cannot accept this backward step which, once again, shows that this government is interested only in maintaining large regional hospitals, similar to its direction in education with small schools and super-schools. The downscaling of small hospitals will see them close through a lack of community interest. For 10 years I served on a local hospital board and I have first-hand knowledge of how valuable they are and how vital those links to the community through representation on those boards for the viability of the hospital. The community is vitally interested in its hospital and works in partnership with that hospital, as it does in my home town of Crystal Brook. It is a pivotal part of that community.

The government knows full well that, if a community's direct interest in its local hospital is removed, it is similar to ringbarking a tree: it will wither and die. That is exactly what the minister and this government want to see happen, although I have some personal time for Minister Hill. I do not believe it is exactly his will, and I blame his bureaucrats.

Minister Hill flagged his view of the contribution made by the voluntary country hospital boards over many years, on 19 October this year in this house when he said, 'I am of the view that hospital boards are not the best way of running a health system.' This shows contempt and total disregard for the enormous amount of work and expertise which present-day hospital board members and their predecessors have put into health in their local communities over many years. I only hope local communities all over the state quickly realise the direction this government is taking in dealing with health on their own doorstep, and just as quickly voice their disapproval in the strongest possible terms before it is too late. It is not a lost cause: it is worth fighting for. I know that some of the boards are not always perfect, but the decisions they make are always made for the overall good of the community, the hospital and all those associated with it. They are not just decisions made for purely economic reasons.

I urge members to support this motion. No doubt, next year the minister will have to introduce legislation to bring this about. I will be opposing that legislation with all my strength, and I would urge members of the upper house to do the same. I have been fairly critical of the role of the upper house in the past, as members would know. This will be one case where I will be asking my colleagues in the other house to prove their worth in stopping something that this state does not want. I urge the house to support this motion.

Mr KENYON secured the adjournment of the debate.

GLOBAL WARMING

Adjourned debate on motion of Mr O'Brien:

> 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.

(Continued from 23 November. Page 1411.)

Dr McFETRIDGE (Morphett): I will probably be labelled a global warming sceptic at the very least, but more likely a global warming blasphemer by the time I finish my contribution. I am a scientist and it is a scientist's job to be sceptical, and I am an absolute sceptic when it comes to the

evidence that has been presented as fact by those who promote the global warming issues. The need to look rationally at the evidence and the need to look at the science around climatology is something we should be looking at not just from a public policy point of view but also from a scientific point of view. That public policy must be driven by accurate science. I have a great respect for the member for Napier, Michael O'Brien. He is a very intelligent man, but I think in this case a saying that was once put to me at a conference applies to him; that is, economists are only put on this earth to make meteorologists look good.

Now, I have said that once before and I had to do penance at the Bureau of Meteorology. Members can do with that what they want, but what I can say is that economists were only put on this earth to make climatologists look good. As we know, economics is a fuzzy science, and certainly the science behind climatology is certainly a fuzzy science. If members want to use fact to illustrate a point, then make sure that the fact is testable, repeatable and will back up any hypothesis which you are presenting to an audience of any sort. The motion that the member for Napier has moved is that this house acknowledges the conclusions contained in the US government Stern report on global warming. I certainly acknowledge those conclusions but I certainly do not agree with them.

Stern has adopted the most radical climatologist's models. He has adopted the most radical economist's models and put them together to come up with what can at best be described as alarmist conclusions. The evidence does not back up the conclusions in Stern's report on global warming. Stern is doing his job as a public servant. We must never forget that he is Tony Blair's public servant. He is expected to produce a report which will fit in with what Blair and many in the new Labor—and hopefully not progressive Labor here—agree with. The second part of the motion asks the house to express its extreme concern that the federal government will not ratify Kyoto. If we were to ratify Kyoto, it would make not one jot of difference to what is happening to greenhouse emissions—and there is no doubt CO_2 levels are increasing in the world—but the effect on Australia, and particularly South Australia's GDP, would be immense.

If members want to see what is happening in the state of South Australia with many issues, just read what David Simmons had to say in *The Advertiser* this morning about our manufacturing base. If members want to add further pressure on the move to China, India and possibly other countries, then look at what the implications are if we do ratify Kyoto. The third point is that this house recognises the refusal of the federal government to work within an international framework that places the future and social and economic stability of South Australia at risk. Similar arguments apply as for ratifying Kyoto. We will put the economy of South Australia under huge risk. I made a speech, I think two years ago in this place, when the member for Colton (Hon. Paul Caica) moved a motion about ratifying Kyoto and pointed out that the economic impacts of signing Kyoto were immense not only for Australia but for South Australia.

Mr O'Brien, the member for Napier, in his speech said that Stern is not your typical eco warrior. I would go further: he is not your typical eco fascist, because if people like me dare to speak up, then the eco fascists belt the hell out of you. I am afraid their arguments are not scientific arguments. A scientist has the job of being a sceptic, and until I see irrefutable proof on what is happening with climate change, then I will still remain the sceptic. The member for Napier also said that a CSIRO report handed down in June of this year and tabled by the Premier in this house has found—not possibly found—that in South Australia the increase in temperatures will be between 1.2° and rising possibly 5° since the last ice age.

This is where the science comes into it. Let us go back to the report on climate change in South Australia done for the South Australian government by the CSIRO, a reputable body. Let us go to page 2 and read what is there. This should happen in every report that is put out. They should be honest like the CSIRO is and put in the 'important disclaimer'. They are not my words, they are their words. Let me read the disclaimer into *Hansard* once again. I have done it before but I will do it again and, hopefully, this time people will read it. The disclaimer states:

> This report relates to climate change scenarios based on computer modelling. Models involve simplifications of the real physical processes that are not fully understood. Accordingly, no responsibility will be accepted by CSIRO or the South Australian government for the accuracy of projections in this report or actions on reliance of this report.

That really says that this is not worth the paper it is written on. The issue of climate change is one that we need to examine not with religious fervour but with scientific fervour. In December 2004 Professor Richard Lindzen at the MIT in Massachusetts, at the Department of Earth, Atmospheric and Planetary Sciences, likened the fear of global warming to some religious belief and pointed out, as I have, that scientists are expected to be sceptical and are expected to look at the real reasoning and the facts behind the issue of global warming. But, as this article by Professor Lindzen says, once a person becomes a believer in global warming, 'you never have to defend this belief except to claim that you are supported by all scientists—except for a handful of corrupted heretics'. I suppose that is what I will be labelled as today.

Let us look at the response to the Stern report by no-one more eminent than Lord Nigel Lawson, a former British Chancellor of the Exchequer. In his response to the Stern report, Lord Nigel Lawson calls it a scaremongering report and points out that Sir Nicholas Stern is a 'good civil servant' who 'was simply doing his masters' bidding', and that is exactly what we were saying before. Lord Nigel Lawson further comments that the Stern report:

> . . . adds disappointingly little to what was already the conventional wisdom—apart from a battery of essentially spurious statistics based on theoretical models and conjectural worst cases. This is clearly no basis for policy decisions which would have the most profound adverse effect on people's lives, and at a cost which Stern almost certainly underestimates.

People should get a copy of the article on the economics and politics of climate change entitled 'An appeal to reason' by Lord Nigel Lawson. He presented this paper in November 2006, just a matter of a few weeks ago. It provides a good background and a good reality check for all those out there who are adhering to the religious fervour of climate change. The need to ensure that we are not taken up by the Premier's chant that global warming is greater than terrorism is best summed up by the final paragraph in Lord Nigel Lawson's presentation when he says:

> There is no greater threat to the people of this planet than the retreat from reason we see all around us today.

I listened to the remarks of the member for Waite, and I do not agree with him. I certainly do not agree with the conclusion that Al Gore's film is a good presentation to see and believe every word of, because Al Gore is a politician, not a

scientist. But the member for Waite also pointed out that the people coming on board are as diverse as Rupert Murdoch. Rupert Murdoch wants to sell newspapers: that is all he wants do. When *The Latham Diaries* were printed, what did Murdoch say? He said it was good copy. I just hope that there will be some real honesty here.

Even Stephen Schneider, who is here as a thinker in residence, 25 years ago was predicting the next ice age. I asked him, 'Why can I be so sure that what you are saying is true and that in 25 years' time you are not predicting the next ice age?' The fact is that you cannot do that. The science behind this is not that you can make future predictions 50 or 100 years out. You cannot do that. The science of climate change is still open for discussion. I cannot support the motion.

Time expired.

Mr KENYON (Newland): I am happy to speak briefly on this matter, but it was prompted particularly by the member for Morphett's comments. I am an applied scientist and probably not a pure scientist, but I have a real issue with what he is saying. I think he fundamentally misunderstands what the Stern report is about. The Stern report looked at some of the environmental and climate change models that have been put up and said, 'If these factors were true, what would be the economic effects?' It is useful and important that someone has eventually done that. There is a lot of talk about climate change and, purely from a scientific point of view, the member for Morphett is well within his rights to be a sceptic. There are a number of scientists around the world who are sceptics. But the number of scientists who are sceptical about global warming and climate change is reducing, probably daily. The science that there is, in fact, climate change is becoming more accepted.

There are eminent scientists who think that we are in fact in the warming and drying period immediately before we are about to plunge into an ice age, and that is fine—that is for them. But I have never yet read a scientific paper that does not conclude with words along the lines of, 'These are our conclusions but there needs to be more research done.' If we waited for the conclusion of scientific research on any particular matter you could name, we would still be doing research for the next 500 years, because there are never any certainties in scientific research. There are always theories; you have probability of correctness. So, to come in here and say, 'because it is not certain we should do nothing', is nonsense.

You have to take the best information you have and then make the best decisions that you can and, when you have the information saying that there is a chance of catastrophic climate change and in the event that occurs there will be catastrophic economic consequences, you cannot just sit back and do nothing about it. You cannot say, 'That's all very nice but let's do another paper.'

At some point you have to make a decision on the information that you have available. It may be that at some point in the future you are wrong, but that is always the case. No-one knows the future: you make predictions about the future based on the best information you have available. I am not a climate change sceptic. The evidence is there that things are changing. We have increases in sea surface temperatures, which we know has an effect on weather. We know that increases, particularly in tropical areas, in water temperature increases storm intensity. Everybody knows that storm likelihood has increased; that is a given.

Dr McFetridge: The worst cyclones in America were in the 1900s.

Mr KENYON: Yes, there have always been cyclones. I am not arguing that there have not been cyclones, but the prediction is that they will increase in scale and intensity. Over the last 20 years the statistical evidence is that that is proving correct. The member for Morphett is right to question the use of 20 years; in meteorological terms it is not a long time, but by the time we work out what has happened it will be too late. By the time we realise that we are absolutely correct on climate change, the temperature could have risen two or three degrees on average, and then we are done.

In fact, the most prudent course of action for a federal government to take is to start planning for that event, given that the body of scientific evidence around the world is saying that climate change is occurring. You may like to argue that it is not certain that it is caused by CO_2 emissions, but it probably is, and that is the general body of opinion. For what it is worth, there are historical links between CO_2 in the atmosphere and temperature rises. They may be completely unrelated or, in fact, it might be the temperature rise that has caused the CO_2 increase. That could be the case, but levels of CO_2 in the atmosphere are now higher than they have ever been before in any historical record. Can we continue to pump CO_2 into the atmosphere with no effect? That is probably the key question: will it have no effect? Is that what we are saying? I think the answer is no. At some point, if we keep pumping CO_2 into the atmosphere, it is going to have some effect, and that is what we are seeing. I think it is a prudent action on behalf of a federal government to do something about this.

The tragedy of the Howard government in general is the number of opportunities it has wasted over the last 10 years and, in particular, it is wasting another opportunity in climate change. It is refusing to act; it has had to be dragged from the sand. We can argue it is because John Howard has a particular affinity with George Bush and he does not want to act without him or does not want to leave him alone. The member for Morphett is right to raise concerns about the economic consequences of taking action on climate change, because there will be some.

The debate has to be about what is the greater risk: doing nothing or doing something. The Stern report points it out. We can question the assumptions that the Stern report uses, but the fact of the matter is that, even in South Australia, in our own state, we would not need a very large sea level rise to wipe out Port Wakefield Road and large sections of the north-south railway. With a small sea level rise, all these things will be wasted—billions of dollars, just in a sea level rise.

So, it is about time the federal government took some action. The only solution it can come up with is nuclear power. In its own way, that is going to have an effect on the economy. We cannot raise power prices by 50 per cent with no effect on the economy. We cannot tell industry that we are going to raise its power prices by 50 per cent and expect it not to have an effect. That is what nuclear power will do: it will raise power prices by 50 per cent, and that is what John Howard is proposing. John Howard's only response to climate change is to raise electricity prices by 50 per cent and, frankly, that is not going to be good enough. That is why the member for Napier is right to move this motion—and I agree with it—that something has to be done. It has to be an international solution, and the Howard government has to be part of it.

Mr WILLIAMS (MacKillop): Paragraph (a) of the motion moved by the member for Napier acknowledges the conclusions contained in the UK government's Stern report on global warming. I do not have a problem with acknowledging the Stern report. I think the member for Newland made a very important point. The Stern report says: if the predictions in the reports and various papers being made by a number of people about global warming and the greenhouse effect all occur, this will be the economic consequence. What disturbs me about the Stern report and, more importantly, the political reaction to the Stern report, is that a number of people, and a number of people within the Australian Labor Party, have actually come out waving the Stern report around and saying, 'This proves that global warming is upon us.' That is what disturbs me about the Stern report. I think the Stern report is an important document. I think we should acknowledge it; I think we should look at it and say: yes, if these things do happen this will be the likely economic consequence.

I think that is a piece of information that we should have, but I do not think we can say that the Stern report is another piece of evidence to prove that global warming is upon us. It does nothing; it adds no evidence to the proposition that global warming is upon us.

Ms Ciccarello interjecting:

MR WILLIAMS: If the member for Norwood would listen to my remarks—and she will have ample opportunity to contribute—she will know that I have not said one thing to suggest that I am not an adherent to the global warming theory. I might do so, but at this stage I have not done that. I am just trying to point out that the Stern report brings no new evidence to the table. So, let us put it in context. Let me go to the second paragraph, which is, I think, quite important, and with which I definitely disagree. Paragraph (b) of the motion seeks that the house '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'. That part of the motion presupposes two things: (1) that the federal government is doing nothing; and (2) that by signing the Kyoto Protocol the job is done. On both counts it is wrong.

I will demonstrate to the house in a moment that the federal government is doing a lot and that it has made a commitment. Our federal government has made a commitment, Australia has made a commitment, to meet or exceed the greenhouse emission targets that it would be obliged to meet if it signed the Kyoto Protocol—that commitment has been made. The only people who do not acknowledge that are members of the Labor Party because they want to play politics. I happen to think that this issue is bigger than politics, but you guys go on and keep playing politics because, whilst you are playing politics you are doing very little, and there are opportunities to do a lot. I will come to that in a few minutes.

If you go onto the federal government's Office of Greenhouse web site you will see that Australia is currently on track to meet it 108 per cent, so it is going to exceed by at least 8 per cent its obligations under Kyoto—it is on track to do that. I wish the Labor Party would come out and acknowledge that. The federal government has made a decision to invest $1.8 billion of taxpayers' money in this effort—$1.8 billion being invested in the effort to meet its obligations. I would like to hear somebody from the other side of the house tell us how much the South Australian government is spending and what impact it is having, because what we are spending money on here in South Australia is political stunts. There is a little windmill on top of the State Administration Centre, producing the most expensive power in South Australia. There are a number of—including on this building—photovoltaic cells around; a million dollars' worth down at the new Adelaide Airport—a publicity stunt. The photovoltaic cells on the roof of this building are a publicity stunt. The photovoltaic cells that are going on to the roofs of schools around the state are a publicity stunt. It is a poor investment.

I have made this point previously: the law of diminishing returns, which is an economic law, is as fundamental in economics as the law of gravity is to physics. When you are already producing relatively clean electricity and you continue to spend more dollars, the return you get for each dollar invested becomes less and less. If we wanted to do something to have an impact on greenhouse gas emissions, we would spend our dollars wisely where we get the best return. I can tell the house that the best return the world will get is from building nuclear power stations in China and India.

The house might be interested to know that the Chinese will be building the equivalent to the total of Australia's electricity generation capacity every year for the next 20 years. That is on top of what they already have and, by and large, they will be using coal-fired generators. That is what they will be using to produce that electricity, so let's get fair dinkum. If we are going to spend money putting photovoltaic cells on roofs of schools, we are wasting money. We are playing politics and, to use an old phrase, we have a Premier who is fiddling while Rome is burning. That is what is happening. Returning to the scenario in China, they are building a new coal-fired power station every seven days, so let us get things in perspective.

Another interesting fact about Australia, and one of the reasons the federal government has not signed the Kyoto Protocol, is that 40 per cent of Australia's exports are energy. If we sign the Kyoto Protocol, we are going to do serious damage to our economy and that will undermine our ability to meet the challenges ahead. If we do sign the Kyoto Protocol and if we do enter a carbon trading scheme, the exact opposite to what the member for Newland tried to say will occur because, as soon as we enter a carbon trading scheme, the price of electricity in Australia will increase dramatically. He tried to make the argument that John Howard is committed to nuclear power and that it is going to increase the cost of electricity by 50 per cent. As to the alternative that he is proposing—that we sign the Kyoto Protocol and get into carbon trading—I would argue that the price of power in Australia will increase by more than 50 per cent. Let's get fair dinkum. Let's stop playing politics with this.

The thing that really concerns me is that the people who are pushing these arguments are preying on people's fear. I get concerned every time I see a politician prey on the community's fear, because that is what is happening here with regard to this debate. A lot of people in the community, particularly older people, are afraid because their political leaders are telling them that the world is about to end. That is what they are hearing from this debate. I want to hear the leaders of this state come up with some real, cost effective answers that will have some impact, rather than going for the expensive photo opportunity.

The Hon. R.B. Such: The photovoltaic opportunity.

Mr WILLIAMS: Yes, not the photovoltaic opportunity, as the member for Fisher says. The photo opportunity that the Premier wants is the one that appears on the front page of *The Advertiser* or on the TV news—that is what he is going for—and he is wasting resources in the meantime. Let's get fair dinkum. Let's do the right thing and spend our dollars wisely.

Time expired; debate adjourned.

[Sitting suspended from 1 p.m. to 2 p.m.]

PHARMACY PRACTICE BILL

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

SCHOOLS, INSTRUMENTAL MUSIC PROGRAMS

A petition signed by 2 423 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.

SCHOOLS, SPORTS PROGRAMS

A petition signed by 1 017 residents of South Australia, requesting the house to call on the government to maintain funding to school sports programs and continue the Be Active—Let's Go school sports programs, was presented by Dr McFetridge.

Petition received.

SCHOOLS, AQUATICS PROGRAMS

A petition signed by 1 075 residents of South Australia, requesting the house to call on the government to maintain funding to school swimming and aquatics programs, was presented by Dr McFetridge.

Petition received.

SCHOOLS, DENTAL SERVICE

A petition signed by 266 residents of South Australia, requesting the house to call on the government to maintain funding to the School Dental Service program and reverse the decision to introduce a $35 fee for each course of dental care to all children, was presented by Dr McFetridge.

Petition received.

SCHOOLS, SMALL SCHOOLS PROGRAM

A petition signed by 470 residents of South Australia, requesting the house to call on the government to maintain funding to all schools that currently receive small school grants, was presented by Dr McFetridge.

Petition received.

BAROSSA VALLEY RAIL SERVICE

A petition signed by 11 residents of South Australia, requesting the house to urge the government to extend the current passenger rail service from Gawler to the Barossa Valley, was presented by Mr Venning.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

South Australian Film Corporation—Annual Report 2005-06

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

Primary Industries and Resources SA—Report 2005-06

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen) for the Minister for the River Murray (Hon. K.A. Maywald)—

Save the River Murray Fund—Report 2005-06.

BRIDGES, Mr D., RETIREMENT

The SPEAKER: I inform the house of the impending retirement of the Clerk of the House of Assembly, Mr David Bridges. After almost 30 years of service in the House of Assembly, David will cease duty on 2 February 2007 prior to taking long service leave until 20 July. David started in 1977, making the member for Stuart the only person with longer service in this place, which is no mean feat. Mr Bridges served for 23 years as Deputy Clerk, which I think might be a record anywhere, and he is highly regarded by both sides of the house. On behalf of the house, I wish him well.

Honourable members: Hear, hear!

VISITORS TO PARLIAMENT

The SPEAKER: I advise members of the presence in the chamber today of students from Madison Park Junior Primary School (guests of the member for Wright) and students from TAFE SA English Language Services (guests of the member for Adelaide).

DIRECTOR OF PUBLIC PROSECUTIONS

The SPEAKER: I inform the house that before 1 p.m. today I received a letter from the Leader of the Opposition requesting, under standing order 52, to move a motion of urgency. The motion reads:

That this house—

1. Expresses its deep concern at the continual undermining of the Director of Public Prosecutions and the Office of the Director of Public Prosecutions by the government, and the undermining of public confidence in the justice system that results; and
2. Calls on the government to urgently answer the question raised by the Director of Public Prosecutions in his report tabled in the parliament yesterday as to whether South Australia wants an independent Director of Public Prosecutions or not.

The motion is in order and I ask members wishing to support the motion of urgency to rise in their places.

Honourable members having risen:

The SPEAKER: As there are four members, debate may proceed.

The Hon. I.F. EVANS (Leader of the Opposition): The reason the opposition seeks the urgency motion today is that yesterday the Director of Public Prosecutions tabled a report in parliament and today is the last sitting of the house for some weeks, so it is opportune for us to debate this today. In that report, the Director of Public Prosecutions raises a number of issues about the government's relationship with his office. They go to the heart of the independence of his

office. They go to the heart of the justice system. The Director of Public Prosecutions has asked the government to make clear if the government is committed to maintaining the independence of the Director of Public Prosecutions or whether the government wishes to revert to a different system, one previously rejected not only in South Australia but in every state of Australia and the commonwealth.

An urgent response is required on at least two counts: the government should act urgently to answer the question raised by the Director of Public Prosecutions about the independence of his office; and the government should act urgently to address its poor relationship with the office of the Director of Public Prosecutions by stopping undermining it. The Premier should answer the question: does this government want an independent office of the Director of Public Prosecutions or not? The other question the Premier needs to answer is whether it is acceptable to continue to erode public confidence in the justice system by his government deliberately undermining the office of the Director of Public Prosecutions. It is important to South Australia that the public at large have confidence in the legal system.

The government's continued undermining of the Director of Public Prosecutions and his office only serves to erode public confidence in the justice system as a whole. It should be of great concern to South Australians that this government appears to have set out on a deliberate strategy to undermine the Director of Public Prosecutions and the office of the Director of Public Prosecutions. The undermining of the position and the office by the government is disgraceful. You have to ask the question: how does the undermining of the office serve the best interests of South Australians? You could go through and look at a whole range of areas where the government has sought to undermine and interfere with the office.

There is a phone call from the Treasurer in May 2005, when the DPP spoke out about the lack of resources for his office. The DPP says that that was an unjustifiable attempt to interfere with the independent operation of his office.

The Hon. K.O. Foley: What nonsense!

The SPEAKER: Order! The Deputy Premier is out of his place.

The Hon. I.F. EVANS: Then there is the issue of the interference by the adviser to the Premier in the Ashbourne matter. The DPP states in that example:

> It was my view that the remarks made to the prosecutor by the Premier's adviser were not only highly inappropriate, but they also created the perception of an intent to interfere with the conduct of the prosecution of Mr Randall Ashbourne.

He goes on to say that these actions set the perception of improper political interference, and the fact that the government had failed to address that perception is regrettable. Then we had the circumstances where minister Holloway from another place, who is chair of the Select Committee into the Atkinson, Ashbourne and Clarke Affair, publicly conceded providing background information to journalists prior to the Director of Public Prosecutions testifying the second time before that committee. Members have to ask the question: what purpose did that serve, other than to undermine the Director of Public Prosecutions? What was the purpose of a minister's leaking to the media information prior to his giving evidence if not to undermine him; and what service did that do the people of South Australia?

Then we had the example where the Premier visited the DPP's office. They talked about the lack of resources. They asked for a memo back from the DPP about the lack of resources. Then that was used by the government—turned back on the DPP—to say that he was seeking a wage rise to undermine the DPP publicly. What public purpose and what good did that serve, other than a deliberate strategy to undermine the Director of Public Prosecutions?

The Premier has also continued to undermine the position of the DPP and the Office of the Director of Public Prosecutions when the Premier simply refuses on every occasion to express the same level of confidence in the DPP and his office as he does the Auditor-General. Why does the Premier do that, if not in a deliberate attempt to undermine the DPP and the Office of the DPP? Members would have to ask the question: why did this government do a worldwide search to find Eliot Ness only to spend the next 18 months undermining him and his office?

Of course, the Treasurer also has been involved in criticising and undermining the DPP. The DPP has stood up for his office and his staff and, importantly, he has sought to build bridges back to the government in a whole range of ways, which he has outlined. But, typical of members of this government, they are arrogant and they are bullies towards everyone who disagrees with them. It is a typical standard operation of this government, and the way in which Mr Pallaras and his office are being treated by this government is testimony to that.

The Attorney-General is also undermining the DPP and his office and, in my view, he is central to the undermining of the office. The Attorney fails to respond to letters from the Director of Public Prosecutions in which he outlines his concerns. Yesterday he made a cheap shot about the DPP: if he disqualified everyone the DPP had an argument with, there would be no-one left. In my view, it is a great tragedy that the Attorney-General, supposedly the most senior legal officer in the state, is a central player in undermining the Director of Public Prosecutions and, indeed, the undermining of public confidence in the justice system. The Attorney-General is meant to uphold the law, not undermine it. The Attorney-General should be building confidence in the legal system and not undermining it.

Over the past few weeks and, indeed, throughout this whole episode, up until yesterday the government refused to act. In October 2006, the DPP wrote to the Attorney-General regarding the use of the term 'unlawful' in the Auditor-General's Report. That was left as a festering sore. The Attorney takes no action with it. As the exercise in the last few weeks unfolded, what was the parliament told? We were told that it was of no consequence; why would it bother us; who cares; it is boring. Suddenly, yesterday it became of such a concern that we had to call in the Solicitor-General. They were not going to act then suddenly they have now been pressured into acting.

Of course, who do they call in? They call in the very person the DPP says to the parliament not to appoint—do not appoint the Solicitor-General. So what does the Attorney do in another little cheap shot at the DPP and a point of undermining—he appoints the Solicitor-General to handle this matter. The relationship between the government and the DPP has been undermined to a point at which in his reports the DPP says that he may be providing up to two more reports to the parliament about the relationship between the government, the DPP and his office.

The Director of Public Prosecutions has raised a principal question for the government to answer, and the government must answer that urgently: does it want an independent Director of Public Prosecutions, or not? The answer to that

question will help restore confidence in the system and the government should respond urgently. I say to the Premier that he must answer this question: why does the Premier think it is acceptable for his government and his ministers to continue deliberately to undermine the Director of Public Prosecutions and his office, and how does that serve the best interests of South Australia?

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, is that all there is from the Leader of the Opposition? The Director of Public Prosecutions would do a great service to the public of South Australia and to his long-suffering employees if he would put the same energy into prosecuting, in court, alleged criminals as he does into the phoney war of independence. The most important point to make is that this government, since it came to office, has increased resources to the Office of the DPP by 56 per cent in real terms. We have invested in the Office of the DPP in a way that no previous government has. There are more prosecutors, there are more solicitors, and there are more administrative staff than there have ever been. Indeed, so great has been the increase in staff that the DPP, within about seven weeks of being appointed on a particular salary, sent me a memo seeking a 45 per cent wage increase because he was supervising so many more people.

The Leader of the Opposition condemns me for bringing that request for a wage increase before the people of South Australia. I am not going to cover up things like that. I think the parliament deserves to know.

Members interjecting:

The SPEAKER: Order! The Attorney.

The Hon. M.J. ATKINSON: We showed the Leader of the Opposition every courtesy when he made his underwhelming contribution so I would appreciate some courtesy from members opposite, because they might learn something about the history of the Office of the DPP in this state. Back in 1991, the South Australian parliament decided to move from a system of having a crown prosecutor to an Office of the Director of Public Prosecutions.

Ms Chapman: With good reason.

The Hon. M.J. ATKINSON: The member for Bragg says, 'With good reason.' I think, on balance, yes. There was a debate held on the Director of Public Prosecutions bill, most of it in the other place because the attorney-general and the shadow attorney-general were both there. There was a subclause inserted into clause 9 on independence of the Director, and that subclause reads:

> (2) The Attorney-General may, after consultation with the Director, give directions and furnish guidelines to the Director in relation to the carrying out of his or her functions.
> (3) Directions or guidelines under this section—
> (a) must, as soon as practicable after they have been given, be published in the *Gazette*; and
> (b) must, within six sitting days after they have been given, be laid before each house of parliament.

That was the provision used for the Attorney-General to direct the DPP to appeal against the manifestly inadequate sentence in the case of Paul Habib Nemer. At the time, the Liberal Party position was that we should have directed the DPP, but the Liberal Party position now, as espoused by the shadow attorney-general, the member for Heysen—the person authorised to speak on behalf of the Liberal opposition about these matters—is that we should not have appealed the Nemer case. The position of the member for Heysen, authorised to speak on behalf of the parliamentary Liberal Party, is that Paul Habib Nemer should never have spent a day in gaol.

Her position is that we were wrong to direct the DPP; there should have been no appeal. In her view, that was differential justice; we were cherry-picking certain cases. So, that is the official position of the Liberal Party. In the case of John Leonard Knott (the Mount Osmond home invader), the Leader of the Opposition came out and called for an immediate appeal against the inadequacy of the sentence. When asked on ABC Radio if she agreed with him, the member for Heysen said no, and then rang him and forced him to go on radio and recant his position. The official position—

Mr Hanna: What's it got to do with this?

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I will tell the member for Mitchell what it has to do with this case. The DPP in his report yesterday said that if you want a really independent DPP, a DPP with the kind of independence he wants, you will get rid of that provision. That is the relevance. Today, the opposition comes into this place and argues in support of the DPP for changing the DPP Act.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The member for Bragg says yes, change the act, and the member for Heysen says no. You had better get your act together. Back in 1991 we had this debate because Trevor Griffin, the shadow attorney-general of blessed memory, understood what was at stake. The positions were exactly the same as they are today. Trevor Griffin, on behalf of the Liberal Party, moved to change proposed section 9 of the DPP Act so an attorney-general could not direct a DPP on an individual case. The house divided on the amendment, and Trevor Griffin's move to get rid of direction was defeated. That is the law of the state. The law of the state is that the Attorney-General can direct the DPP to appeal against a manifestly inadequate sentence that shocks the public conscience.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: If you read this report carefully, what the DPP is saying—and he said it to me in our last meeting—is that there need to be changes to remove the Attorney-General's power of direction. There need to be changes to make him absolutely independent of all other agencies of government and all other acts of parliament. So, what Stephen Pallaras wants is to be independent of direction by me and independent of requests by the Auditor-General which may in any way impinge on what he regards as his prosecutorial direction. Justice Vanstone put this rather well in the case of Nemer, because the DPP Act of 1991 needs to be read in conjunction with the decision of the Court of Criminal Appeal in Nemer and Holloway. She said:

> . . .while the parliament expected that in the future the Director would be responsible for the day-to-day operations of the office, it was not prepared to give absolute control to him.

And Justice Vanstone is right: that is what parliament decided. It decided in favour of Labor's version of an attorney-general able to give direction to a DPP, and against the Liberal Party version that the DPP should be absolutely independent and not subject to direction in any case. As Attorney-General, I have to come to this house and I have to answer questions from members of the opposition about the prosecution policy of this state and about individual cases.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: The opposition never resile from asking me questions about individual cases. They demanded accountability on the case of the Mount Osmond home invader, John Leonard Knott, and the only way I can give that accountability is to have a right to demand consultation from the Director of Public Prosecutions, as I did in the case of the Eugene McGee prosecution—I required consultation from him. The Attorney-General directed the Director of Public Prosecutions to appeal against the manifestly inadequate sentence in the Nemer case. The opposition says we should not have done it. We are proud of doing it—we did the right thing. This motion is all about changing the law of South Australia, which resolves this question quite neatly, to make Stephen Pallaras a law unto himself.

The Solicitor-General will resolve this matter, and the reason that the Solicitor-General and the Crown Solicitor's Office will resolve this matter is because that is what they do, constitutionally. I will not tolerate government agencies and statutory officers going out into the public domain, hiring lawyers at great expense to the taxpayer and knocking the bejesus out of one another, knocking the stuffing out of one another, without reference to the Solicitor-General and the Crown Solicitor's Office. Government agencies and statutory officers do not resolve their differences in court, they do not hire private lawyers and go after one another at taxpayers' expense; they are obedient to the law as it is enunciated by the Solicitor-General and the Crown Solicitor's Office. That is how Trevor Griffin would have handled it and that is how I am handling it.

I am answerable to the public, through the parliament, on the question of individual cases. That is how we played it in Nemer, that is how we will continue to play it. No; we will not be taking up Stephen Pallaras's request to make him a law unto himself, exempt from every other act of parliament.

Ms Chapman interjecting:

The SPEAKER: Order! The deputy leader is warned.

The Hon. M.J. ATKINSON: This matter could have been resolved in a gentlemanly and moderate way. I think that both statutory officers have something to answer for in their conduct of this dispute. Indeed, Mr Pallaras could quite simply have written back to the Auditor-General and said, 'Under the law of this state, it is the police who do investigations; my office does not investigate, the police do.' In any case, he could have said to the Auditor-General, 'Even evidence obtained unlawfully by the police can be admitted in a criminal trial at the discretion of the trial judge; therefore, it is not my dog', and that would have been the end of the matter. But, no; Mr Pallaras had to treat it as a cause celebre, and so, much time and energy has been wasted. This matter will be resolved. It will be resolved in the customary fashion by the Solicitor-General advising me of what the law is in this area and then I will make that law stick.

Mr HAMILTON-SMITH (Waite): This is more than just a spat between two public servants. It is not about Nemer or bragging rights on law and order, as we have just heard. It is a battle of principles, at the core of which is the public interest in regard to the need for an independent Office of the DPP, on the one hand, and responsible audit on the other. This matter needs to be referred to an independent judicial review. To deal with it by decree or in some other way leaves this government vulnerable to an array of allegations about improper political interference and leaves uncertain and unresolved important questions about the independent authority and role of both offices: the DPP and the Auditor-General.

Why have there been so many conflicts and so much tension between the Rann government and, in particular, the Attorney-General and respective DPPs? The current incumbent, Mr Pallaras, is not the first to have been criticised. The fact is, Mr Speaker, this government has form in regard to its attitude and relations with the independence of the Office of the DPP. The Rann government came into office in March 2002. The DPP at the time was Paul Rofe; the Solicitor-General was Brad Selway. The Attorney, while serving as shadow attorney, had been engaged in a defamation litigation with Mr Ralph Clarke over matters which arose from R v Clarke, Mr Clarke having been a prominent member of the state Labor Party. The appointment of Mr Chris Kourakis as Solicitor-General by this government occurred on 23 January 2003, shortly after allegations of Mr Randall Ashbourne offering a board position to Mr Ralph Clarke, in connection with the settlement of a legal dispute between the Attorney and Ralph Clarke, came to the attention of the Treasurer on 20 November 2002.

The parliament heard on 17 February 2003 that Mr Chris Kourakis had performed pro bono legal work connected to the Clarke defamation litigation to the value of $9 000 for the current Attorney-General before his appointment. The fact is that Mr Kourakis has acted for Mr Atkinson as his lawyer in private matters before this government came to office. On page 23 of the DPP's report to the parliament he expresses concern that the Solicitor-General, who acts on the instructions of the Attorney-General and who is, of course, an eminent lawyer, has been previously involved in giving advice on this matter, and is one of the persons mentioned in the annual report 2004-05, and in supplementary reports of the Auditor-General. The DPP says:

> The fact or the perception of conflict dictates that, if the government saw a need for a mediator, that mediator must be independent and have no involvement in the events over which he or she would mediate.

An honourable member interjecting:

Mr HAMILTON-SMITH: I will come to that. If the Attorney-General seeks to mediate or resolve the matter by some form of decree or action relying on advice from the Solicitor-General, these concerns of the DPP about conflict remain very, very relevant.

On 30 July 2003 the Attorney-General directed Mr Kourakis to provide a report into the performance of a former DPP Paul Rofe QC. Mr Rofe subsequently resigned as DPP on 3 May 2004 citing health reasons, and stated:

> I really want to take the personalities out of the tensions that have been existing between government and my office, and I think removing myself personally will, hopefully, ensure the future stability and operation of the office.

Well, that has proved not to be true. These comments by Mr Rofe bear a striking similarity to those now made by the current DPP, Mr Pallaras QC, in his report to parliament, and in his 2004-05 annual report, in which he states:

> Relations with the government have at times been strained.

Well, that's an understatement. The DPP goes on in his report to describe a 25 May 2005 conversation with the Treasurer, mentioned earlier by the leader, as 'an unjustifiable attempt to interfere with the independent operations of this office'. He also describes a 9 June 2005 attempt to communicate with the Attorney-General about a telephone conversation between a prosecutor in the Office of the DPP and an adviser to the

Premier regarding conduct of the prosecution of Mr Randall Ashbourne, about which he said:

> It needs to be emphasised that conduct of this nature makes any government vulnerable to a myriad of allegations including improper political interference, and the fact that government has not addressed this perception in this case is a matter of continuing regret.

Furthermore, Mr Pallaras raised concerns in his 2004-05 annual report in relation to Mr Kourakis stating:

> It has become apparent that (Mr Kourakis and I) have widely divergent views on the interface between our respective offices.

He said:

> Whichever view is correct, it is clear to me that another possible source of unwelcome involvement in the proper functioning of my office may be played by the Solicitor-General.

Mr Pallaras began his tenure as DPP on 26 April 2005. Between 25 April and 15 July 2005, he said in his report to parliament that he received no written communication from the Auditor-General or his office. On 15 July the DPP testified before a parliamentary select committee in relation to the Ashbourne/Atkinson/Clarke matter. Since then, surprisingly, he said:

> I received or needed to exchange communications with the Auditor-General's office on 25 separate occasions.

The house may well ask whether the Auditor-General's interest in the DPP, and the government's attitude towards this particular DPP, have any connection with the Ashbourne corruption case. Following the resignation of Paul Rofe as DPP on 3 May 2004, Wendy Abraham served as Acting DPP for nine months. It was Wendy Abraham who made the decision to prosecute Randall Ashbourne for abuse of public office. In evidence to the parliamentary committee on 22 September 2005 she stated:

> In my view, on the material provided, there was a reasonable prospect of conviction in relation to Ashbourne.

Ms Abraham also made the decision that 'there was insufficient evidence to charge Mr Atkinson'. In evidence to the same parliamentary committee in September regarding the Ashbourne/Atkinson/Clarke affair, Ms Abraham, on reading the evidence given to the same committee by Mr MacPherson, the Auditor-General, gave evidence that would support the views of Mr Pallaras about limits to the powers of the Auditor-General when she said of the Auditor-General the following:

> It is particularly disturbing that having made the decision he did, having pre-judged the issue, he seems to hold the view that he has somewhere or somehow the power, and indeed the authority and right, to examine the processes of the Director of Public Prosecutions. Of course—

and this is important—

all the evidence he gave was against the background that he [the Auditor-General]—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH:—failed to refer this matter to police in 2002. The DPP decision that there was a reasonable prospect of conviction reflects on his failure to do so.

On the same day before the same parliamentary committee, speaking about the failure of ministers—including the Premier, and the Auditor-General and other officers—to report the Ashbourne allegations to police, Ms Abraham QC stated:

> In my view, the matter should have been referred to the police at an earlier point in time, preferably at the time of making the allegations.

She further stated:

> In all matters, where allegations are made of criminal conduct, the earlier police become involved the better to investigate the matter. It is in the interests of justice. An earlier police investigation provides the opportunity for competent and experienced investigators in criminal matters to interview all relevant witnesses, and to ascertain the facts whilst they are still fresh in the witnesses' memory. It also enables exhibits and notes to be collected before they are lost or destroyed.

None of that happened. Ms Abraham applied to the government for the position of the DPP. She was overlooked. Why am I not surprised? Stephen Pallaras commenced as DPP on 26 April 2005. Ms Abraham subsequently left South Australia, accepting a position as senior counsel in Sydney in the office of the commonwealth Director of Public Prosecutions. The government's attitude to the current DPP, Mr Pallaras, bears some striking similarities to its attitude to previous DPPs. The parliament may well ask whether the government actually wants an independent DPP, particularly given the involvement of Labor MPs and Labor employees in matters before the court to do with allegations of corruption, defamation, assault and paedophilia that have involved Labor MPs or their employees. There is a particularly pertinent point, given that *The Australian* newspaper carried a report on 5 December—just this week—which states:

> The South Australian Director of Public Prosecutions wants several politicians and political staffers to give evidence in the state's highest court to dispute claims of paedophilia in high places.

There must be an independent judicial review. These are important matters, indeed. The state has no independent commission against corruption or a like body. The government claims that the Auditor-General is the state's corruption watchdog, while others may have the view that the police through the Anti-Corruption Branch have that role. We have before us a dispute between the Auditor-General and the DPP which must be resolved. Interwoven into this dynamic are allegations and court cases involving Labor MPs, senior ministers and premiers, and senior officers of government—all of this in an atmosphere of tension between the government and the judiciary about court resources and judicial independence following frequent public criticisms by the government of the judiciary and its decisions.

This difficulty must not be dismissed as a trivial spat between two public servants: it is far more important than that. The matter must been resolved openly, honestly and fairly, and it must be seen to be resolved in such a manner. If the government, as the Attorney-General seemed to suggest to the house yesterday, seeks to rule by edict so as to foist the Auditor-General's view upon the Office of the DPP without independent consideration of his arguments and legal opinions which support it (given that these views have been supported by previous DPPs and other prominent people), then the government will be diminished. It is not a matter to be resolved by edict or decree by the Rann Labor Government with or without the advice of Solicitor-General Chris Kourakis. It is far too important for that. There must be an independent judicial review of the matters before the parliament so that we—its members—can make an informed, objective and non-partisan judgment as to the efficacy of the arguments presented by both officers. If the independence of the Office of the DPP is to be maintained and corruption, nepotism and political interference in the judicial process is to be avoided (as intended by this parliament) then we must have the best information available to us at our disposal.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: The government must now indicate to South Australians whether it is fair, honest and accountable or whether it is unworthy.

The Hon. M.D. RANN (Premier): I guess we have seen the next Peter Debnam of oppositions in Australia. Of course, what we have seen today, in what is known as 'last dayitis', is all the future leaders of the opposition lining up to display their wares—because that is what this is all about. As the Attorney-General pointed out yesterday, under your government about $7.5 million was spent on the Office of the DPP. I am advised that it is now around $13 million. Indeed, they have new appointments and new senior prosecutors, and $2.4 million was allocated in the budget for new positions over the next four years, but still they are whingeing. I understand that is a 56 per cent increase. Ultimately, this is not about resources: this is about Paul Nemer. That is what this is about. I want to make patently clear to the DPP and the people of this state that we will not change the law to exempt the DPP from the law. No-one in South Australia is above the law; no Auditor-General, no politician, no judge and no DPP. No-one is above the law in this state, including the DPP.

No-one is above scrutiny when it comes to the expending of taxpayers' money. People keep talking about independence. Independence and accountability are not mutually exclusive, and that is what this is all about. But let us just go back to the fundamental question. The independence of the DPP is under absolutely no threat. It is guaranteed by statute. Anyone who illegally tries to interfere in the DPP's prosecutorial independence would rightly face the full force of the law. They would be charged instantly if anyone in this state, any politician or anyone else, illegally tried to intervene in the independence of the DPP in prosecutorial decisions. I will not interfere in the DPP's statutory independence and he will not interfere in my independence in doing my job.

I know that the DPP and his office, and his predecessor, were extremely upset with this government's intervention in the Nemer case. That has been made patently clear. It is interesting that we saw the former leader of the opposition saying that he would direct the DPP—'march in there', I think the words were—and direct the DPP to appeal. That is what he said, but now, apparently, that same Liberal Party, one of whose front-benchers said a few years ago that von Einem should not be DNA tested—that same Liberal Party's shadow Attorney-General is saying that we should not have interfered in the Nemer case. Let me just say this about Nemer and say it once and for all, and I hope that this is recorded very clearly.

We were right morally in that case. We were absolutely right on moral grounds in intervening in the Nemer case. We were absolutely right in terms of the public interest in intervening in the Nemer case. We were absolutely right in terms of justice and we were absolutely right in terms of the law. And we were proven right by the full court of the Supreme Court and then by the High Court of Australia, which is what upsets the DPP's office so much. We were right in terms of justice and we were found right in terms of law, and the people of this state strongly supported this government's action in the Nemer case, just as the people of this state supported our calling of a Royal Commission into the Kapunda Road incident.

The message will have to go out right now that I have met with the DPP. I can reveal today that last year I met with the DPP on several occasions. I was invited to come and meet with him and his staff, and I went down and faced all his staff about their grievances. Some of the grievances were about resources and other grievances and discussion were about the Nemer case. From memory, the first question raised in that meeting with all the staff of the DPP was a question by the DPP himself, asking that his salary be increased so that his status could be increased. He had just signed a contract to become the DPP on a certain salary and here we are, in front of his troops. Did he allow the first question to come from the secretaries down the back or from some of the young prosecutors? No. His first question was about his pay and status—and that, I think, tells us a lot about the DPP's concerns.

I will not interfere in the independence of the DPP. He will not gag me or stop me from speaking out on law and order issues, because that is what the people of this state expect me to do. I will not apologise to the DPP or any of his staff for what this government rightly did in the Nemer case, whether the Liberals think that Nemer should have gone free or not, or whether the Liberals think that von Einem should never have been DNA tested, because that is the difference between us and them.

It is quite clear that what we saw today is basically a leadership contest. This is kind of: watch this space next year—Hamilton-Smith QC, the next Peter Debnam. Will the real Leader of the Opposition please stand up?

Let us also talk about some of the other hypocrisy that we have seen, because this is the same Liberal Party, when in government, which sought to stop the Auditor-General from giving evidence and which sought to gag the Auditor-General from coming forward. Do members remember that day when the Auditor-General had to march down to parliament in public view so that he could expose what was really going on in their government—and that again is the difference because they were desperate to avoid scrutiny.

My message to the DPP is this: go out and prosecute some criminals. That is what you are paid to do. We have given you extra resources to do the job. No-one will change your act. I want to go back immediately now to what Chris Sumner, the architect of the act, said. This is very interesting. This is an article for the Law Society Bulletin. I am not sure whether or not they ran it. Did they, Mr Attorney-General?

The Hon. M.J. Atkinson: Eventually they did.

The Hon. M.D. RANN: Eventually they did, okay. He talks about this whole issue. He says:

> The separation of powers doctrine quite properly accords to the judiciary complete independence from executive government, something which was enhanced while I was Attorney-General by removing magistrates from the Public Service and establishing the independent Courts Administration Authority, but it is constitutionally inaccurate to place the DPP in the same category. The Full Court in the Nemer case confirmed this position. Accountability to parliament for this function of the executive was provided through an elected official, the Attorney-General, who by long established convention exercised the function of prosecuting offenders without direction from the cabinet. When the Office of DPP was established by the DPP Act in 1991, this line of accountability was maintained but in an open and transparent manner.

This is the architect of that legislation. This is from the words of the attorney-general of the time whose act this was. Let us have a look at the original purpose of the bill. He goes on to say:

> As a matter of practice, the DPP has substantial operational independence in the management of his or her office and the day-to-day decision making about prosecutions. However, as was the case when I was Attorney-General, and I am sure the same applied to my successors, there is consultation and discussion between the

Attorney-General and DPP on issues relating to the exercise of the DPP's functions, including issues such as budgetary allocations but also on matters of significant public interest.

There are the words of the Attorney-General whose legislation underpins the independence of the DPP which we protect but, at the same time, saying that we will not change the law to exempt the DPP from the law and we will not change the law to exempt the DPP from proper scrutiny about his accounts—and that is what this is all about.

People say—I read this morning and I heard yesterday—that somehow I should intervene on this dispute between the Auditor-General and the DPP. Oh, yes, two statutory officers. I should apparently pick up the phone. Just remember what happened when an invitation went out and we were told that this DPP was accessible and that people should phone him if there were any queries. When the Deputy Premier did telephone him, he was then cited as potentially breaking the law. Any attempt by me to instruct the Auditor-General or the DPP on their current conduct would simply result in my breaking the law. You might be mugs: I am not.

Mrs REDMOND (Heysen): I am glad to have the opportunity to bring the debate back to where it belongs, that is, the issue of the urgency motion. I say at the outset that I have no axe to grind with the Auditor-General. I have never even met the man. I have nothing in common with anyone who has an axe to grind with him. I do not carry other people's baggage. When I deal with people, invariably I deal with people according to how I find them and how I find them in their dealings with me. I have no axe to grind with the Auditor-General. Furthermore, I agree that the Auditor-General's scope in his authority goes beyond just being a bean counter. He clearly has a scope that is broader than that. His is not just a tick and flick function, as auditors like to call it.

Mr Piccolo interjecting:

Mrs REDMOND: Yes, it is, according to the DPP. Thirty years ago, when I was working in the legal branch of the department of agriculture in New South Wales, the very issue came up. The grain sorghum marketing board was spending money in all sorts of strange ways—taking wives on overseas trips and things. They said, when the auditor-general tried to pull them up, 'You can't do that. We have kept our books correctly. Your function is to see whether we have kept our books correctly, and we have kept them correctly so just go away.' There was a real problem with the auditor-general. I recognise that issue and I recognise that the Auditor-General has the authority to do more than just tick and flick, and that is exactly what the DPP says in his report, but the Auditor-General is clearly wrong on at least two counts. He is wrong in suggesting that his ambit of authority goes as far as he likes to think it does, and he is wrong in suggesting that the DPP did something that was unlawful, and that is not just the DPP's opinion.

The Hon. M.J. Atkinson: Tell us why.

Mrs REDMOND: I will. I will quote some of the things said in other places and in the DPP's report. First, the DPP says of the Auditor-General:

He seems unwilling to acknowledge the clear separation in purpose and function that our respective offices are mandated to provide.

He goes on to say:

To suggest that because, as director, I am on the public payroll and that this alone is enough justification for the view that anything I do or any decision I make is thereby subject to his audit is an illogical and untenable position.

That is absolutely correct. It is confirmed not just by my viewpoint but also by an eminent member of the independent bar, Dick Whitington QC. He says:

Section 9 [of the DPP Act] does appear to create an area into which the Auditor-General must not go, where this may not be the case with respect to other statutory officers or authorities.

He goes on to say:

My view is that the Auditor-General does not have the power to seek information as to the reasons for such a decision—

and he is referring to a discretion about prosecuting and so on—

or report on them.

Even the Solicitor-General's opinion of 9 August, after a request from the Auditor-General, was limited to say that his authority extended only to any system that might be in place. That is where the Auditor-General can go in making his inquiries.

The Hon. M.J. Atkinson: That is the original question.

Mrs REDMOND: But the Auditor-General seeks to apply that original response by the Solicitor-General to the subsequent questions, and it clearly does not go that far.

As to the notion of unlawfulness as asserted by the Auditor-General, the independent academic, Dr Wendy Lacey, states:

A court would unlikely view the comments on the Auditor-General as sufficiently adverse to his reputation to trigger a duty to accord procedural fairness.

She goes on to say:

In my opinion, the comments relating to the Auditor-General were not sufficiently personal, direct or adverse to have detrimentally affected the Auditor-General's reputation.

Interestingly, I tried to get hold of Justice Perry's comments, which would normally be on the web site within about 24 hours of his judgment on Tuesday, but, strangely, they are not there. I know from the reports that I have read that he made comments along the lines that people in high office must be prepared to take criticism in their stride. He refers to the application by the Auditor-General, interestingly enough, as an 'unseemly debate'.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: Look, the result of what we have had happen in the last couple of weeks over this issue is clearly a crisis for our judicial system. We need to resolve it. The government's failure to recognise the seriousness of the problem, coupled with its clear bias in favour of one officer against the other and its persistence in the untenable view that it is all of no consequence and it does not matter, has led us to where we are today.

On the issue of the government's bias, let me give a few illustrations. I am sure the public is well aware by now of the bias, and the leader already referred to the fact that, on 23 November, the Premier said that he had the greatest and most profound respect for the state's Auditor-General but, when asked to say the same thing about the DPP on Tuesday this week, his response was, 'I think I have made my views of the DPP very well known.'

There is a stark contrast in the manner in which the Attorney-General dealt with information from the DPP compared to the way he dealt with information from the Auditor-General's office, and I refer specifically to the circumstances which arose earlier this week. The Attorney-

General admitted in response to questions this week, and again I quote:

> I was told that the Auditor-General was minded to seek an injunction to restrain the publication of the DPP's supplementary report.

Yet he did not alert the DPP (who reports to him) that that possibility existed. In fact, when he was asked specifically why he did not advise the Office of the DPP, the Attorney's flimsy excuse was:

> For all I know, he—

that is the Auditor-General—

> might have changed his mind. I am certainly not a snitch.

Yet, when the DPP sent a minute to the Attorney-General on 20 July 2005, the Auditor-General seems to have been provided access to it without the DPP even being informed of that having happened. Who snitched then, Attorney? As another example, the Attorney stated:

> Just because the DPP, under parliamentary privilege, has a go at a public official, does not mean we have to stand down that public official.

Yet the Attorney seems quite happy to allow the Auditor-General to have a go at anyone under parliamentary privilege. Most tellingly, we had the extraordinary outburst of the Attorney in yesterday's proceedings when he said:

> Government agencies do not go off at taxpayers' expense, hire lawyers and sue one another in court because that is not in the interests of the public.

Yet that is precisely what the Auditor-General did this week, but somehow the Attorney-General seems to think that the DPP is to blame. Far from it. In his letter to the Auditor-General dated 1 November 2005, the DPP—after inviting the Auditor-General to become a participant or observer on a steering committee that was set up specifically to look at the structure, processes and practices of the DPP's office—wrote to the Auditor-General inviting him to be on that committee. The end of the letter says:

> If you do not avail yourself of this opportunity it may be that there will be difficulty establishing the respective boundaries of our statutory areas of responsibility. It would be unseemly—

just what Justice Perry said the other day—

> of our officers to have to resort to the courts to establish protocols for operation that should be capable of being established by men of goodwill.

That is what the DPP said to the Auditor-General but, of course, he declined the invitation. It is now up to this parliament to make a choice, and it is the choice referred to in paragraphs 82 and 83 of the DPP's report that was tabled yesterday. Again, I quote (paragraphs 82 and 83):

> If the people of South Australia do not want an independent DPP and would prefer instead to revert to the system of times past when the Attorney-General was responsible for the prosecutorial decision making in the state, then let the government and parliament have the courage to say so once and for all and we can all get on with our lives in the clear knowledge that criminal prosecutions in this state are based on a model which has been rejected in every other state and territory in Australia as well as most other common law jurisdictions.
>
> If, however, the people of South Australia do want an independent DPP and would confirm the plain language of the Director of Public Prosecutions Act 1991—

it does not ask for an amendment; it just says 'confirm the plain language' of it—

> investing the Director with independence and accountability through the Attorney-General to parliament, then likewise I urge the government and parliament to say so and have the courage to stand up for the office that it created as one which plays such a vital role in the struggle against crime in our community.

Mr Williams interjecting:

The Hon. P.F. CONLON (Minister for Transport): Can you stop? You have had your turn; it is our turn now.

Members interjecting:

The Hon. P.F. CONLON: Well, I do not know why you didn't, but you would have done better than Lord Hamilton-Smith QC. Basically what all this fuss and nonsense—and, frankly, the worst that we have heard—is about is that there is a dispute between two statutory officers as to their rights, responsibilities and privileges under the law. We are accused, apparently, by the opposition of bias in that dispute. Our view is that that should be decided according to the law and the law should apply. First, we are accused of bias, and then members opposite go on in their motion to completely take the side of the DPP.

As a person who has not had any dealings with the DPP—never met the fellow—from what I have seen, the DPP does have a facility to disagree with people. He has disagreed with us, he has disagreed with some people here, he has disagreed with the Auditor-General, he has disagreed with the Solicitor-General. At least we have got something out of today; we have found someone who agrees with the DPP. He disagreed with Nick Xenophon when Nick Xenophon did not like his expensive toilet; he has disagreed with the Solicitor-General and disagreed with the Auditor-General, and we have finally found someone who agrees with him. And what is their argument? Because we are wrong, the Solicitor-General is wrong, the Auditor-General is wrong—everyone is wrong except them and the DPP. That is the long and the short of this nonsense motion.

What we have seen today is an opposition come in here, at the end of their first year since the election, after a year of trying to do something with this government, and what have they got for their big end of year hurrah? A dispute between two statutory officers. How have they agitated it? They have agitated it through the Leader of the Opposition, and then we had the most bizarre and hysterical contribution from the member for Waite. What we are seeing is the leadership tensions being played out. What the people of South Australia have to worry about is that the two leadership people in their loyal opposition are kind of the Invisible Man and the demented Duracell Bunny.

I found it hard to take notes of the Leader of the Opposition's contribution because I could not find the actual gravamen of the alleged offence. But then, you would not take notes of the contribution of the member for Waite, would you, because you would not want to see those sorts of things written down. It is regrettable that *Hansard* has to do so, but you certainly would not want to see them written down. There are two things demonstrated by this urgency motion today. They complained about me going away this week, so I said, 'Well, I will come back for the last question time and you can ask me all your questions', and I came back and this is what they had, this urgency motion.

This is how they ended their first year in opposition: on behalf of the Leader of the Opposition, this absolutely lame piece of work; on behalf of the member for Waite, this absolutely hysterical, bizarre, insane conspiracy theory. The only thing missing from his contribution was the second gunman on the grassy knoll. The other thing this demonstrates is that the one person who might have had some inkling about how to argue this was held back by—

The SPEAKER: Order! The time for the debate has expired. The matter stands withdrawn.

BARLEY MARKETING

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

Leave granted.

The Hon. R.J. McEWEN: South Australia's Barley Marketing Act 1993 restricts the export of bulk barley from this state to one entity, ABB Grain Export Limited. Pressure to change this arrangement has been building for several years.

The SPEAKER: Is the minister's microphone on?

The Hon. R.J. McEWEN: Yes; it is just the inane chatter in the house, Mr Speaker. I can still hear the member for Schubert.

In particular, the arrangements do not comply with national competition policy, to which all states and territory governments and the commonwealth government remain committed. South Australia's failure to reform the act to comply with national competition policy has cost the state more than $9 million in competition reform payments over the period 2002-03 through to 2004-05, to the detriment of the entire South Australian community.

There is also growing disquiet among growers, who believe that they are being denied the opportunity to achieve better returns for the quality grain they produce. Eyre Peninsula's Free Eyre group, referred to by the Hon. Caroline Schaefer in the other place just this week, is a prime example of the grower-led market initiatives that may well benefit from reform. In response to continuing pressure for change to barley marketing arrangements in South Australia, the Grains Council of the South Australian Farmers' Federation agreed to the establishment of a joint working group comprising industry and government representatives to deliver a marketing model that would satisfy both government and growers' needs.

Respected former House of Representatives speaker Neil Andrew agreed to chair the working group, and I might add he did a fantastic job in a very statesmanlike way. The group further comprised three barley growers nominated by the South Australian Farmers Federation Grains Council, being Gary Hansen from Coomandook, Stuart Murdoch from Warooka and Michael Schaeffer from Buckleboo, together with two senior officers from my department, Mr Geoff Knight and Dr Don Plowman.

The working group encourage relevant stakeholders to contribute to the process through an open call for submissions. This included mailing a letter of invitation to all South Australian grain growers registered on the national grain growing register in July, mailing specific letters of invitation to companies and groups who might wish to make a submission, and placing two advertisements in the *Stock Journal*. The working group's report records that 26 written submissions were received, and that, after receiving all of the submissions, 14 of the respondents were invited to make a further presentation to the working group at individual consultations. In addition, the working group held a series of consultations with other people who had specific advice and input that was relevant to the deliberations of the working group.

After reviewing four options for Barley Marketing South Australia, ranging from the status quo to deregulation and having regard to the extensive list of relevant issues, the working group concluded that there should be a phased transition to deregulation. It is recommended that for a period of three years, from 1 July 2007, the Essential Services Commission of South Australia, as an independent regulator, license accredited exporters. During that period there should be an extensive and well-funded program to assist growers in the transition to a deregulated market. I am encouraged that the South Australian Farmers Federation Grains Council has commended the working group and unanimously adopted the report's seven recommendations as being the most effective way forward for bulk export marketing in South Australia in the light of the changing political and industry environment. It is my intention to progress the recommendations of the report early in the new year.

AGRICULTURE, FOOD AND FISHERIES PROGRAM

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

Leave granted.

The Hon. R.J. McEWEN: I have already paid the shadow member the courtesy of giving him a copy of this statement because I was not sure whether he would be in the house at this time. During questions on the Auditor-General's Report on 5 December I responded to a question from the member for Frome regarding the use of consultants in the Agriculture, Food and Fisheries Program over the past two years. I made a comment that you will see a lesser use of consultants than in previous years. Mr Speaker, that comment was not correct. The number and amount of consultants used within the portfolio has increased from 24, at a cost of $193 000 in 2004-05, to 40, at a cost of $431 000 in 2005-06. The principal areas for increase have been within SARDI for work undertaken in conjunction with and on behalf of research partners through industry funded programs, in areas such as saline groundwater, bio-fuels and climate risk. In addition, Primary Industries SA, in responding to a previous issue, raised by the Auditor-General on business continuity planning, sought one-off assistance during 2005-06 in the further development of its business continuity plans across its divisions. The progress of this work was noted on page 99 of the Auditor-General's supplementary report.

WELLINGTON WEIR

The Hon. K.A. MAYWALD (Minister for the River Murray): I seek leave to make a personal explanation.

Leave granted.

The Hon. K.A. MAYWALD: Yesterday in a grievance speech given by the member for Hammond regarding the proposal to build a temporary weir at Wellington, he made some statements that I believe are incorrect and require correction. The member for Hammond stated:

> I understand the steel for this weir has already been ordered.

I am advised that this statement is incorrect. No materials for the construction of a weir have been ordered to date. The member also impugned improper motive on my behalf regarding comments he alleged I said at a meeting in Berri—that he did not attend. In yesterday's grievance debate the member for Hammond said:

> At a meeting in Berri (the minister's electoral heartland), the faithful believers assembled heard words to the effect, 'If it takes me

six months, I guarantee to get this weir built to guarantee your water.'

I advise the house that I made no such statement to the extent that sentence reflects, and I believe that this is a misrepresentation of the message I gave to the Berri meeting. The member for Hammond also made the comment in regard to compensation:

At least she cannot be accused of breaking that promise.

I believe that that also is a misrepresentation of me and that he is imputing improper motive once again. The meeting in Berri was a very important meeting for the community, as have been all the meetings held throughout the regions of the River Murray, to inform and advise communities regarding the grave state of the River Murray and the actions we may have to take. I ask the member to withdraw and apologise.

Ms CHAPMAN: On a point of order, the minister is making further comment and debate; that is not a personal explanation.

The SPEAKER: Sorry, I missed it. Has the minister finished her personal explanation?

The Hon. K.A. MAYWALD: In conclusion, I ask the member to withdraw and apologise.

The SPEAKER: That is out of order.

GRIEVANCE DEBATE

WATER SUPPLY

The Hon. R.G. KERIN (Frome): It is a pity that not more Labor backbenchers are here, because I am about to tell them something that they would not have been told about the impact on their constituents of the water price rise that was announced just before we came into question time today. It is the most gilt-edged broken promise that we have seen in South Australia for a long time. The promise on water and all other state government taxes and charges was that it would relate to CPI and there would be no other rises. What has been announced today is an absolute betrayal of the people of South Australia. What has been announced relates not only to water usage but to the fact that all water charges will increase not just in accordance with CPI but CPI plus 3 per cent—and not just this year, but for each of the next five years. That means that the cost of a kilolitre of water which is currently just over a dollar will increase to about $1.40 within that five-year period. That is an absolute disgrace.

What is even more of a disgrace—and it is about the government giving mixed messages—is that they have given the wrong message in this respect. A lot of your constituents will be people who do not use excess water. What are they going to be faced with? Many of those people who are out there trying to save water will use 15 to 20 per cent less. Some of them use buckets to catch water; what is their reward? Their charges will increase by over 6 per cent this year, with about the same increase occurring in each of the next five years in total. That is absolutely outrageous. The Premier said only weeks ago that he would not be putting up the price of water. This is a broken promise.

There is absolutely no way in the world that this government should be able to stand behind drought. That is what they will say, that it is to do with the drought. It has nothing to do with the drought. Last year, bearing in mind that the common people of this state pay SA Water for their usage, this government ripped $465 million out of SA Water. When water infrastructure has suffered so badly in this state, the government having had a budget of $180 million to spend on maintenance and capital for that infrastructure, it underspent by $63 million and put that underspend straight into the Treasurer's account. That is absolutely outrageous. We will now see this government going out to try to sell this huge tax increase to people as being something that has to do with drought, especially bearing in mind what the government did last year in terms of taking up 40 per cent more than ever in any one year from SA Water.

It underspent enormously on capital works, yet we now hear the minister say that the increased price for water will allow the government to significantly invest in the future of our state's water supply. I repeat: last year, they took $465 million from SA Water and, basically, put it in the Treasurer's account while, at the same time, underspending on infrastructure. Now the good people of South Australia are being asked to put up a further 6.35 per cent this year and about the same for each of the ensuing four years after that. It will compound to something like a 40 per cent increase over five years, and that is absolutely outrageous.

The rates announced affect the quarterly access charge. A lot of these people do not use excess water. They are trying to save water and for their good work doing that, the rates will be up by 6.35 per cent. Then it is 50¢ per kilolitre for the first 125 kilolitres used after that; again, it is up 6 per cent. The $1.16 per kilolitre for higher water use is up 7¢ from $1.09; so reading that, I suggest that in five years the price will be probably more like $1.50.

I implore the media not to allow the Premier and the minister to get away with trying to blame the drought and the need for extra infrastructure. This government took 40 per cent more money out of SA Water last year. That is money raised from the bills of every South Australian and money which could have been used far better. The government could have taken the opportunity to change the pricing system to reward those who are saving water in their homes. This does not do that. It is an absolute slug. A lot people in small houses and units will use 20 per cent less water this year and their reward will be that the price will go up 6 per cent. It is totally unfair. There are three members of the government left in the chamber—and I congratulate them on staying—and I bet the backbench of the Labor Party was not told about this rise; and, if they were, it was not explained.

SCHOOLS

Mr BIGNELL (Mawson): I rise on this last day of the parliament for the year to congratulate and pay tribute to another group of people who are either celebrating or about to celebrate the end of the school year. I wish the students, teachers, admin staff and principals a rewarding break and all the very best for whatever challenge you may be taking on in 2007. There are 16 schools in the seat of Mawson or on the fringe of the electorate. I feel proud to have been involved this year with Reynella East High School, which is just over the road in the seat of Fisher; and I acknowledge the good work the member for Fisher does in the school at Reynella East. Wirreanda High School is also just outside my electorate in the electorate of Reynell. As the member for Reynell comes back into the chamber, I thank and congratulate her for her work with Wirreanda High School.

Willunga High School is another school in the electorate, and I recently attended the year 12 graduation and end-of-school awards night. I was most impressed with not only the music display but also the confidence the students showed in

their speeches. The Tatachilla Lutheran College is at McLaren Vale, and I was at the awards night for its year 12 students recently. One would be proud to employ each and every one of those students. It is a good time to be leaving school in terms of the unemployment figures in this state. We can be very proud that we have more jobs in South Australia in 2006 than we have ever had in this state's history. If one is leaving school it is a good time with strong jobs growth, thanks to a buoyant South Australian economy. I commend the Rann Labor Government on all the work it is doing to build jobs and the economy in South Australia.

Woodcroft College is another great school in the electorate with primary and secondary students. Woodcroft Primary School is the state's largest primary school with more than 920 students. Also in the electorate are Hackham South Primary School and Hackham East Primary School. I was there last week to present the Premier's Reading Challenge awards, and I did the same thing at McLaren Vale Primary School the week before. The Premier came to Emmaus Catholic Primary School at Woodcroft earlier this year for a visit. Other schools in the electorate include Willunga Primary School, Hackham West Primary School, Willunga Waldorf School and Cardijn College, both primary and secondary schools.

I make special mention of Noarlunga Downs Primary School. It is one of the smaller schools in the electorate and a school that punches above its weight. I was very proud and impressed to read in *The Advertiser* today that Amy King, a former Noarlunga Downs Primary School student, is now fluent in Japanese. She is 24 and an honours student in international studies. She is on the youth advisory council (as the minister for further education lets me know). I congratulate Amy King because she is a product of our state's school system. She is a former student of Noarlunga Downs Primary School.

So, congratulations to Amy and to everyone, to all our students, including those finishing grade 7. Next week I have six grade 7 graduations to go to in four nights. I think I am spending more time at school as an MP than I ever did as a student! I would also like to pay tribute today to the dedicated parents who give up their time to be members of school governing councils. It is a very important role, to set the direction and to keep implementing the changes in our schools. Also, to the parents who volunteer to listen to children read, to those who volunteer to work in the tuck shop and to those who take on sport coaching and other roles in our school, we salute you and we thank you.

As we come to the end of another school year, I wish all those students who are finishing primary school good luck in the secondary schools they go to next year, and to those who are finishing their secondary education, I wish them all the very best, whether they are going on to tertiary education, going out to get an apprenticeship or going straight into the workforce. It is a good time to be leaving school. We have a record low level of unemployment and a record number of jobs in South Australia. My advice to people is to be confident and to grasp whatever opportunities they are presented with in their life. I wish them good luck in their life after school.

SCHOOLS, NAIRNE PRIMARY

Mr GOLDSWORTHY (Kavel): I also wish to raise some issues relating to the education system and the facilities that support our children and teachers within the Education Department. I have spoken about these matters on previous occasions, and they continue to be unresolved. I will continue to raise them in the house until we see some action in addressing the problems. I talk initially about the Nairne Primary School crossing. This is an ongoing problem that the government refuses to address. I do not know how many letters I have written to the Minister for Transport. The last lot of correspondence that I forwarded was handballed from the Minister for Transport to the parliamentary secretary then on to the Minister for Road Safety.

In that letter I invited any one of those three people, whoever chose to take up the invitation, to come up to the Adelaide Hills and meet with members of not only the Nairne Primary School community but of the community at large (they have a community council within that township), myself and other representatives. That invitation was not taken up by the Minister for Road Safety, the Hon. Carmel Zollo in the other place. However, I did find out that she drove up herself, sneaked up the freeway and inspected the crossing but was not prepared to meet with members of the local community.

If you are a minister in charge of an issue, you have the end responsibility of an issue that is extremely important, such as the safety of our schoolchildren, one would think that you would have the courtesy of accepting the invitation to meet with members of the local school community. However, she refused that invitation and instead she sneaked up—

The Hon. M.J. Atkinson: Snuck.

Mr GOLDSWORTHY: No, it is not 'snuck'. She sneaked up to investigate the situation, came back and wrote a response, which was just running out the bureaucratic line. I will continue to raise this issue in this house until we see some decent action taken on what is a serious issue relating to the safety of our schoolchildren. It has reached such a level of concern that parents will not allow their children to be monitors at the school crossing and the children themselves are fearful to undertake that activity. What is required is a set of traffic lights put in at the T-junction, which is only a few metres along the main road in the Nairne township, and the sooner that takes place the better. There is significant residential development in that part of the Adelaide Hills, and the traffic congestion and issues with traffic management around the school crossing are only going to be exacerbated.

The second issue I will address this afternoon concerns the Mount Barker Primary School and the construction of its multipurpose building. Without exaggeration, I understand that it has been an ongoing problem for that school community for at least 10 years. The school has actively fundraised for this initiative, and at the last count—I am prepared to check this figure—I understand that it has raised $100 000 of its own volition towards the construction of this building, which is a real need for this school. Things were progressing reasonably well, I understand. I raised this with the Minister for Education and Children's Services the last time we sat, which was a fortnight ago, and I trust that she has taken it up with the departmental people.

The situation was progressing reasonably well and they had reached the design stage, but apparently the person who was supervising it within the department changed. The school community tells me that a new person assumed responsibility for it and then the whole thing stopped. The progress of this development stopped because there was some issue supposedly around policy and some bureaucratic mumbo jumbo. I implore the minister and her staffers to act on it if something has not been done. School finishes next week, please act on

it at least during the summer break so that there is some progress on this issue by the time the children return to school next year.

Time expired.

ABORIGINAL LANDS TRUST ACT

Ms BREUER (Giles): Tomorrow (8 December) is the 40th anniversary of the commencement of the Aboriginal Lands Trust Act 1966. The Aboriginal Lands Trust Act was the first major recognition of Aboriginal land rights by any Australian government, state or federal. Its proclamation and the subsequent work of the trust paved the way for the establishment of land rights for the people of the APY lands and the Maralinga lands in the 1980s. It is arguable that, without the Aboriginal Lands Trust, there would be no other land rights in South Australia. The Aboriginal lands trust bill was an initiative of the Walsh Labor government, driven by the passion of the then minister for Aboriginal affairs (Hon. Don Dunstan), who, in turn, was responding to the call and cry of the Aboriginal leaders of the day. Introducing the bill on 13 July 1966, Dunstan said:

> This bill. . . takes a significant step in the treatment of Aboriginal people not only in this state but in Australia. The Aboriginal people of this country are the only comparable indigenous people who have been given no specific rights in their own lands. . . The Aboriginal people in this State, as elsewhere, have had certain areas of land reserved for Aborigines, but these have been Crown lands not owned or controlled by Aboriginal people and from which they could be removed.
>
> It is not surprising that Aborigines everywhere in this country have been bitter that they have had their country taken from them and been given no compensatory rights to land in any area.
>
> The Aboriginal Lands Trust proposal. . . is an important measure not only from the point of view of the development of Aborigines in South Australia but from the point of view of the moral stature of the Australian people as a whole.

It is worth remembering that, when this parliament passed the Aboriginal Lands Trust Act, Aboriginal people were still not counted as citizens of Australia. The 40th anniversary of the 1967 referendum is not until next year. Today, 40 years on, the Aboriginal Lands Trust holds the title of more than 60 properties in South Australia, totalling more than 10 000 square kilometres.

Trust properties include the communities of Davenport, Raukkan, Yalata, Umoona, Point Pearce, Nepabunna, Gerard and Koonibba. The trust also holds the title for lands that are of significance to Aboriginal people in Oodnadatta, Marree and Ceduna, to name three of many. In recent years with the Yalata community, the trust has played a leading role in the development of whale watching facilities at the Head of the Bight. In recent years, it has also been a key, if not the key, force for the development of natural resource management strategies for Aboriginal lands across South Australia. Some of that work has now been continued by regional natural resource management boards. Again, those newly established boards are building on the hard yards put in by the Aboriginal Lands Trust over the past 40 years.

I wish to pay my respects to Uncle George Tongerie AM who is the current chairperson of the trust and who has been the chair since 1999, and to all members of the trust board of management, past and present. On Monday I had the privilege of attending a luncheon to celebrate the 40th anniversary of the act. The lunch was hosted by the Aboriginal Lands Parliamentary Standing Committee. It is a sign of faith that the trust places in this parliament that so many members of the trust travelled to Adelaide to attend this event. For some, it would have been a two day journey, that is, from Yalata on the West Coast and from Marree in the Northern Flinders. After the luncheon the trust gave formal evidence to the committee. It was a very powerful meeting, at which trust members spoke from their hearts of their achievements and also of their challenges, hopes and frustrations. I was particularly interested to hear of their desire for a review to be conducted of the Aboriginal Lands Trust Act 1966. That said to me that the trust does not want to be stuck in the past but wants to find a way to sustain and grow the best of all they have achieved and won over the last 40 years.

Among those present were: Mr John Chester, General Manager of the Aboriginal Lands Trust; Mr Kingsley Abdulla from the Gerard Community Council; Mr Haydn Davey from Port Lincoln Aboriginal Community Council; Mr Reg Dodd from the Marree Arabunna People's Committee; Mr Ian Johnson from the Nepabunna Community Council; Ms Mabel Lochiowiak from the Umoona Community Council, and a good friend of mine; Mr Phillip Milera, Koonibba Aboriginal Community Council; Mrs Elaine Newchurch from Point Pearce Community Council; Mr Keith Peters from the Yalata Community Council; Mr Henry Rankine, who has been deputy chairperson for many years; Mr Peter Rigney from the Raukkan Community Council; and it was good to see a young fellow there, Brett Miller from Tjutjunaku Worta Tjurta in Ceduna. It was an excellent representation and, of course, this board is elected by members from the different communities, and the communities are very well represented in the people that were there. Unfortunately Mrs Irene McKenzie from Davenport community and Ms Christine Lennon from Dunjiba community were not able to attend Monday's celebrations.

I also pay tribute to Mr Garnet Wilson OAM, who was a member of the Aboriginal Lands Trust for over 30 years and was chair of the trust for more than 20 years. He was not at the luncheon but his impact has been felt for many years. My sincere congratulations go to the Aboriginal Lands Trust and I wish it all the best for the future.

Time expired.

NATURAL RESOURCES MANAGEMENT

Mr PENGILLY (Finniss): Within the last five years, early on in the term of this government, in a previous life as chairman of an animal and plant control board, I attended a meeting near the toll gate to which the former minister for the environment (Hon. John Hill) came and put forward a plan for the future of natural resource management in South Australia which, at the time, I thought was a good way ahead and would define the way natural resource management would go, and I thought some good things would come out of it—and, indeed, there may have been some good things come out of it. What concerns me now is it seems to have gone somewhat astray and on some boards there seems to have been some empire building and the cause has been lost in this empire building.

I am greatly concerned. I have been spoken to by representatives on some of the councils in my electorate regarding the imposition of higher levies. Local government agreed to send out the levy notices for NRM under the legislation on the understanding that they would stay roughly the same as the levy contributions under the animal and plant control boards. In fact, I was greatly concerned when Alexandrina council representatives contacted me and told me the levies for next year will go through the roof, and I was further

informed by representatives on the Kangaroo Island council that levies on the island are going up 150 per cent next year.

This is a cause for concern and I hope that the government takes it on board. I would ask that the responsible minister in another place has a review of where these natural resource management boards are going. I have had expressed to me, from members of the boards from within the organisations, that they are very concerned that there has been a great increase in bureaucracy and staff and there is not enough happening out on the ground. It is no criticism of the minister because the legislation for the boards was set up, but I think the government needs to look at the boards and ensure that South Australians are getting value for money out of this new structure. I, for one, do not believe it is appropriate to have a 150 per cent increase in the levy. Some time ago I made some comments that I was concerned that this would happen, from within one of the boards. I was poo-pooed and told that I was on the wrong track. However, it has come to pass, and it may be that some members on that board may now choose to eat a few of their words. However, that is history.

I think, in the scheme of things, the old animal and plant boards worked well and the various soil boards worked well, and I have no doubt whatsoever that some of the boards around South Australia, with the best intent in the world, would like to get on with the job and do what they were put in place to do. I am getting the message from the farming community, from conservation groups and from board members, that far too much money is being spent on creating an empire. Bureaucracies employ more and more people and are not getting the job done. I ask that those on the other side of the house pick up on my remarks and have this position reviewed. Let us have a look at it and get it working far better. I think that, unfortunately, sometimes committees and boards get railroaded by a few self-interested groups and things are forgotten in the scheme of things. It was put in place to be for the benefit of the community. It was put in place to get jobs done in natural resource management. It was put in place to improve the environment of South Australia and to replace the old animal and plant control boards, the soil boards, and whatever. In my view, in some cases it is simply not working. I think it needs direction and leadership from the minister.

I think it needs far more accountability from the boards on where the money is going and more work put out in the paddock, so to speak. That way the public of South Australia will have some confidence. I have seen the good work some members of these groups have done at various shows in putting out information, and that is terrific. However, just putting up levies some 150 per cent (maybe more in some cases), I believe, is inappropriate. I do not think it makes for good governance of natural resource management, and I think it is going to create a headache for the future. So, I ask that those who are listening take note and perhaps relay to the minister from the government's side of the chamber my concern and the concern of board members from within those particular boards, that it be amended and fixed.

Time expired.

WISEMOVE PROGRAM

Ms THOMPSON (Reynell): I thank the member for Mawson for his remarks about the wonderful contribution made by schools in the south. I will make some extensive remarks at a later time about the range of programs being implemented now at Christies Beach High School to ensure that young people who have not had much affinity with education in the past have an opportunity to go right through and finish year 12 and equip themselves with good jobs in the future. My purpose today is to congratulate the Minister for Recreation and Sport, and the Office for Recreation and Sport, on the excellent Wise Moves initiative. Last week I attended a qi gong lesson, which was part of the Southern Women's Community Health Wise Moves program. I met with and spoke to a number of women involved in the group. They all had positive stories to tell of their involvement with the program and they had all been through some sort of trauma in their past that had brought them to the program, like Sally. Sally was attacked on a beach six years ago. The seaside, which so many of us see as a place of relaxation, had become a no-go zone for Sally. But Wise Moves brought Sally back onto the beach through its activities. She is now able to go to the beach again after six long years.

While the women took beach walks at Moana and Horseshoe Bay, their children were safely cared for in a creche. Lisa told me that this was one of the few times that she had been comfortable to be away from her children and known that they were safe. Lisa is a single mum with three kids. As much as any mother likes time with her children, all mums need some time away from the kids, and all mums should be able to feel comfortable about it and not feel that their children are threatened if they are not there. Wise Moves has helped Lisa to trust others again. Another positive for the single mums involved was the fact that, for a change, someone else was making some of the decisions, a luxury not often afforded to single mums who have to make every decision about how they and their children spend just about every minute of the day. It is one thing that does not come immediately to mind as a luxury, but Lisa and other mums told me that they very much appreciated being taken care of for a while and not having to make decisions.

Jill told us about different groups she had been involved with over time. While some were very helpful, their serious emphasis had meant that they were heavy going. Jill has found that the laughter and joy Wise Moves has brought into her life is a welcome change. Belinda was another woman who commented on the happiness that the program had brought her and the laughter that it brought into her life. It seemed to me that Belinda had not laughed in quite a long time and found it quite hard to do. Laura explained that Wise Moves gave her an opportunity to disclose things about herself that she had not been comfortable disclosing in the past and she felt safe in doing so. In addition to the benefits of feeling safe to talk about her past, Laura had also learnt the benefits of incidental exercise that she could get through her daily life.

Involvement in the group has taught the women new skills, not just in how to release from the tension in their lives. Deb, for instance, has learnt to drive a bus so that she can pick up other members of the group to participate. Some of the women do not drive and those who do also enjoy the chance to be driven around once in a while. Too many women in our community experience violence in their lives. I applaud the many members of this house who wore white ribbons at the end of November to show their support for stopping violence against women. Research has shown that in healing the emotional wounds of violence activity can in many cases be more beneficial than just talking about what has happened.

My conversations with these women show that through this program they are getting both physical release through

exercise and emotional release through interacting with women who have been through similar experiences. They are getting the all important physical activity and they are also getting the support of their peers. They are in an environment where they are learning to trust others again and they are having fun. I congratulate the minister and his department on implementing this innovative and successful program.

Time expired.

CONTROLLED SUBSTANCES (EXPIATION OF SIMPLE CANNABIS OFFENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (ELECTRICITY INDUSTRY SUPERANNUATION SCHEME) BILL

Received from the Legislative Council and read a first time.

CRIMINAL LAW (FORENSIC PROCEDURES) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to provide for carrying out forensic procedures to obtain evidence relevant to the investigation of criminal offences; to make provision for a DNA database system; to make related amendments to the Child Sex Offenders Registration Act 2006 and the Summary Offences Act 1953; to repeal the Criminal Law (Forensic Procedures) Act 1998; and for other purposes. Read a first time.

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

That this bill be now read a second time.

The bill will regulate the carrying out of forensic procedures to obtain evidence in the investigation of criminal offences and provide for the continuation of the DNA database. It will replace the Criminal Law (Forensic Procedures) Act 1998.

Forensic procedures include the taking of prints of the hands, fingers, feet or toes; the taking of an impression or cast of part of a person's body; an examination of a part of a person's body; and the taking of a sample of biological or other material from a person's body. DNA testing is one of the most important investigatory tools provided for under the Act. DNA testing has the proved capacity to assist in solving serious crimes such as murder and rape. In 2002 the government changed the law to require prisoners in South Australia to be DNA tested, and it expanded testing to specified summary offences. Since July 2003 the expanded testing has resulted in more than 25 000 samples from crime scenes and offenders being added to the database. At the 2006 election the government pledged that DNA tests would be conducted on—

- offenders who assault another person;
- offenders stalking other persons;
- offenders who damage other persons' property irrespective of the value;
- offenders who are found unlawfully in possession of other people's property;
- people over the age of 18 years who vandalise and graffiti property;
- people in the possession of illicit drugs.

Since the election, the Commissioner of Police has put a submission to the government arguing for amendments to the act to simplify and clarify its operation. Importantly, he has proposed extended testing that would allow the testing of suspects for any summary offence for which imprisonment is a penalty. He has also recommended permanent retention of suspects' forensic material. The Kapunda Road Royal Commissioner also recommended that the act be simplified. Both the Commissioner's submission and the report of the Kapunda Road Royal Commissioner suggest that problems with the operation of the act have been caused by its complexity. The government has taken note of these comments and, in consultation with the Commissioner of Police, has completed a comprehensive review of the act. As the amendments proposed represent a major revision of the act, a bill for a new act has been drafted, rather than an amending bill.

The bill goes further than the government's election pledge and will allow forensic procedures to be carried out on a person suspected of having committed an indictable offence or any summary offence punishable by imprisonment. The bill also deals with legal, operational and administrative matters raised by the Commissioner. The bill reduces the categories of procedures, allows for the authorisation of procedures by senior police officers rather than judicial authorisation and provides for the permanent retention of DNA profiles taken from suspects. The bill also removes the legislative impediment to the inter-jurisdictional matching of DNA through the National Criminal Investigation DNA database. I seek leave to have the balance of my remarks inserted in *Hansard* without my reading it.

Leave granted.

Forensic procedures.

The Bill defines "forensic procedure" as a procedure carried out by or on behalf of South Australia Police or a law enforcement authority and consisting of:

(a) the taking of prints of the hands, fingers, feet or toes; or

(b) an examination of a part of a person's body (but not an examination that can be conducted without disturbing the person's clothing and without physical contact with the person); or

(c) the taking of a sample of biological or other material from a person's body (but not the taking of a detached hair from the person's clothing); or

(d) the taking of an impression or cast of a part of a person's body.

This is the same definition as used in the current Act.

The Bill continues to distinguish between forensic procedures and intrusive forensic procedures. An intrusive forensic procedure is defined as:

(e) a forensic procedure that involves exposure of, or contact with the genital or anal area, the buttocks or, in the case of a female, the breasts; or

(f) a forensic procedure involving intrusion into a person's mouth (other than a procedure consisting of the taking of a sample by buccal swab); or

(g) the taking of a sample of blood (other than the taking of a sample by fingerpick for the purpose of obtaining a D.N.A. profile).

Fingerprints and Simple identity procedure

The taking of fingerprints from a suspect is currently authorised under section 81(4) *Summary Offences Act 1953* where the person is "in lawful custody on a charge of having committed an offence" and by way of a forensic procedure authorised under section 15(1)(a) or (b) of the *Criminal Law (Forensic Procedures) Act*. This means,

that where a person is not under arrest or does not consent to providing his or her prints as a suspect, the police need an order authorising the fingerprints to be taken under section 15(1)(a) or (b).

The Bill introduces a new concept, that of a "simple identity procedure". This covers both the taking of fingerprints and the taking of forensic material by buccal swab or fingerprick. The rules applying to the taking of forensic material by buccal swab or fingerpick will also apply all simple identity procedures, simplifying the process that need to be followed by police.

Retention of lawfully-obtained forensic material

Under the current Act, the Commissioner must destroy forensic material that has been lawfully obtained under a category 3 (suspects) procedure where:

- the material is obtained under an interim order and the appropriate authority decides not to confirm the order; or
- proceedings for an offence either:
  - are not commenced against the person within two years after the material is obtained; or
  - are commenced against the person within two years after the material is obtained, but the proceedings are discontinued, or the person is not, as a result of the proceedings, a person to the offenders procedures apply.

A recent decision of the District Court and the Auditor-General's Supplementary Report for the year ended 30 June 2005 titled *Government Management and the Security Associated with Personal and Sensitive Information* highlighted the difficulty for police with the existing requirements.

The Bill no longer requires the destruction of forensic material obtained from suspects. This will mean that suspects D.N.A. will be able to be retained indefinitely.

The United Kingdom has already legislated to allow permanent retention of forensic material obtained from suspects. Since the change in the U.K. laws, it is estimated that around 198 000 profiles that previously would have been removed have been retained on the database helping to solve a range of crimes including 88 murders, 45 attempted murders, 116 rapes, 62 sexual offences, 91 aggravated burglaries and 94 supply of controlled drugs.

The Government believes that the D.N.A. database will continue to play a major part in the prevention, detection and investigation of crime, including terrorism. The Government has already acted to allow D.N.A. testing of prisoners. As can be seen from the U.K. experience, the removal of the requirement to destroy forensic material taken from suspects should further increase the effectiveness of the database in preventing and detecting crime.

The Bill includes a transitional provisions so that profiles from suspects and offenders held on the database when the new Act comes into operation will be able to be retained indefinitely.

A consequential amendment to the *Summary Offences Act* will allow for the permanent retention of fingerprints and other samples taken under section 81(4).

Volunteer and Consent Categories

Currently, the legislation provides for two types of forensic procedures that can be taken with the subject's consent. category 1 (Consent) procedures are outlined in Part 2A of the Act and category 2 (Volunteer procedures) are dealt with in Part 2B.

D.N.A. profiles obtained from category 1 procedures are not stored on the database, whereas profiles derived from a category 2 procedure can be stored on the database. category 2 procedures can be taken for limited or unlimited purposes.

An example of what was contemplated for category 1 is the case where a forensic sample is taken from a victim e.g. a victim of a child sexual assault or a rape. The current framing of the Act did not intend that forensic material collected from category 1 volunteers would be put on the database. An example of a category 2 situation is where a person freely consents to go on the data base for elimination from one or more crime scenes, or for unlimited purposes.

Before taking a category 1 procedure, police must assess whether the subject of the procedure is "competent to consent". A person is competent to consent to a forensic procedure under Part 2A if the person—

(a) is of or above the age of 16 years; and

(b) is not physically or mentally incapable of consenting to the procedure.

A person is competent to consent to a category 2 (volunteer) procedure if they are not a protected person i.e, they are of or above 18 years and physically and mentally capable of giving informed consent to a forensic procedure.

The reason for the different ages is that the age of consent for medical treatment under the *Consent to Medical Care and Palliative Treatment Act 1995* is 16 years old. The age of 18 years was used for category 2 as it is not about medical treatment but criminal investigation.

The Commissioner has recommended that the Act be amended. He argues that there is a need to simplify the consent categories and to remove the confusion that is created by a child over 16 years old (capable of consenting for category 1 procedures) being incapable of providing consent to a category 2 procedure because they are a 'protected person'. He suggests that any forensic procedure involving a volunteer should require consent by:

- the volunteer, provided the volunteer is over 18 years of age and not incapable of consenting owing to a physical or mental incapacity to provide informed consent; or
- the volunteer's parent, guardian or carer if the volunteer is incapable of providing consent.

The Bill removes the distinction between the two categories. A volunteers procedure will be able to be carried out where the relevant person consents to the procedure or a senior police officer authorises the carrying out of the procedure. A relevant person will be the person on whom the procedure is to be carried out, or the in the case of a protected person, the closest available next of kin. A protected person will be a child (under 18 years) or a person physically or mentally incapable of understanding the nature and consequence of a forensic procedure.

A senior police officer will only be able to authorise the carrying out of a forensic procedure on a protected person if satisfied that it is impractical or inappropriate to obtain consent to the procedure from the relevant person because of the difficulty of locating or contacting them or because the person or a person related to, or associated with, the relevant person is under suspicion for a criminal offence. The senior police office must also be satisfied that the carrying out of the procedure is justified in the circumstances of the case.

The volunteers procedure in Part 2 Division 1 of the Bill does not deal with the issue of storage of a D.N.A. profile on the volunteers index. That is dealt with separately in clause 42. As now, a D.N.A. profile cannot be stored on the volunteers (limited) index or volunteers (unlimited) index unless the relevant person has given informed consent. The clause sets out the information to be provided to the person before consent is given. A person has the right to refuse to consent to such storage or can impose conditions limiting the period for which such storage can occur and prohibiting the comparison of that D.N.A. profile with D.N.A. profiles stored on other specified indices.

The Bill will continue to require destruction of forensic material obtained from a volunteer procedure.

Serious offences

Under the current Act, D.N.A. testing can be compelled against an offender who is:

(a) serving a term of imprisonment, detention or home detention in relation to an offence; or

(b) being detained as a result of being declared liable to supervision by a court dealing with a charge of an offence; or

(c) convicted of a serious offence by a court; or

(d) declared liable to supervision by a court dealing with a charge of a serious offence.

A serious offence means—

(e) an indictable offence or a summary offence listed in the Schedule; or

(f) an offence of attempting to commit such an offence; or

(g) an offence of aiding, abetting, counselling or procuring the commission of such an offence; or

(h) an offence of conspiring to commit such an offence; or

(i) an offence of being an accessory after the fact to such an offence.

Thirteen summary offences, including using a motor vehicle without consent, possession and use of a firearm, assault police, and trespassing have been listed in the Schedule. The Government's pledge would have extended the D.N.A. testing regime by the inclusion in the Schedule of additional summary offences, including assault on another person; property offences irrespective of the value and graffiti and vandalism offences where the offender is over the age of 18 years.

The Commissioner has advised that the definition of serious offence unnecessarily limits the scope of the Act. By way of example, assaulting police contrary to section 6(1) of the *Summary Offences Act 1953* is a scheduled summary offence. The offences of resisting arrest or hindering police, however, are not, even though all three offences often form part of a course of behaviour. The Commissioner has submitted that the definition of serious offence should be amended to include all summary offences for which a term of imprisonment may be imposed.

The Government has reviewed this matter and agrees. It notes that the summary offences listed in the existing Schedule already range in punishment from 3 months to 2 years imprisonment. The scheduling of offences is an arbitrary approach and makes it more complicated for police. As such, the definition of "serious offence" in the Bill, extends to any indictable offence or a summary offence that is punishable by imprisonment. The Bill will also remove the distinction in the current Act between serious offences and prescribed offences.

Authorisations by Senior Police officers

Clause 13 of the Bill provides that a suspects procedure may be carried out if the person is suspected of a serious offence and either the procedure is a simple identity procedure or the procedure is authorised by an order under the Division.

One of the major changes to the suspects procedures is the authorisation procedure for the making of the orders. The Act currently provides for a scheme of interim and final orders. The appropriate authority for making the order depends on the type of proceeding. A magistrate is an appropriate authority for an interim order. A final order can be made by the Magistrates Court or, in the case of a child, the Youth Court. The Act recognises a senior police officer as an appropriate authority for an interim or a final order if:

- the officer is not involved in the investigation for which the authorisation is sought;
- the respondent is in lawful custody;
- the respondent is not a protected person; and
- the forensic procedure for which an authorisation is sought is non-intrusive.

A senior police officer is defined in the Act as a police officer of or above the rank of sergeant.

The Commissioner believes that the procedures set out in the Act are too complicated and lead to unnecessary delay. He submits that a senior police officer should be able to approve an order for an intrusive or intimate forensic procedure and orders where the suspect is not in custody.

The Government has adopted this approach in the Bill. The role of the magistrate and court is replaced by a senior police officer. The definition of senior police officer is, however, amended so that it is limited to a person of, or above, the rank of inspector rather than a sergeant.

The procedure to be followed in applying for, and making an order is set out in the Bill. The senior police officer must be satisfied that there are reasonable grounds to suspect that the respondent has committed a serious offence and that the forensic material could produce material of value to the investigation, The senior police office must also weigh up the public interest in obtaining evidence tending to prove or disprove guilt the respondent's guilt against the public interest in ensuring that private individuals are protected from unwanted interference.

The Bill recognises the right of a person to be present and to make submissions at an application to have legal representation and, where the suspect is a "protected person", an appropriate representative.

Clause 17 of the Bill provides for applications in cases of special urgency where the respondent cannot be located and evidence may be lost or destroyed. An order made as result of such an application only remains in force for a period of 12 hours. If the procedure is not carried out in that time, a formal order would be required.

Clause 54 also allows a senior police officer to authorise the carrying out of a forensic procedure on a deceased person suspected of a serious offence. This will clarify the extent to which police are entitled to seek biological material or D.N.A. profiles from deceased persons.

Offenders procedure

Division 3 of Part 2 deals with the offenders procedure. The Bill will allow a simple identity procedure to be conducted on a person who is convicted of, or declared liable to supervision for, a serious offence. It will also allow the testing of a person serving a term of imprisonment, detention or home detention for an offence, or being detained as a result of being declared liable to supervision.

General provisions

Part 3 of the Bill deals with the carrying out of forensic procedure. It continues to recognise the right of a person to be treated humanely and with a minimum of physical harm, embarrassment or humiliation, and to have a chosen medical practitioner present at most procedures. There is also a right for a person to be assisted by an interpreter. Clause 25 of the Bill limits the situations where an audiovisual recording must be made to intrusive procedures.

Retention and assimilation orders

The Bill will continue to provide for retention and assimilation orders. As now, retention orders deal with the situation where a person is a protected person, consent has been given by the parent or guardian, the forensic sample has been taken and the parent or guardian then requires the sample to be destroyed. A senior police officer may make an order for retention where he or she is satisfied that the person who gave the consent, or a person related or associated with that person is suspected of a serious offence and there are reasonable grounds to suspect that the forensic material would be of probative value in the investigation of the suspected offence and the order is justified in all the circumstances.

Assimilation Orders deal with the situation where a volunteer becomes a suspect. The Act already acknowledges that, in such cases, it would not be sensible to require police to make another application to obtain the same forensic material. The Bill will continue to provide for the conversion of material obtained as a result of a volunteer procedure into material obtained by way of a suspects procedure. A senior police office will be able to make such an order.

The D.N.A. database

Part 5 of the Bill deal with the D.N.A. database system. The database system will continue to include:

- a crime scene index; and
- a missing persons index; and
- an unknown deceased persons index; and
- a volunteers (unlimited purposes) index; and
- a volunteers (limited purposes) index; and
- statistical index; and
- any other index prescribed by regulation.

However, the change in destruction requirements referred to above, will allow the current category 3 (Suspects) and category 4 (Offenders) to be combined into a single Suspect/Offender Index.

The Bill regulates the storage of information on the database and access and use of the D.N.A. database system. As now, the Bill sets out criminal offences, punishable by a maximum of $10 000 or two years imprisonment including:

- storing identifying D.N.A. information obtained under the Act on a database other than the database set up by the Act or a corresponding law or doing so temporarily for the purpose of administering the database;
- supplying a forensic sample for the purpose of storing a D.N.A. profile on the database or storing a D.N.A. profile on the database where those actions are not authorised by the Act;
- not ensuring the destruction of information in the D.N.A. database system where the Act requires it to be destroyed;
- accessing information stored on the D.N.A. database otherwise than in accordance with rules authorising access;
- disclosing information stored on the D.N.A. database otherwise than in accordance with authorised disclosure.

With the changes to the suspects index, the matching rules under the Bill are less complicated. This has allowed the matching table to be replaced with a provision that restricts the use of a D.N.A. profile on the volunteers (limited purposes) index.

Arrangements with other jurisdictions

The Bill will allow arrangements to be made with the Minister responsible for the administration of a corresponding law of the Commonwealth to allow the integration of the D.N.A. database with other databases kept under corresponding laws to form the National Criminal Investigation D.N.A. database (N.C.I.D.D.).

The provision differs from the provision in the current Act. This is because there has been some doubt about the legal basis for the national database. Following consideration of this matter by the Standing Committee of Attorneys-General, the Commonwealth agreed to amend its legislation to clarify that the national D.N.A. database is legally a combination of each of the different databases of the States and Territories and the Commonwealth. The South Australian provision reflects this arrangement.

The Bill also allows Ministerial arrangements with other jurisdictions with corresponding laws dealing with the exercise of functions and powers by police officers and the registration of orders.

Independent Audits by the Police Complaints Authority

Importantly, the Bill also introduces a requirement for the Police Complaints Authority to conduct an annual audit to monitor compliance with the Act. Regular auditing of the operation of the D.N.A. database will help to ensure compliance with the legislative requirements imposed by the Act.

These audit arrangements would be additional to the technical audit requirements imposed on F.S.S.A. by the National Association of Testing Authorities (N.A.T.A).

The report of the audit would be presented to the Attorney-General and tabled in Parliament. The will be an important safeguard in the operation of the Act.

Other amendments

The Bill also:

- allows the taking of another sample if the first sample is insufficient, unsatisfactory, lost, contaminated or if the analysis is unreliable;
- provides for evidentiary certificates to certify when and how a forensic procedure was carried and how the forensic material was dealt with;
- provides for a quality assurance register. The register will be a screening index and will not be used for matching against any of the other indices;
- deals with the effect of non-compliance with the Act on the admissibility of evidence.

The Bill differs from the current Act in that the requirement to make an audio-visual recording of a forensic procedure will be limited to intrusive forensic procedures on a suspect and intrusive forensic procedures where the person request that an audiovisual record be made.

The Bill also removes the requirement on SAPOL to provide the results of the analysis of forensic material. The Commissioner argues that the provision results in information being sent to people who do not want the information and this is a waste of resources. Clause 32 of the Bill would ensure that the person from whom the forensic material is removed would have access to a part of the material sufficient for analysis. The Bill also removes the requirement set out in section 41 of the Act to provide access to photographs taken of part of a person's body. The Commission argues that these requirements are unnecessary. A photograph taken under section 41 could be obtained under the *Freedom of Information Act*. Furthermore, if the person is prosecuted, the photographs must be disclosed by the prosecution to the defence.

This Bill is an important measure. It has been drafted taking into account the legal, operational and administrative matters raised by the Commissioner. The Bill will assist police to use forensic procedures and, in particular, D.N.A. evidence, as a tool in criminal investigation. It will simplify the procedures for carrying out forensic procedures and should make it easier for operational police to work with the provisions.

Although the Bill has been the subject of extensive consultation with the Commissioner and his officers, I want to provide the opportunity for wider consultation. By introducing the Bill today, the Bill will lie on the table until Parliament resumes. This will give interested parties, such as the legal profession, victims groups and the Commissioner for Victims Rights, the opportunity to provide comments on the Bill during the break.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines various terms used in the measure. In particular, a ***forensic procedure*** is defined to mean—

- the taking of handprints, fingerprints, footprints or toeprints; or
- an (external) examination of the suspect's body; or
- the taking of a sample of biological or other material from a part of the body; or
- the taking of an impression or cast of a part of a person's body.

4—Application of Act

This clause specifies circumstances in which the Act does not apply to a forensic procedure.

5—Extra-territorial operation

This clause provides for extra-territorial operation.

Part 2—Authorisation of forensic procedures

Division 1—Volunteers procedures

6—Interpretation

This is an interpretation provision for the purposes of the Division.

7—Volunteers procedures

This clause sets out what constitutes a volunteers procedure and specifies that such procedures may be authorised by consent under clause 8 or by the giving of a police authorisation under clause 9.

8—Authorisation by consent of relevant person

This clause makes provision in relation to the giving of consent to a volunteers procedure.

9—Authorisation by senior police officer

This clause allows a senior police officer to authorise the carrying out of a forensic procedure on a protected person if the officer is satisfied that it is impracticable or inappropriate to obtain consent to the procedure from the relevant person (for reasons specified in the clause) and the carrying out of the procedure is justified in the circumstances of the case.

10—Withdrawal of consent

This clause provides for the withdrawal of a consent given to a volunteers procedure and deals with questions of admissibility of evidence where consent is withdrawn.

11—Volunteers procedure not to be carried out on protected person who objects to procedure

This clause—

- provides that a volunteers procedure is not to be carried out on a protected person who objects to or resists the procedure and requires that fact to be explained to the protected person before the procedure is commenced; and
- deals with questions of admissibility of evidence.

The provision does not, however, apply in relation to a protected person who is under 10 or who does not appear to be capable of responding rationally to information.

Division 2—Suspects procedures

12—Interpretation

This is an interpretation provision for the purposes of the Division.

13—Suspects procedures

This clause sets out what constitutes a suspects procedure. For a forensic procedure to be authorised under the Division, the person must be suspected of a serious offence and the procedure must be either authorised by order under the Division or must consist only of a simple identity procedure (which is authorised without the need to obtain an order). A ***serious offence*** is defined in clause 3 as an indictable offence or a summary offence that is punishable by imprisonment. A ***simple identity procedure*** is defined in clause 3 as a procedure consisting only of fingerprinting or carrying out a mouth swab or fingerprick for DNA purposes.

14—Application for order

This clause sets out the procedure for making an application for an order authorising a suspects procedure.

15—Conduct of hearing

An order may be made by a senior police officer on the basis of an informal hearing conducted in such manner as the senior police officer thinks fit.

16—Respondent's rights at hearing of application

This clause sets out the rights of the respondent (ie. the person on whom the procedure is proposed to be carried out) to make representations at the hearing.

17—Applications of special urgency

This clause allows for the making of an order in the absence of the respondent where the respondent has not yet been located and the procedure may need to be carried out as a matter of urgency when the respondent is located.

18—Making of order

This clause sets out requirements for the making of an order authorising a suspects procedure.

Division 3—Offenders procedures

19—Offenders procedures

This provision authorises the carrying out of a simple identity procedure on a person who is serving a term of imprisonment, detention or home detention in relation to an offence; is being

detained as a result of being declared liable to supervision (under Part 8A of the *Criminal Law Consolidation Act 1935*) by a court; is convicted of a serious offence by a court; or is declared liable to supervision by a court dealing with a charge of a serious offence.

Part 3—Carrying out forensic procedures

Division 1—General provisions on carrying out forensic procedures

20—Forensic procedures to be carried out humanely

This clause imposes a general duty to carry out a forensic procedure humanely and to avoid, as far as reasonably practicable, offending genuinely held cultural values or religious beliefs or inflicting unnecessary physical harm, humiliation or embarrassment. The clause also requires that a forensic procedure must not be carried out in the presence or view of more persons than are necessary and that, if reasonably practicable, a procedure involving exposure of, or contact with, the genital or anal area, the buttocks or, in the case of a female, the breasts must be carried out by a person of the same sex.

21—Right to be assisted by interpreter

This clause provides a right to be assisted by an interpreter.

22—Duty to observe relevant medical or other professional standards

A forensic procedure must be carried out consistently with appropriate medical standards or other relevant professional standards.

23—Who may carry out forensic procedure

A forensic procedure must be carried out by a registered medical practitioner (or if the procedure involves the mouth or teeth, a registered dentist—see the definition of ***medical practitioner*** in clause 3) or a person qualified as required by the regulations.

24—Right to have witness present

This clause provides for the presence of witnesses during a forensic procedure in certain circumstances.

25—Audiovisual record of intrusive procedures to be made

An audiovisual recording of an intrusive forensic procedure must be made if the procedure is a suspects procedure or if it is a volunteers procedure and the volunteer has requested the making of a recording. The clause also provides for the viewing of the record or the provision of a copy of the record (on payment of any prescribed fee).

26—Exemption from liability

This clause provides an exemption from liability for a person who carries out, or assists in carrying out, a forensic procedure.

Division 2—Special provisions relating to suspects and offenders procedures

27—Application of Division

This Division only applies to suspects and offenders procedures.

28—Directions

Directions may be issued by a police officer to secure the attendance of a person who is not in custody at a specified time and place for the carrying out of a suspects or offenders procedure. Failure to comply with the directions may result in the issue of a warrant for the person's arrest.

29—Warnings

This clause provides for the giving of warnings related to clause 30 and clause 31.

30—Use of force

This clause authorises the use of reasonable force to carry out a suspects or offenders procedure or protect evidence obtained from such a procedure.

31—Obstruction

It is an offence to intentionally obstruct or resist the carrying out of a suspects or offenders procedure (punishable by 2 years imprisonment).

Part 4—How forensic material is to be dealt with

Division 1—Access to forensic material

32—Person to be given sample of material for analysis

If forensic material is removed from a person's body as a result of a suspects procedure or an offenders procedure, a part of the material, sufficient for analysis must be seta aside for the person and if the person expresses a desire to have the material analysed, reasonable assistance must be given to the person to ensure that the material is protected from degradation until it is analysed.

Division 2—Analysis of certain material

33—Hair samples

Hair samples must not be used for the purpose of obtaining DNA profiles except on request.

Division 3—Retention and assimilation orders

34—Interpretation

This clause is an interpretation provision for the purposes of the Division.

35—Order for retention of forensic material obtained by carrying out volunteers procedure on protected person

This clause provides for the making of an order (a ***retention order***) by a senior police officer that would allow the retention of material obtained as a result of a volunteers procedure carried out on a protected person in circumstances where the material would otherwise have to be destroyed. The order can be made where the person who gave consent, or a person related to or associated with him or her, is suspected of a serious offence, there are reasonable grounds to suspect that the relevant material could be of probative value in relation to the investigation of the suspected offence and the order is justified in all the circumstances.

36—Order for forensic material obtained by volunteers procedure to be treated as if obtained by suspects procedure

This clause provides for the making of an order (an ***assimilation order***) by a senior police officer that would allow material obtained as a result of a volunteers procedure to be treated as if it had been obtained from a suspects procedure. This order may be made where there are reasonable grounds to suspect that the person on whom the procedure was carried out has committed a serious offence and either that the forensic material may be of value to the investigation of the suspected offence or the material consists only of material obtained for a DNA profile.

37—General provisions relating to applications under this Division

This clause sets out general matters relating to the making of a retention order or an assimilation order.

Division 4—Destruction of certain forensic material

38—Destruction of forensic material obtained by carrying out volunteers procedure

This clause provides for the destruction of material obtained from a volunteers procedure on request.

Part 5—The DNA database system

39—Interpretation

This clause defines certain terms used in Part 5.

40—Commissioner may maintain DNA database system

This clause allows the Commissioner of Police to maintain a DNA database system and enter into arrangements with other jurisdictions for the exchange of information or the integration of the database with NCIDD.

41—Storage of information on DNA database system

This clause creates offences connected with—

- storage of a DNA profile derived from forensic material obtained by carrying out a forensic procedure under this Act on a database other than the DNA database system (the penalty for which is $10 000 or imprisonment for 2 years);
- storage of a DNA profile on the DNA database system in circumstances in which that storage is not authorised by this Act (or a corresponding law) (the penalty for which is also $10 000 or imprisonment for 2 years).

42—Specific consent required for storage of DNA profile on a volunteers index

This clause sets out a special consent procedure for the storage of a DNA profile obtained as a result of a volunteers procedure on the DNA database system.

43—Storage of information on suspects/offenders index following assimilation order

This clause is consequential to clause 36.

44—Access to and use of DNA database system

This clause deals with access to and use of the DNA database system and creates an offence punishable by $10 000 or imprisonment for 2 years for unauthorised access.

45—Removal of information from DNA database system

This clause requires the Commissioner of Police to ensure that information is removed from the DNA database system when destruction is required under this Act (see clause 38) or under a corresponding law. In addition, a DNA profile of a missing person is to be removed from the system if the missing person is found and requests removal. A person who intentionally or recklessly causes information to be retained on the database system in contravention of this section is guilty of an offence punishable by $10 000 or imprisonment for 2 years.

Part 6—Evidence

46—Effect of non-compliance on admissibility of evidence

If a police officer or other person with responsibilities under the measure contravenes a requirement of the measure, evidence obtained may be inadmissible in accordance with this clause.

47—Admissibility of evidence of denial of consent, obstruction etc

Evidence that a person refused or failed to give consent, or withdrew consent, to a forensic procedure is inadmissible, without the consent of the person, in any criminal proceedings against the person but evidence that a person obstructed or resisted the carrying out of a suspects procedure or an offenders procedure authorised under this Act is admissible in any criminal proceedings against the person subject to the ordinary rules governing admissibility of evidence.

48—Evidentiary certificates

This clause provides for evidentiary certificates to facilitate proof of certain matters specified in the clause.

Part 7—Miscellaneous

49—Confidentiality

A person who has, or has had, access to information obtained under the measure or information stored on the DNA database system must not disclose the information except in accordance with this clause. The penalty for unauthorised disclosure is $10 000 or imprisonment for 2 years.

50—Restriction on publication

A person must not intentionally or recklessly publish a report of proceedings under the measure containing the name of a person suspected of a serious offence, or other information tending to identify the person, unless the person consents to the publication or has been charged with the suspected offence or a related serious offence. The penalty for this offence is $5 000 or imprisonment for 1 year.

51—*State Records Act 1997* not to apply

The *State Records Act 1997* does not apply to forensic material or the DNA database system.

52—Forensic material lawfully obtained in another jurisdiction

Forensic material lawfully obtained in another jurisdiction may be retained and used in this State in accordance with the measure despite the fact that the material was obtained in circumstances in which it could not be obtained under the measure.

53—Subsequent procedure where insufficient material obtained

This clause provides for the repetition of a forensic procedure, where insufficient material has been obtained.

54—Power to require forensic procedure on deceased person

This clause sets out a procedure whereby a senior police officer may, if satisfied that a deceased person is suspected of a serious offence, authorise the carrying out of a forensic procedure on the body of the deceased person.

55—Arrangements with other jurisdictions

This clause provides for arrangements to be made with other jurisdictions relating—

- to the exercise of functions or powers under this Act by police officers of the jurisdiction in which the corresponding law is in force; and
- the exercise of functions or powers under a corresponding law by police officers of this State.

56—Compliance audits

This clause provides for annual compliance audits by the Police Complaints Authority.

57—Regulations

This clause is a regulation making power.

Schedule 1—Related amendments, repeal and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

2—Interpretation

This is an interpretation provision.

Part 2—Related amendments

Division 1—Amendment of *Child Sex Offenders Registration Act 2006*

3—Repeal of section 29

This clause repeals section 29 of the *Child Sex Offenders Registration Act 2006* (which will no longer be necessary because this measure will not apply to procedures under that Act by virtue of clause 4).

Division 2—Amendment of *Summary Offences Act 1953*

4—Amendment of section 81—Power to search, examine and take particulars of persons

This clause deletes section 81(4f) of the *Summary Offences Act 1953* (which required destruction of material obtained under section 81(4) in certain circumstances).

Part 3—Repeal

5—Repeal of *Criminal Law (Forensic Procedures) Act 1998*

This clause repeals the *Criminal Law (Forensic Procedures) Act 1998*.

Part 4—Transitional provisions

6—Retention of fingerprints etc obtained in accordance with *Summary Offences Act 1953*

This clause allows the retention of fingerprints and other matter referred to in section 81(4) even where that matter was obtained prior to the repeal of section 81(4f).

7—Material obtained in accordance with repealed Act

This clause provides for forensic material obtained as a result of a forensic procedure authorised under the repealed Act to be taken to be forensic material obtained as a result of a forensic procedure authorised under the measure.

8—Retention and assimilation orders under repealed Act

This clause deals with retention and assimilation orders made under the repealed Act and provides that they are to be taken to be orders under this measure.

9—Continuation of DNA database system

This clause continues the DNA database system established under the repealed Act.

10—Validation provision

This clause provides that for the purposes of any proceedings, contravention of a requirement of section 40, 44C, 44D or 46C of the repealed Act in relation to a forensic procedure, forensic material or a DNA profile derived from forensic material will be taken not to be contravention of a requirement of the repealed Act and will not affect the admissibility of any evidence obtained from, or relating to, the procedure, material or DNA profile.

Mr HANNA secured the adjournment of the debate.

VON EINEM, Mr B.S.

The Hon. M.J. ATKINSON (Attorney-General): I table a ministerial statement made by the Minister for Correctional Services in another place.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 6 December. Page 1535.)

The CHAIR: We are dealing with matters relating to the Minister for Industrial Relations, Minister for Recreation Sport and Racing and Minister for Government Enterprises. I remind members that these are formal processes of committee, therefore, they are required to stand. All questions must be referenced with the line in the report to which they refer.

The Hon. R.G. KERIN: As I mentioned to the minister, we will start with SA Water which today has become a cash elephant instead of a cash cow. One thing I would like to clear up because, in having primary industries as well, the

community service obligation is probably not an anomaly but probably more an accounting treatment. When we did the primary industries estimates we talked about why the payment was so much higher last year than in previous years. The primary industries papers show that the payment to SA Water for its community service obligation last year was $214.117 million; that is on page 144 of the supplementary report. As to SA Water, the payment is shown as $152 million. I refer to Part B, Volume IV. I wanted to clear up an issue.

The CHAIR: Do you want to move on?

The Hon. R.G. KERIN: When we did Primary Industries estimates, we were told by the officers and the minister that the reason it was so much higher in 2005-06 was that there was a change of timing and two payments were made. It seems at odds with some of the information given within the Auditor-General's Report. I wonder whether the minister can explain the difference between what was—

The CHAIR: We can only deal with matters that are in the report.

The Hon. R.G. KERIN: It is in the report. We will come back to it when I have had a chance to look at it. On page 1232 the Auditor-General is talking about dividends that were paid to government and capital works, and he draws the two together. The report states:

> Put simply, the corporation's ability to generate cash from its operations is not sufficient to fund its payment commitments to the government and maintain its current level of capital works.

On page 1231 in the chart it shows there was an increase of 40 per cent from $327 million (when you add the 2005 figures) to $465 million taken out last year through a range of things such as land tax and council rate equivalent, interest, income tax equivalent, repayment of capital and the $217 million dividend. That has seen $465 million come out of SA Water. At the same time, last year's capital works was supposed to be $180 million and it came in at $117 million. What the Auditor-General is saying is that there is not enough money to put in the level of cash the government is asking for and fully fund the infrastructure program. In this case it looks as if the infrastructure program gave way. Is the minister concerned that the demands of Treasury and the government are putting SA Water's infrastructure program behind?

The Hon. M.J. WRIGHT: I can understand the question because the capital infrastructure was down a bit last year; and the shadow minister has made a fair comment. We need to put into the mix that CSOs increased by 50 per cent last year. That is an important point which I am sure the shadow minister would understand. Although the Auditor-General has made that point, I think he has referred to the capital infrastructure spend over the past five years being in the order of $600 million, approximately. That is a healthy figure, as I am sure the shadow minister would acknowledge. The amount spent last year, although a little down, is balanced by the CSOs increasing by 50 per cent, but there is also an element of timing. We have some big projects coming on stream, including the Torrens aqueduct, Christies Beach sewerage and the Eyre Peninsula pipeline—and there are others, as well. I think we will see something similar to that five year period to which the Auditor-General refers—that $600 million spend. We will see bigger numbers coming through in subsequent years.

The Hon. R.G. KERIN: The Auditor-General was saying that, because of the level being paid into government, for the corporation to maintain or increase the level of capital expenditure it will have to increase its level of borrowings. He was saying you cannot have it both ways: the government taking out a lot yet still having enough for capital works. Given the number of extra projects, the fact that only $117 million of $180 million was spent means that a fair bit of slippage has occurred. Will the minister comment on the fact that from the budget of $180 million for last year the actual capital works budget for this coming year is down from $180 million—although today's announcement might change that.

The Hon. M.J. WRIGHT: The advice that I have is that these projects have not been abandoned but were deferrals. I am advised that SA Water had an increase in net borrowings of $1.3 million, which is not a large amount of money when you take account of our budget. I am also advised that for SA Water the financial framework allows a gearing ratio of 15 to 25 per cent and we are currently at 18 to 19 per cent, so there is plenty of head room there for more projects to be funded. The other thing that I was advised earlier today by SA Water is that the board has not refused any infrastructure projects put forward by SA Water. I do not know to which period this advice applies, but let us say it is in recent years. I am not going to say this goes back to day one. Perhaps those various pieces of information shed a little more light on what was put forward by the honourable member.

The Hon. R.G. KERIN: I refer to page 1228. This is probably just an accounting figure, but I asked questions in the Primary Industries estimates about community service obligations, CSOs. I asked about the increase in the number, and I understand from reading the Auditor's report that there has been agreement with Treasury. Of course, it is in one hand and out the other, but there has been an agreement about the ownership returns etc. I can understand why it has gone from $103 million to $152 million: it comes out of that. The Auditor-General's Report for the Primary Industries budget showed a payment of $214 million. When I asked Primary Industries about it, their reading was somewhat different from what the Auditor pointed out in the report.

They told me it was not extra money but a timing thing, and that the timing had been changed so that there were two payments in the one year. Obviously, they were wrong on that, and now I understand that it was not payment for two years but the big rise was a change in the way that the CSO is arrived at. Will the minister explain why PIRSA is saying that it has paid $214 million to SA Water as CSO and yet page 1228 shows that the payment was $152 million? PIRSA was not ready when this went to print, so it is a supplementary report, and I refer to page 144.

The Hon. M.J. WRIGHT: I will take that question on notice and my officers will pursue it with PIRSA. We will get back to the shadow minister and to the house.

The Hon. R.G. KERIN: Quite a few of the questions we had prepared were on the Land Services Group. We are told that that has now gone to the Department of Transport but the web site still has it in DAIS. On what date was it transferred over? Has it physically gone from the minister's portfolio?

The Hon. M.J. WRIGHT: It has, but I can take questions today in regard to that because, obviously, it applies to the previous financial year, when I did have ministerial responsibility for it. I will have to change my officers when the honourable member is ready, but I am happy to take questions on Land Services. We can now change my officers. If I can answer the first question of the shadow minister, it changed over on 1 October.

The Hon. R.G. KERIN: Unfortunately, as we all know, the minister was incapacitated at the time of the estimates

committees, but there were a few questions there and he would be aware of delays that are causing some concern. I understand that there will be commitments to fix it. I realise that the minister has been away, but can he give us some idea about what the department intends doing to try to deal with that long delay on subdivision? It is causing a lot of concern.

The CHAIR: I am sorry, that question is out of order. It is a general question: it is not a question specifically relating to the Auditor-General's Report. Unless it has been commented on and the honourable member can provide that reference, I cannot allow it. I accept that it is something that the Auditor-General may have commented on, but it is also a typical question for question time.

The Hon. R.G. KERIN: There was no minister, that was the problem. Anyway, we will move on.

The CHAIR: If the honourable member can give a reference, that is fine. If it is mentioned in the Auditor-General's Report.

The Hon. R.G. KERIN: It is. I refer to page 84, 'Land Services', and the comment that increased income is due mainly to increased transaction activity, which has been given as the reason for the fact that there have been delays.

The CHAIR: Can the honourable member give us the quote?

The Hon. R.G. KERIN: 'Land Services: increased income is due mainly to increased transaction activity.'

The CHAIR: That does not seem to be sufficient for the basis of the honourable member's question.

The Hon. R.G. KERIN: It is given as a reason for why subprogram activity has been affected.

The CHAIR: The honourable member's question was about delay, not activity. The comment relates to activity. I am sure the member for MacKillop will be the only person who is happy with my interpretation. Does the minister want to answer the question? It is not relevant to this examination, but there are only 11 minutes left.

The Hon. M.J. WRIGHT: I am happy to answer it, as long as I am not interfering with your ruling.

The CHAIR: It is not an appropriate question for this examination.

Mr WILLIAMS: I refer to Part B: Agency Audit Reports, Volume I, page 131. It refers to 'Other Expenses', and under No. 6 it deals with consultants. Consultants have gone from $51 000 to $61 000. Just after that it has a heading 'Other' which has gone from $10 000 to $21 000. What is the 'other' and what consultancies were included in that figure?

The Hon. M.J. WRIGHT: In the 'other'?

Mr WILLIAMS: In both.

The Hon. M.J. WRIGHT: If the shadow minister does not mind, I will take that question on notice. They are relatively minor figures, although not to be sneezed at. I will take that question on notice and come back to the house with the detail which the honourable member asked for regarding both those components—that is, the $51 000 to $61 000 for consultancies and the $10 000 to $21 000 for 'other'.

Mr WILLIAMS: I refer to the same volume, page 126, which talks about the Government Workers Rehabilitation and Compensation Fund, which I understand was closed off in 2004 but which is still managing claims from before that date. A graph shows the total outstanding claims liability which is reducing as we go forward. What is the outlook for that fund? Will the government have to keep putting money into the fund? I believe that it is funded. How long does it expect that the fund will continue? More importantly, are there plans to roll that into the new scheme where the agencies are managing their workers rehabilitation and compensation within each individual agency?

The Hon. M.J. WRIGHT: There are three parts to this question, and the shadow minister will correct me if I am wrong. The first question was: will it reduce over time? The answer to that is yes. I refer to page 126 which states:

> . . . and consequently claim liabilities should continue to reduce over time reflecting the settlement of existing claims.

Question No. 2 was: will it be rolled into any other fund? The answer to that is, no, it is not proposed to roll into any other fund. The third question concerned the timing, and that is at least until 2009.

Mr WILLIAMS: Madam Chair, you may rule me out of order and the minister may or may not wish to answer the question, but I refer to page 125. I have been listening to your rulings, Madam Chair. The Auditor-General talks about the Government Workers Rehabilitation and Compensation Fund and he states:

> Subsection 31(1)(b) of the Public Finance and Audit Act. . . provides for the Auditor-General to audit the accounts of the Government Workers Rehabilitation and Compensation Fund for each financial year.

In the estimates committee I asked a question of the acting minister about the statement that the Auditor-General made in last year's annual report about his belief that the Auditor-General should have access to audit of the WorkCover Corporation. At a meeting of the Economic and Finance Committee a couple of weeks ago, at an informal hearing, I asked the Auditor-General whether he had changed his mind because he has not—

The CHAIR: You are out of order at this stage, member for MacKillop. This sounds like debate and comment.

Mr WILLIAMS: The Auditor-General said he did not put it in this year's report at the risk of just repeating what he had already said. I do not know whether the minister is interested in commenting on the government's attitude to the Auditor-General's express belief, certainly 12 months ago, about WorkCover.

The CHAIR: That was not a question for examination of the Auditor-General's Report but, given that the member for MacKillop has had a say, if the minister wants a say he may have one. If he does not want a say, there is no need.

The Hon. M.J. WRIGHT: No, Madam Chair.

The CHAIR: In that case, I conclude the examination of the Auditor-General's Report.

The Hon. K.O. FOLEY: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (ELECTRICITY INDUSTRY SUPERANNUATION SCHEME) BILL

The Hon. K.O. FOLEY (Treasurer): I move:

> That standing orders be so far suspended as to enable the bill to be taken through all stages without delay.

Motion carried.

The Hon. K.O. FOLEY: 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.

This Bill seeks to amend the *Electricity Corporations Act 1994* and the *Electricity Corporations (Restructuring and Disposal) Act 1999* for the purpose of making some technical amendments to

the provisions of those Acts dealing with the Electricity Industry Superannuation Scheme. The amendments have been sought by the Electricity Industry Superannuation Board, and the proposed amendments contained in the Bill have the support of all interested parties.

The Electricity Industry Superannuation Scheme (EISS) is the former ETSA Superannuation Scheme that was renamed on the commencement of Parts 2 and 3 of Schedule 3 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* on 1 December 1999. The *Electricity Corporations (Restructuring and Disposal) Act 1999* also renamed the ETSA Superannuation Board as the Electricity Industry Superannuation Board.

Schedule 1 of the *Electricity Corporations Act 1994* provides for the continuation of the Electricity Industry Superannuation Scheme and the Electricity Industry Superannuation Board as the trustee of the scheme.

Under the *Electricity Corporations Act 1994*, employees of electricity businesses operating in the State who were members of the former ETSA Superannuation Scheme continued as members of the EISS.

The proposed amendments seek to clarify the meaning of provisions the Electricity Industry Superannuation Scheme Trust Deed (the ***Trust Deed***), contained in Schedule 1 of the *Electricity Corporations Act 1994*, that deal with the cessation of employment by a member of the scheme with one employer in the electricity industry and the commencement of employment by that member with another employer in the electricity industry. The amendments will address some technical difficulties and questions of interpretation that have become apparent where an employee changes or switches employment between employers in the industry, referred to in the Act as a 'transfer of employment'.

The proposed amendments also clarify the meaning of the term 'employer' as it is used in clause 2(7) and (8) of the Trust Deed so as to make it clear that interstate persons or bodies will not be taken to be employers for the purposes of the Deed in certain circumstances. This clarification is necessary because some of the employers of members of the scheme are now national employers, and members can have a change or switch in employment between the South Australian operations of a national electricity industry body and the operations of that same body in another state.

The first provision causing difficulty is clause 2(7) of the Trust Deed. Questions of legal interpretation have been raised in relation to what is meant where the Deed refers to the transfer of a member from one employer to another employer. Part of the interpretational problem relates to whether a 'transfer' is a voluntary or involuntary changing or switching in employment. The Bill therefore seeks to clarify this issue by making it clear that a 'transfer' can be effected by any means, whether voluntary or involuntary. Part of the problem with the current wording of the provision has been the existence of a legal argument that a 'transfer' must be a switching or changing in employment arranged, agreed or orchestrated between two employers in the electricity industry. This interpretation, which has been applied to clause 2(7) of the Trust Deed, was not intended when the provision was enacted. Some consequential provisions are to be inserted as part of the package of proposals in clarifying the meaning of the legislation dealing with transfers between employers.

The proposed amendments relating to the transfer of an employee between employers will maintain and strengthen the Government's intention in the original *Electricity Corporations (Restructuring and Disposal) Act*. The Government's intention was that employees who were members of the Electricity Industry Superannuation Scheme would be required to remain members of the scheme as long as they remained employed by an employer engaged in the electricity industry in South Australia.

Related to the transfer of employer problem, there has been a problem in respect of the definition of 'employer'. The problem stems from the fact that there are national employers engaged in operating businesses serving the State's electricity industry. The problem that exists and needs to be addressed is that a strict interpretation of the existing provision requires a member of the scheme who takes up employment with an employer interstate to remain a member of EISS. The existing provisions would therefore require the interstate employer to make employer contributions to the EISS established under the *Electricity Corporations Act*. The issue is that interstate employers are not bound by the requirements of the *Electricity Corporations Act* and are generally not interested in contributing to a superannuation scheme based in this state as they have their own corporate schemes.

Section 24 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* (the ***Restructuring and Disposal Act***) provides that those employees of an electricity business who are identified as being surplus to the employer's requirements are entitled to a separation package and, subject to certain conditions, an offer of public sector employment. This provision also provides that where a 'transferred employee' (as defined in section 24) fails to accept either an offer of a separation package or employment with the Government, the employee will be taken to have accepted the offer of a separation package, and in such circumstances will be paid out his or her superannuation entitlement.

The Electricity Industry Superannuation Board has had difficulty with the interpretation of subsection (9) of section 24 of the *Restructuring and Disposal Act*. The Board has advised that it has received legal advice that the provisions are open to an interpretation that is not consistent with the intention of the legislature when the section was enacted. In fact, based on legal advice provided to the Board, several members of the EISS scheme have been given access to their accrued benefits in the scheme on taking up employment with the Government in terms of section 24 of the *Restructuring and Disposal Act*. The original intention of the provision was that members would not have access to their accrued benefit on transferring to the Government under the provisions of section 24.

Whilst the members who have been paid out were happy to receive the money (as the action taken by the Board was in response to the members' requests), there remains a legal difficulty that needs to be addressed. The difficulty is a legal argument that, based on the provisions of the Trust Deed governing the scheme, the persons who have been paid out are still members and therefore entitled to a benefit on the future termination of their current service with the Government.

The Bill therefore proposes an amendment to clarify the meaning of section 24(9) of the *Restructuring and Disposal Act* to make it clear that it is a condition of an offer of a separation package or public sector employment that a 'transferred employee' is only entitled to an immediate payment of a superannuation benefit if the employee accepts or is taken to have accepted a separation package. This proposed amendment will maintain the Government's original intention underlying the provisions contained in section 24. As a consequence of some members having been paid out their accrued superannuation benefit on taking up an offer of employment with the Government, the Bill includes a consequential amendment to make it clear that any person who has been paid a benefit on accepting an offer of employment in terms of the provisions of section 24 will be taken to have ceased to be a member of the scheme when those entitlements were paid. This amendment will remove any argument that these employees are still entitled to a benefit from the scheme on terminating their employment with the Government.

The third amendment contained in the Bill seeks to insert a requirement into the Trust Deed that the Auditor-General will be responsible for auditing the accounts and financial statements of the Electricity Industry Superannuation Scheme. Whilst a similar provision was included in the original Trust Deed contained in the *Restructuring and Disposal Act*, the provision was removed when the relevant amending provision contained in Part 4 of Schedule 3 of the *Restructuring and Disposal Act* was brought into operation in May 2002. The requirement for the Auditor-General to be responsible for the audit was originally removed as part of the preparation for the scheme to become a complying fund in terms of the *Superannuation Industry (Supervision) Act 1994* (Cth). However, as the Electricity Industry Superannuation Board has now recognised that it will never be able to become a fully complying fund in terms of Commonwealth law without members forgoing longstanding options and rights, the Board has decided to have the scheme remain an 'Exempt Public Sector Superannuation Scheme' in terms of Commonwealth law. An 'Exempt Public Sector Superannuation Scheme' is a scheme that is not supervised or regulated by the Commonwealth. The EISS is already an 'Exempt Public Sector Superannuation Scheme', and as such it should remain subject to having its accounts audited by the Auditor-General, since the accounts will not be audited by the Commonwealth superannuation regulation authorities.

As I stated at the beginning of this speech, these changes have been sought by the Electricity Industry Superannuation Board. I can also advise that all employers and unions involved in the state electricity industry have been consulted and no objections to the proposals have been received.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

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

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Electricity Corporations Act 1994*

4—Amendment of Schedule 1—Superannuation

This clause makes a number of amendments to The Electricity Industry Superannuation Scheme Trust Deed, which is included in Schedule 1 to the *Electricity Corporations Act 1994*.

A definition of ***amending Act***, being the *Statutes Amendment (Electricity Industry Superannuation Scheme) Act 2006*, is inserted.

Clause 2(7) of the deed provides that the transfer of a member from one employer to another under the Scheme will not be taken to involve the termination of the previous employment and does not give rise to an immediate or delayed entitlement to benefits under the Electricity Industry Superannuation Scheme (the ***Scheme***). Clause 4 amends subclause (7) to make it clear that this is so whether the transfer is voluntary or involuntary.

Clause 2 is further amended by the insertion of a new subclause that applies in relation to any person who ceases employment with an employer under the Scheme with the intention of taking up employment with another employer under the Scheme within one month of the cessation but dies or becomes an invalid before commencing employment with the second employer. Such a person will be taken to have terminated his or her employment on account of the death or invalidity on the date of the cessation of his or her employment with the first employer.

A new interpretation provision retains the existing definition of ***employer*** (currently in subclause (7)) but adds an additional limb to the definition. In subclauses (7) and (8), the term ***employer*** does not include a person or body if the relevant member of the Scheme is employed by the person or body in another State or a Territory. However, if the person or body has commenced making payments on behalf of the member or has otherwise agreed with the Board to be treated as an employer for the purposes of subclause (7), the person or body does fall within the meaning of the term 'employer'. Subclause (10) provides that this new limb to the definition of ***employer*** applies both prospectively and retrospectively.

The term ***transfer of employment*** is defined as follows:

- a transfer of employment includes a case where a member resigns his or her employment with an employer under the Scheme and commences employment with another employer under the Scheme; and
- a person is to be taken to have transferred his or her employment if, and only if—
- the person's employment with a new employer under the Scheme commences within one month after the cessation of employment with his or her previous employer under the Scheme; or
- the person ceased his or her employment with an employer under the Scheme and commenced employment with another employer under the Scheme before the commencement of the amending Act and is taken by the Board to have transferred his or her employment.

Subclause (10) provides that the definition of ***transfer of employment*** applies prospectively only in relation to a person who has, before the commencement of the amending Act, been paid, or elected to preserve, a benefit on account of the cessation of his or her employment with an employer under the Scheme. In relation to any other person, the definition applies both prospectively and retrospectively.

Clause 4 also amends clause 6 of the Electricity Industry Superannuation Scheme Trust Deed. Clause 6 relates to membership of the Scheme. New subclause (4) applies in relation to any person who has, prior to the commencement of the amending Act, accepted an offer of public sector employment under section 24 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* and been paid his or her accrued entitlements under the Scheme. Such a person will be taken to have ceased to be a member of the Scheme when the entitlements were paid.

A new subclause added to clause 8 provides that a person who has been paid, or has elected to preserve, his or her accrued entitlements under the Scheme as at the date of the cessation of his or her employment with an employer, and has later commenced employment with a new employer, is not entitled to a benefit arising from his or her membership of the Scheme before the commencement of his or her employment with the new employer (other than in respect of a preserved benefit).

Clause 18 of the Electricity Industry Superannuation Scheme Trust Deed is amended by the insertion of a requirement that the Auditor-General audit the accounts and financial statements of the Scheme.

Part 3—Amendment of *Electricity Corporations (Restructuring and Disposal) Act 1999*

5—Amendment of section 24—Separation packages and offers of alternative public sector employment

Section 24 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* prescribes certain requirements in relation to offers to be made to transferred employees whose positions have been identified as surplus to an employer's requirements. In certain specified circumstances, where a private sector employer offers a separation package to a transferred employee, an offer of public sector employment must also be made to the employee. If a transferred employee has been offered both a separation package and public sector employment, and has failed to accept either offer within a certain period, the employee is taken to have accepted the offer of a separation package.

Under section 24(9), it is a condition of an offer of a separation package or public sector employment that the employee waives any right to compensation or any payment arising from the cessation or change of employment, other than the right to superannuation or certain other payments. The amendment made to subsection (9) by this clause makes it clear that the right to superannuation or other payments applies only if the employee accepts, or is taken to have accepted, a separation package.

Mr HAMILTON-SMITH (Waite): The opposition is aware of the detail of the bill because it has been dealt with in the other place, and a range of issues has been resolved there between both sides. The house needs to be aware that the bill seeks to amend the Electricity Corporations Act 1994 and the Electricity Corporations (Restructuring and Disposal) Act 1999 for the purpose of making some technical amendments to the provisions of those acts dealing with the Electricity Industry Superannuation Scheme. The government has advised that the amendments have been sought by the Electricity Industry Superannuation Board, and the proposed amendments contained in the bill apparently have the support of all interested parties—we feel perhaps not all, but we acknowledge that indeed it is most.

The Electricity Industry Superannuation Scheme (EISS) is the former ETSA Superannuation Scheme that was renamed on the commencement of parts 2 and 3 of schedule 3 of the Electricity Corporations (Restructuring and Disposal) Act 1999 on 1 December 1999. The Electricity Corporations (Restructuring and Disposal) Act 1999 also renamed the ETSA Superannuation Board as the Electricity Industry Superannuation Board. Schedule 1 of the Electricity Corporations Act 1994 provides for the continuation of the Electricity Industry Superannuation Scheme and the Electricity Industry Superannuation Board as the trustee of the scheme. Under the Electricity Corporations Act 1994, employees of electricity businesses operating in the state who were members of the former ETSA Superannuation Scheme continued as members of the EISS.

The proposed amendments seek to clarify the meaning of provisions the Electricity Industry Superannuation Scheme

Trust Deed (the trust deed) contained in schedule 1 of the Electricity Corporations Act 1994, that deal with the cessation of employment by a member of the scheme with one employer in the electricity industry and the commencement of employment by that member with another employer in the electricity industry. The amendments that have been made to the bill already will address some technical difficulties and questions of interpretation that became apparent where an employee changes or switches employment between employers in the industry, referred to in the act as a 'transfer of employment'.

The proposed amendments also clarify the meaning of the term 'employer' as it is used in clause 2(7) and (8) of the trust deed so as to make it clear that interstate persons or bodies will not be taken to be employers for the purposes of the deed in certain circumstances. This clarification is necessary because some of the employers of members of the scheme are now national employers, and members can have a change or switch in employment between the South Australian operations of a national electricity industry body and the operations of that same body in another state.

The provisions that have been incorporated into the bill in the other place are as a consequence of difficulty with clause 2(7) of the trust deed and warrant attention. Questions of legal interpretation have been raised in relation to what is meant where the deed refers to the transfer of a member from one employer to another employer. Part of the interpretation problem relates to whether a 'transfer' is a voluntary or involuntary changing or switching in employment. The bill therefore seeks to clarify this issue by making it clear that a transfer can be effected by any means, whether voluntary or involuntary. Part of the problem with the current wording of the provision is the existence of the legal argument that a transfer must be a switching or changing of employment arranged, agreed or orchestrated between two employers in the electricity industry. This interpretation which has been applied in clause 2(7) of the trust deed was not intended when the provision was enacted. Some consequential provisions have been inserted as part of the package of proposals by clarifying the meaning of this legislation dealing with transfers between employers.

The proposed amendments relating to the transfer of an employee between employers will maintain and strengthen the government's intention in the original Electricity Corporations (Restructuring and Disposal) Act. The government's intention was that employees who were members of the Electricity Industry Superannuation Scheme would be required to remain members of the scheme as long as they remained employed by an employer engaged in the electricity industry in South Australia.

Related to the transfer of employer problem, there has been a problem in respect of the definition of 'employer'. The problem stems from the fact that there are national employers engaged in operating businesses serving the state's electricity industry. The problem that exists and needs to be addressed is that a strict interpretation of the existing provision requires a member of the scheme who takes up employment with an employer interstate to remain a member of EISS. The existing provisions would therefore require the interstate employer to make employer contributions to the EISS established under the Electricity Corporations Act. The issue is that interstate employers are not bound by the requirements of the Electricity Corporations Act and are generally not interested in contributing to the superannuation scheme based in this state as they have their own corporate schemes.

Section 24 of the Electricity Corporations (Restructuring and Disposal) Act 1999 provides that those employees of an electricity business who are identified as being surplus to the employer's requirements are entitled to a separation package and, subject to certain conditions, an offer of public sector employment. It is also provided that where a 'transferred employee' (as defined in section 24) fails to accept either an offer of a separation package or employment with the government, the employee will be taken to have accepted the offer of a separation package, and in such circumstances will be paid out his or her superannuation entitlement.

The Electricity Industry Superannuation Board has had difficulty with the interpretation of subsection (9) of section 24 of the restructuring and disposal act. The board has advised that it has received legal advice that the provisions are open to an interpretation that is not consistent with the intention of the legislature when the section was enacted. In fact, based on legal advice provided to the board, several members of the EISS scheme have been given access to their accrued benefits in the scheme on taking up employment with the government in terms of section 24 of the restructuring and disposal act 1999.

The original intention of the provision was that members would not have access to their accrued benefit on transfer to the government under the provisions of section 24. Whilst the members who have been paid out were happy to receive the money (as the action taken by the board was in response to the members' requests), there remains a legal difficulty that needs to be addressed. The difficulty is a legal argument that, based on the provisions of the trust deed governing the scheme, the persons who have been paid out are still members and therefore entitled to a benefit on the future termination of their current service with the government.

The bill, therefore, proposes an amendment to clarify the meaning of section 24(9) of the restructuring and disposal act to make it clear that as a condition of an offer of a separation package or public sector employment that a 'transferred employee' is only entitled to an immediate payment of a superannuation benefit if the employee accepts or is taken to have accepted a separation package. This proposed amendment will maintain the government's original intention underlying the provisions contained in section 24.

As a consequence of some members having been paid out their accrued superannuation benefit on taking up an offer of employment with the government, the bill includes a consequential amendment to make it clear that any person who has been paid a benefit on accepting an offer of employment in terms of the provisions of section 24 will be taken to have ceased to be a member of the scheme when those entitlements were paid. As I have mentioned, those issues have been addressed in the other place. This amendment has removed any argument that these employees are still entitled to a benefit from the scheme on terminating their employment with the government.

The third amendment contained in the bill seeks to insert a requirement into the trust deed that the Auditor-General will be responsible for auditing the accounts and financial statements of the Electricity Industry Superannuation Scheme. Whilst a similar provision was included in the original trust deed contained in the Electricity Corporations (Restructuring and Disposal) Act, the provision was removed when the relevant amending provision contained in part 4 of schedule 3 of the restructuring and disposal act was brought into operation in May 2002.

The requirement for the Auditor-General to be responsible for the audit was originally removed as part of the preparation for the scheme to become a complying fund in terms of the Superannuation Industry (Supervision) Act 1994—that is a commonwealth act. However, as the Electricity Industry Superannuation Board has now recognised that it will never be able to become a fully complying fund in terms of commonwealth law without members forgoing longstanding options and rights, the board has decided to have the scheme remain an 'exempt public sector superannuation scheme' in terms of commonwealth law.

An 'exempt public sector superannuation scheme' is a scheme that is not supervised or regulated by the commonwealth. The EISS is already an 'exempt public sector superannuation scheme' and, as such, it should remain subject to having its accounts audited by the Auditor-General, since the accounts will not be audited by the commonwealth superannuation regulation authorities.

As I stated at the beginning, these changes have been sought by the Electricity Industry Superannuation Board. I can also advise that all employers and unions involved in the state electricity industry—the key ones, anyway—have been consulted by us on this side of the house and no significant objections to the proposals have been received. I commend the bill to members. I would add that, in seeking advice from a number of outside sources on the bill at the same time as we sought advice on the Southern States Superannuation Bill, we did find some concerns about consultation. I understand that a number of workforce representatives may not have been as thoroughly consulted as might have been possible in relation to this matter. That is the view that was expressed to us by—

Mrs Geraghty interjecting:

Mr HAMILTON-SMITH: Well, individuals matter.

Mrs Geraghty interjecting:

Mr HAMILTON-SMITH: The member can make her contribution in a moment if she wishes.

Mrs Geraghty interjecting:

Mr HAMILTON-SMITH: If the member for Torrens wants to make a contribution I am sure she will have an opportunity, but I am just making the point that we do our own consultation on these matters and that is what we found. The major concern, other than the concern by some about lack of consultation, relates to issues about administration of the scheme by trustees, with a feeling that they want access to Commonwealth Superannuation Complaints Tribunal mechanisms. I point out to the member for Torrens that a number of people have raised this with us, not just an individual.

I understand that the government is of the view that this is possible under the current legislation if the trustees decide they would like to go down this path and it therefore does not need to be provided in the legislation. So, without further comment, I indicate that this side of the house is happy to support the bill. We see no need for it to go into committee. I know issues have been dealt with in the other place and we are happy to see it pass through all stages.

Bill read a second time.

Bill reported without amendment.

The Hon. K.O. FOLEY (Treasurer): I move:

That this bill be now read a third time.

In so moving, can I just add to comments made earlier by the Speaker and other speakers in wishing David Bridges a very happy retirement.

Honourable members: Hear, hear!

The Hon. K.O. FOLEY: Can I use the liberty of a third reading speech to say that, as a pesky staffer, an incredibly pesky and annoying opposition member and probably an equally annoying deputy leader, I have known you now, David, for a long time. I can say I that I have always valued your advice. You are a very professional officer; somebody who has never shown any view one way or another about politics and who has advised both sides of the house and the Independents according to the professional requirements of your job. You have done an outstanding job, and I am sorry to see you retiring, but good luck.

The DEPUTY SPEAKER: I am accepting the relevance of these comments on the grounds that they are about superannuation.

Mr HAMILTON-SMITH (Waite): Indeed. As the bill comes out of committee I commend it to the house. I will just add my thanks to the Clerk. This is the last bill I will deal with on which he will counsel the house. It has been a pleasure over the last eight years. I wish him all the best in his retirement, and it is time for him to enjoy his superannuation benefits and go fishing.

Bill read a third time and passed.

EMERGENCY MANAGEMENT (STATE EMERGENCY RELIEF) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (DOMESTIC PARTNERS) BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1250.)

Ms CHAPMAN (Deputy Leader of the Opposition): I rise to speak on the Statutory Amendment (Affordable Housing) Bill 2006 which was read for the first time in this house on 15 November. I indicate to the house that it will be opposed by the opposition. In summary, the bill will provide a legislative framework for a new governance structure. It is the government's claim that it will provide the ability to be proactive in addressing the situation facing South Australians who cannot access affordable housing, and it follows the March 2005 housing plan for South Australia which I will refer to shortly and which was designed to 'ensure South Australians can live where they choose in homes that they can afford'.

In May this year the government announced its Housing Reform Agenda, and now this bill sets out a number of areas of reform. I briefly summarise them in these categories:

1. to undertake a change of governance covering subsidised and supported accommodation in South Australia;
2. to amend the Development Act and Housing and Urban Development Act;
3. to encourage developments and facilitate the approval of housing developments which include 15 per cent afford-

able housing, in particular 5 per cent high-needs housing, and affiliated with that is reform, although it is not legislatively included, for the establishment of the SA Affordable Housing Trust as a unit within the South Australian Housing Trust;

4. to establish the Office for Community and Aboriginal Housing within the Department of Families and Communities.

There appears to be no legislative basis for this proposal in this bill. Nevertheless, the government has indicated it will be establishing this office, and that follows from its governance restructure which I referred to earlier. Then there are a number of administrative amendments, which include the provision for the review of decisions in the South Australian Housing Trust. I propose to outline first the governance proposals, many of which are admirable and which we would agree are important objectives, and I will raise my concern as to how the proposals which have been announced by the government and which are now included in the framework of this legislation are likely to fail to achieve such lofty aspirations. Nevertheless, I think it is important that we understand why there is a push for reform, attention to this area and the development of both framework and programs that work. We start from the fundamental premise in the provision of housing, and I read from the plan:

> Where we live matters. It is about more than a roof over our heads. It is about comfort, family, friends and neighbours and our aspirations for independence and security. Where we live is important to our sense of place, to our sense of self and it connects us to our community.

The plan outlines further:

> The key to success is working with the others. We will be working with the housing industry, others in the private and non-government sectors, unions and governments at commonwealth, state and local levels to advance this agenda. The South Australian government is in the business of housing.

In particular, that reference relates to a program of action as set out in the plan, and I do not propose to repeat all of the plan, but I do say that, in outlining what that plan is to deliver, the government says:

> Everyone wants a job, a decent home, good public services and to live in a safe, pleasant community. Urban housing policies are about people and about people's prosperity and quality of life. We must tackle not just housing and planning but education, transport and community safety as well.

Then the promise is made, under this plan, as follows:

> Our plan will deliver:
> - opportunity: provide more opportunities to meet community aspirations for home ownership across the state;
> - more houses: increase the supply of affordable housing through new programs and partnership arrangements;
> - better neighbourhoods: improve neighbourhoods by better linking our housing to transport infrastructure and services like schools and hospitals;
> - better social housing: reinvigorate our social housing sector;
> - planned land supply, ensure land use planning and land supply initiatives support responsible and sustainable housing development;
> - regional housing: deliver appropriate and affordable housing responses in regional communities experiencing economic and social change;
> - improved accessibility: improve access to the housing and support services for members of the community who face disadvantage and disability;
> - revitalised neighbourhoods: underpin continuing neighbourhood renewal and regional development initiatives;
> - responsive housing design: make sure future housing design response to changing community preferences, demographic trends and universal access design principles; and
> - environmental sustainability: promote environmental sustainability in housing and urban design.

It all sounds good so far. I remind the house that the government has also set out in its State Strategic Plan a number of targets, and they are important to bear in mind when we consider this legislation and how that might add to and support the achievement of those targets. This plan states:

> The Housing Plan fulfils the Rann Labor government's promise to implement the Housing Plan that meets the needs of all South Australians. The housing sector has an important contribution to make to achieve the aims of South Australia's strategic plan. Relevant targets include:
> - to halve the number of 'rough sleepers' in South Australia by 2010;
> - to increase the number of community-based accommodation options for people with disabilities;
> - to encourage the provision of affordable housing in the community;
> - to halve the number of South Australians experiencing housing stress within 10 years;
> - to reduce the gap between the outcomes for South Australia's Aboriginal population and those of the rest of South Australia's population;
> - to reduce our ecological footprint to reduce the impact of human settlements and activities within 10 years;
> - to maintain and develop viable regional population levels for sustainable communities; and
> - to increase South Australia's population to two million by 2050.

It all sounds good so far, and that is the plan that was outlined and published in March 2005 which sets out some action plans to progress to the achievement of those high ideals.

The Hon. J.W. WEATHERILL (Minister for Housing): I move:

> The time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

Ms CHAPMAN: Subsequent to the publication of the Housing Plan, the government conducted a review and we now have this legislation before us. In the meantime, as was recently announced by the minister—and I think I am correct in saying that that announcement was made last Saturday 2 December to mark the international day for people with a disability which was to be celebrated the following day—the supported accommodation strategy was released. I am not sure what date it was published but, in any event, it is on the web site as of today. The supported accommodation strategy is a document, which in the preamble by minister states:

> One of the states government's highest priorities is to increase the supply of community-based accommodation for people with disabilities.

It identifies links with the State Strategic Plan, to which I have referred. This strategy is to deliver a single waiting list for people needing supported accommodation in the community; a single system of service coordination through Disability Services SA to help people navigate services; a requirement for all service providers to meet service standards; services based on people's support needs, not diagnosis; and a new accommodation act which we will consider 2007.

The supported accommodation task force, as referred to in the report, was formed in December 2005 to provide advice to the state government on improving supported accommodation in South Australia. The representatives, as disclosed in the strategy, were from the state government, the Australian Council for Rehabilitation of Disabled, the Association of Non-Government Organisations of South Australia, the Disability Advisory Council, the Mental Health Coalition and the Liquor, Hospitality and Miscellaneous Union which represents the staff. We are told they conducted

extensive consultation and received more than 170 submissions. Those submissions revealed a very clear picture of what is important to the people with disabilities and those who care for them.

The report indicates what they want: an increase in the supply of accommodation and support, including new housing models to meet the wide range of housing needs for people with a disability; services that are accessible and user friendly; a wider range of services that allow flexibility and choice; accessible, clear and consistent information; a greater focus on prevention and early intervention approaches to help people with disabilities to reach their full potential; services that support skill development and independence; training and support for professionals working with people with disabilities to ensure quality of services; a consistent approach to assessment based on functional not diagnostic criteria; improved access to mainstream services such as housing and transport; improved integration with education, health and mental services; services for parents to help them plan for their child's future; and an independent, transparent complaints process. According to the submissions, that is what the people of South Australia and their carers who need this accommodation and these services want. Recommendations are published by the task group. I will not read them, because I am uncertain at this stage whether they are entirely consistent with what the task force wanted.

As a result of consulting on this matter, I am advised that there is a discrepancy—at least expressed by one of the task group—in the recommendations, whether the recommendations published in this report actually reflect what they recommended. It is a matter which we will have to consider further and which will be very important, but, at the very least, we can identify what the public in need of these services wants; and if they are accurate they are important for us to take into account and consider. When we look at the legislation that is designed to cover this group by providing supported and subsidised housing, we have to be able to ascertain whether what we are being provided with is what we will get.

It is fair to say that the government has inquired of the people in this area as to their needs. I think it is fairly clear that there is a strong theme here. They want information they understand, they want access to the services that are there and they want more supply. There is simply not enough and there is not enough choice in what is available. I have summarised it, but that is abundantly clear.

The other precursor to this legislation is homelessness. The government announced on 15 July 2006 that a group of South Australia's most powerful and influential business leaders had joined forces in the state's fight against homelessness. As part of the Working with Others program set out in the Housing Plan, it is probably not surprising that others have been called in. This is a group of business leaders who, according to this statement, will tackle homelessness. In his release, the minister says:

> Eight entrepreneurs have formed a working party to help the community kickstart an internationally proven project to provide sustainable housing for rough sleepers.

Clearly, leading Adelaide men and women have joined this working party, which has been established by the government and which comprises Theo Maris, Anthony Toop, Bob Boorman, Stephen Young, Kim Boehm, Stephen Norris, Jim Kouts and Deborah Hamilton. The release states:

> When the Rann government announced the Strategic Plan for South Australia we stressed the need for everyone to work together to achieve the ambitious goals we set—individuals, government, non-government, community and corporations alike, Mr Weatherill, who is families and communities minister, said.

The Social Inclusion Commissioner, Monsignor David Cappo, said of this initiative:

> I am very proud of Australia's business leaders joining forces with us in the fight against homelessness. We'll produce great results.

I have not heard a lot from Monsignor Cappo in relation to homelessness of late. I remember the establishment of the Social Inclusion Unit and the work that was undertaken from 2002, which covered a very important area of responsibility of homelessness. The number of those homeless in Adelaide is still around the 800 mark, which is depressing. It had reduced from 850 to 800 but is still a very disappointing figure. We all know they are there and it is a problem. Then there are another nearly 7 000 whom we know as the rough sleepers, the people who are in inappropriate accommodation. Sometimes they are in a car, sometimes they are sleeping on someone else's lounge, sometimes they are the guests of other friends or relatives.

This is an important initiative. We are now 4½ months on and I wonder what has happened with this program. This was ground-breaking news, the first Australian common ground project in Adelaide, which was to copy a program apparently successful overseas, particularly in the United States. If there is a good idea out there and it works, let us adopt it, but it has to actually happen. I will be interested to hear what has happened with this working party and whether it has been effective in overcoming some of our homelessness problems and, if so, to what extent. In particular, the approach that was announced, as I understand what occurred in New York, is to renovate derelict hotels and turn them into affordable apartment bedsit housing for a mix of people. I look forward with interest to the minister's telling us how that initiative is going.

The legislation that has been presented, whilst it is entitled 'affordable housing' and is for those who are low income earners or in circumstances where they are unable to access by purchase or rental of private rental, is for a very diverse group that needs assistance. It is not just the poor but people with disability, with health issues, people who are victims of domestic violence or who may already be homeless or living at someone else's temporary accommodation. Of course, we have what I call the new area of high need, the refugee community, and I will refer to that in due course. Before I come to the restructuring, one of the important initiatives is the proposed amendment to the Residential Tenancies Act. Because of the restructure, what is currently provided in community housing and the South Australian Housing Trust stock will be effectively amalgamated in the South Australian Housing Trust and there will be some necessary amendments to the Residential Tenancies Act.

The other aspect canvassed at some length in the bill is the new regime for the review of decisions that will now be undertaken by a panel, then the chief executive and then the minister. We are going to have a new regime for some of the complaint processes, and I will outline those in detail in due course. When we come to how private and non-government groups in our community are going to be supported into becoming partners in this objective of providing subsidised housing that is affordable to all those groups in the community, it must raise the question of why private investors, private rental owners or any non-government organisation, for that matter, would be interested in supplying supported

accommodation for affordable housing when there is absolutely no proposed change to the provision of management of disruptive tenants.

For the South Australians Housing Trust, this would have to be one of the most difficult areas of management and of resolution. I would like to outline to the house some examples which are not going to go away and which will not be remedied that I can see by this legislation or by any announcement by the government in any of its plans, press releases or strategic directions. They are tinkering with the Residential Tenancies Act and introducing a new regime of review by the panel, then the chief executive and the minister to deal with complaints, as follows.

The first example is a tenant who has a serious alcohol problem and who, facing eviction for disruptive behaviour, was simply transferred to another Housing Trust complex in Fullarton, where her behaviour continued to disrupt the lives of her new neighbours. Over a period of one week, the police had to attend to complaints made about her drinking and disruptive behaviour on seven occasions. The woman has befriended a mentally ill tenant who had recently attempted suicide and who lives in the complex and who is now also drinking. The neighbours at the complex have been told by the South Australian Housing Trust to keep a diary of her behaviour. Let me outline what action was taken. I refer to a letter to the General Manager of the South Australian Housing Trust (who incidentally will be a critical part of the new review process) of 7 November this year. I will read only a portion of the letter because it is very long. I will read what I think are the relevant parts, but I am happy to make the whole letter available. In part, the letter states:

> Stow Court is a very large Housing Trust complex on Fullarton Road. You would, no doubt, be aware of the very close living we have in complexes like Stow Court.

I will refer to the tenant as S. The letter continues:

> S moved into one of the flats a few weeks ago, and we are becoming increasingly concerned about her drinking problem. On Saturday night and Monday night, S was so drunk she could barely stand up. She also becomes increasingly noisy when she has alcohol to drink. . . I am concerned with S's association with the tenant. . . Stow Court. R has mental health problems. . . I cannot believe that S has become an alcoholic in the few weeks that she has lived in the complex.
>
> I gather—

and this is an assumption—

> S came into Stow Court through a transfer with another tenant. It has been suggested that she was a problem in her last accommodation. . . If it is known by the SAHT that this tenant had an alcohol problem, then why was she allowed to transfer to a complex where the problems could cause disruption to the lives of other tenants living in the adjoining flats?

Another letter written on 21 November 2006—a copy of which has been forwarded to me by the complainant—states:

> At first S was quiet and kept to herself. Then she started forming friendships with three or four tenants in or around our block of flats and others she met in the course of the day. . . the noise started with early morning get-togethers. . . S is so drunk/drugged at times she can barely stand. I have, on a number of occasions, noticed her staggering along the pathways in the complex and Fullarton Road. . . In my letter to Ms Fulcher [who is the CEO referred to], I have noted the number of times the police and ambulance services are visiting.

She includes in the letter of 21 November to Ms Fulcher a list of the times which she had recorded incidents since 7 November, but she has not received any reply. The letter continues:

> Friday 17 November police attended Stow Court looking for S. This was early in the afternoon.
>
> Friday 17 November police attended Stow Court when S caused a disturbance by repeatedly yelling and banging on another door in the block. The tenant concerned, who suffers from depression, kept telling her to go away but she persisted. Police were contacted at 5 p.m. and attended.
>
> Friday 17 November [the same day] approx. 8.30 p.m. A van pulled up at the front of our block and one tenant saw three men get out. One yelled out for S and when she didn't reply he came to our doors 'looking for her'. One tenant was so frightened she went over to another tenant's flat for safety. Two tenants phoned the police. Three dogs were also seen and one was definitely allowed to roam loose for some time. They apparently belonged to the men.
>
> Saturday 18 November 4.30 a.m. An argument took place, on the front lawn, between S and a man (possibly one left over from the night before!!) Then music blasted out of her flat. This went on until the police arrived around 5.30 a.m.

There was another incident on Monday 20 November. I will refer to the person as K, who apparently has a mental health issue to the extent that she has tried to commit suicide a number of times. The first time had been a few weeks before and the second time shortly after that. Two or three ambulances had attended. The complainant advises Ms Fulcher that the police and the ambulance had attended 'yesterday'. That is all on 21 November. By 8 p.m. that night the police had attended again and went to S's flat. The police returned about 30 minutes later and then, as I referred to earlier, she says that it should also be stated that the ambulance services have been called for S at least once. The resident who wrote to me then continued to correspond and she advised that one tenant wrote and phoned the trust with complaints. She raised her concerns about the tenant but was virtually told 'it was none of her concern'.

I ask the minister the following question: in a situation like this where there is a repeated problem of disruption by multiple persons—not just the tenant but apparently her associates—and disturbance to other people living in the block who also have difficulties, how long does it take for the matter to be dealt with? The other tenant had informed the trust officer about the dangerous situation at the complex and was virtually told that only the tenants directly involved should complain. She also writes:

> We have heard—

and she refers to other information that she has received—

> that there had been a problem in her last accommodation, which was a small house with its own yard and garden.

Again she refers to problems about her alcohol addiction and other allegations of her being a heavy marijuana smoker and a schizophrenic and the claim that she was a prostitute. Particular mention was made in the complaints of the men visiting S at all hours. Presumably, these complaints were made to the trust about this situation, and that is why S had applied for and successfully obtained this transfer. The problem here is that she has been just transferred and will be a problem for another set of neighbours to have to live with.

Well, after all this, what the two tenants at Stow Court have been advised is to keep diaries of the disruptive behaviour of S. No-one seems to know how long these diaries are to be kept before anyone at the trust takes an interest in them. This is a sustained, detailed recording of what has occurred. We have had multiple attendances of the police and ambulance service, we have had multiple incidents, and the only response that has been given to this tenant is that she is to keep a diary. That problem is not going to go away and this bill is not going to remedy that situation.

Then, of course, we have the incident that was the subject of an article published in the *Sunday Mail* on 15 October. I will briefly describe the circumstances of this story. The article states:

> The house Andrew Stanko has lived in all his live has become a refuge from a gang of youths that he says is terrorising his neighbourhood. After four years of hell, the 45 year old has put his 'head on the line' to speak out about the ordeal engulfing him and his neighbours.
>
> 'I've lived on Short Street at Mansfield Park all my life, but I now call it hell street because of the constant attacks against my house and car carried out by a bunch of youths who moved in a few doors down the road four years ago. . . They have the whole street terrorised. Many elderly Polish immigrants live here and they are too frightened to leave their homes—even during the day—when these kids are about.'

The article goes on to say that Mr Stanko has decided to go public and risk retribution after a recent incident when he had four house windows broken and two car windows smashed by golf club wielding thugs. He said:

> 'There were about a dozen carrying on in the street and I heard glass smash, so I ran outside and yelled at them before calling the police. . . I don't know if they were on drugs or drunk but, while I was phoning the police, they smashed more of my windows.'
>
> Police confirmed they responded to several phone calls about 7.40 p.m. on October 2 in which residents reported fighting among two groups of youths armed with golf clubs and machetes. Four police patrols and a police dog and handler attended and one person was arrested.
>
> Local state Labor MP John Rau said he was aware of complaints by Mr Stanko and other residents, and vowed to pursue the issue to a satisfactory outcome for those in fear for their safety. 'I passed on the complaints just this week to (housing minister) Jay Weatherill and, hopefully, these people will be evicted,' Mr Rau said.

The article goes on:

> 'The way I see it, if someone breaks the law they are also breaking their Housing Trust tenancy and, therefore, they should be evicted. I will not drop off this matter until the residents get what they want.' Mr Rau said such incidents were 'all too familiar' in The Parks area. 'Unfortunately, Mansfield Park has more than its fair share of these issues,' he said.

Comments were made by the local Port Adelaide Enfield councillor. The article made reference to there being a lot of trouble in nearby Athol Park. Other residents in this location, that is, at Short Street, said their lives were like 'a living hell', and they are listed in some detail. I will not read them all from the article. What is important is that, when a meeting had been called about this matter, one of the residents said she attended a meeting in March which included the police, Housing Trust officials and residents. The article states:

> 'The residents were told they could put in a claim for eviction of the trust tenants with the Residential Tenancies Tribunal,' she said. 'But we were told the tenants would be informed of our eviction notice and the police said they couldn't guarantee our safety against any retribution.'
>
> A local shop owner, who also did not want to be identified, said he had put mesh over his windows after they had been repeatedly smashed. He also armed himself with a baseball bat for protection against another three gangs who roamed the streets.
>
> 'I've had a lot of trouble from when the mob first moved into Short Street and another group of youths who lived nearby in Dudley Street,' the shop owner said. 'Over the years I've banned many of them from the shop and a baseball bat certainly comes in handy as a deterrent.'

So, we have multiple incredible acts of violence and damage to property, and we have multiple attendances of police, who are multiple in number. The assistance of the local member is enlisted and he makes it perfectly clear that he is going to stay on the case and this matter needs to be dealt with and, if someone breaks the law, they need to be evicted.

Well, there has been no eviction, despite all this, and, since this article appeared, I have been contacted by Mr Stanko again. The police have been called a further four times. There has been no feedback by police at all on the complaints by Mr Stanko, but today a letter arrived to Mr Stanko from Mr Rau and Mr Weatherill. I will read the letter from the minister. It is addressed to Mr Rau and he has forwarded it on. It states:

> Dear Mr Rau,
>
> Thank you for your letter of 10 October 2006 on behalf of Mr Andrew Stanko of 1 Short Street, Mansfield Park regarding his request for the eviction of tenants at 14 Short Street. Housing SA views very seriously any behaviour that breaches the conditions of tenancy, particularly where it impacts on the peace, comfort and safety of neighbours. I am advised by the General Manager of Housing SA, Ms Helen Fulcher, that the complaints in relation to the Aboriginal Housing Services (AHS) tenant at 14 Short Street have been thoroughly investigated, in accordance with Housing SA's Disruptive Tenants policy. Before any remedial action can be taken, Housing SA must be able to substantiate the complaints. In the case of this tenant, not all the complaints raised have been substantiated.
>
> However, due to the ongoing issues surrounding this tenancy, and the concerns of neighbours, I understand that AHS has decided to relocate the tenant. Another suitable property has been identified and the tenant will vacate as soon as it is ready for occupation.
>
> In the meantime, the tenancy will be closely monitored and I would encourage the neighbouring residents to maintain contact with AHS if any further disruption occurs.

Why were these complaints not properly investigated? Surely they could contact the numerous police officers who attended. Surely they could take statements. What are they going to do about it? They are just going to move him on to another property. Well, God help the next lot of neighbours who have to put up with this tenant. The only thing the minister is advising and the only thing the Housing Trust (and, in this case in particular, the Aboriginal Housing Authority) is doing about this issue is moving the tenant from one place to another.

As we are dealing with an amendment to the Residential Tenancies Act and the new panel process that is going to be invoked to deal with complaints (and we now know the ultimate arbiter is going to be the minister), this will be very important, because he is not only going to be writing the letters, he is going to be arbitrating some of these cases.

I will move on to another example. I am sure the minister is aware, and certainly the public is aware, of the rather infamous case of Mrs C who claimed that she had been the victim of a shooting. It was published in *The Advertiser*, and there were a number of articles about this matter. I do not think I need to elaborate in detail on the issues that were reported in the paper in November 2005. The interesting aspect of this case is that the tenant, Mrs C, the occupier of this property who claimed to be the victim of a shooting, was found by police to be in possession of $30 000 worth of goods stolen from her neighbour's property in Brompton.

The neighbour had repeatedly written to the minister requesting that Mrs C be relocated due to her criminal behaviour directly affecting the immediate neighbours. Despite these requests, a representative from the Housing Trust informed them that no action could be taken by the Housing Trust as the police had not pressed charges against the tenant. She was found in possession of this property and still no charges were laid, and therefore no conviction. Not only were the stolen goods found on her premises, but there were also frequent drug-related arguments at the premises, which was disruptive to the neighbours. There were also issues about the clearance of rubbish that was accumulating on the premises. So there were a lot of problems.

The minister's explanation to the parliament, when this issue was raised several months ago, was that we were dealing with these issues by looking at other ways of managing behaviour. When we do not have the standard of proof that might be necessary for eviction, we manage, I suppose, some of the tenancies where we anticipate there might be some difficulties with more use of probationary and short-term tenancies. He went on to say:

> The basic principle is this: if we can prove that somebody has behaved in a way that has been suggested, we evict them, but we have to have a basis of evidence. Obviously, the evidence has not been sufficient for the police to be able to prosecute this person, so there is some inadequacy in the evidentiary base here. Now, whether it is sufficient for us to act upon is something that I am happy to explore. But, before we fundamentally change somebody's rights, that is, kick them out of the house, we like to have a modicum of evidence to base that on.

That is a fair comment. No conviction, no eviction. However, the problem here is that, when you have the evidence, you have police attendance and stolen property has been recovered, why is somebody not doing anything about it? This is still a problem. These tenants still face this disturbance, and nothing has been done.

Another typical response, which relates to the $30 000 worth of goods stolen from the neighbour, is a letter from the minister advising as follows:

> The General Manager of the Housing Trust, Mr Malcolm Downie, has advised me that The Parks Regional Office has been working closely with South Australia Police (SAPOL) in their investigations into the theft of your property and related issues.
>
> I can appreciate the burglary of your home has caused you great anxiety, however, since SAPOL have advised that charges will not be laid against the tenant at—

and I will not repeat the address (it was at Brompton, which was in the paper)—

> the Housing Trust is not in a position to pursue any action, such as eviction proceedings, on the basis of criminal activity. . . In all other respects, the Housing Trust cannot substantiate that the tenant has breached her conditions of tenancy. . . The Housing Trust has discussed the possibility of relocating your neighbour, but she is unwilling to consider this proposal.

It is hardly surprising; there is absolutely no pressure on her to do anything. He goes on to say:

> Without substantial proof of criminal activity or disruption, the Housing Trust cannot force her to relocate from her current address. I am sorry you feel distressed about this matter and can assure you the Housing Trust is continuing to monitor your tenancy.

This has been going on for months. I have only known about it for over a year, but these people are living with it and it has not been resolved. A letter saying, 'I'm sorry, we can't help you. Basically, unless we get a conviction we cannot deal with this,' is just not acceptable. There are remedies available. If the Residential Tenancies Act, which we are amending, is going to be amended to accommodate this, then why are we not fixing up these very fundamental issues to ensure that they are resolved? It is absolutely scandalous that this situation has continued.

They are prepared to relocate people without a conviction, but they are not prepared to evict them and make room for the other people who are waiting for housing in this area. It used to be about 25 000 people. We have got a new list now and I have heard a figure of 30 000 but, of course, that includes some other lists. In any event, there are a lot of them out there. There are tens of thousands of people waiting for accommodation and we have this scandalous situation where there is serious disruption and no apparent attention to remedying it, other than to move them on, possibly, and then cause a disturbance to someone else.

Can we be sure that all the allegations involving the Housing Trust tenants in illegal activities are being fully investigated and that eviction then is an automatic response if the allegations are substantiated? No; we cannot. Let me refer to another complaint, which directly relates to this issue: a member of The Parks Advisory Board had complained to me about the leniency afforded by both the Housing Trust and the Residential Tenancies Tribunal to tenants who are accused of repeated drug use and drug dealing. The member wrote to me, as follows:

> The Residential Tenancies Tribunal doesn't encourage eviction. If an unruly tenant is reported for drug use they are called before the tribunal and told that they are given 14 days to cease the activity. Fourteen days later they are called back in and asked if the illegal activity has occurred in the last 14 days. Obviously the answer will be no.

So, we cannot even be satisfied that, when there is an acknowledged act of illegality occurring in Housing Trust accommodation, something is going to be done about it, that it is actually going to be acted upon. Here we have a case where it has gone to the Residential Tenancies Tribunal, they have known about it and they have given them 14 days to clean up the mess, stop smoking dope or whatever the offending act is. So, why does the Housing Trust send out a warning letter to tenants when it is clear from the police and court action that the tenant has been engaged in illegal activity, such as drug use and drug dealing, but nobody does anything about it? It is just not satisfactory; it does not resolve the problem, it simply continues. I also ask the minister to explain, perhaps when he responds to the debate, why it takes over five months for the Housing Trust to evict the tenants when they have repeatedly and persistently disrupted the peaceful lives of elderly people, particularly in smaller complexes.

I have another example and it involves a 72 year old female pensioner who contacted me as a tenant in a small Housing Trust complex and who indicated that it took over five months for the neighbouring tenant to be evicted. There were others awaiting eviction for the past four months as a result of disruptive behaviour and damage to property. So, here is a situation where they have advised us of the circumstance—this was a few months ago now—as to what had happened in this case; it has been identified and it is a problem, but then it takes another five months to actually move them. That is another five months often of continued daily and nightly disruption, continued fear and continued damage, potentially, to the person living in this situation.

For any 72 year old female living in this sort of accommodation on her own, it is a matter of serious concern. These are the sorts of issues that must be dealt with not only if the South Australian Housing Trust is to continue to have a role in this—and I know the minister himself is going to take a very hands-on role—but if we are going to develop new public/private partnerships and privatise some other areas—and we will get to those a bit later. When we embrace these great new horizons, we need to sort out these sorts of issues first before we start inviting the private and non-government sector to participate and then find ourselves being left to clean up the mess. Let me remind the house about the policy on disruptive tenants. I am not going to read it all, you will be pleased to know, but I want to just paraphrase what has been published by the government in terms of that policy, This excerpt was in the 2004 Trust Talk Tenant Link newsletter,

which is a very informative document, outlining the policy that still exists. The minister is quoted as saying:

> I have started to grapple with the complex range of issues facing the housing portfolio, including disruptive tenancies.

He wanted to send out a message to tenants, and he said:

> Our expectation of tolerance does not extend to unlawful and abusive behaviour in Housing Trust homes and neighbourhoods. We need to provide an effective deterrent and sanction for these individuals.

That is great and it sounds very good, but it is not happening. He goes on to say:

> The recently reviewed Difficult and Disruptive Tenants policy is the first review of the Housing Trust policy for disruptive tenants for over a decade.

He then goes on to say:

> I am hopeful that the new policy will assist Housing Trust staff to respond to difficult and disruptive tenancies and ensure prompt and decisive intervention where necessary.

Here is the new policy:

> Where there is a minority who deliberately and persistently disrupt the lives of their neighbours, then action can be taken. It will be effective as follows: all citizens have obligations. What I want is to strike a balance between deterring disruptive tenants and ensuring the neighbours tolerate each other.

They are the words of the Minister for Housing. The procedures are then outlined, and here is the indication given by the minister:

> The trust will get involved and work actively with tenants and other agencies to address the problem, where it is repeated or continual conflict that interferes with the reasonable peace, comfort or privacy of other people living in the immediate area or danger and physical harm to other tenants, neighbours or trust staff.

That is the promise; that is the outline in regard to actually dealing with this situation—all good news. Well, minister, it is not happening, and it is very concerning. What is concerning also is that we now find that the Housing Trust has started a new program, because Housing Trust tenants are being asked to phone talkback radio and write to newspapers to promote the Housing Trust and to discourage people from complaining publicly about other disruptive Housing Trust tenants. Let me read excerpts from a letter of 14 November 2006 in which a constituent wrote in about this matter, as follows:

> I once again wish to comment on a newsletter from the South Australian Housing Trust Inner Adelaide Regional Board re a series of articles published by a local paper on SAHT issues. The SAHT is a public housing entity funded by the public and accountable to the public. The IRAB is the SAHT tenant representative group comprising of self-appointed tenants who live in the inner Adelaide area.

The newsletter in question states:

> There is no wave of bad behaviour among trust residents. Yes, we do have some disruptive tenants, but it is a tiny proportion of the tenants.

She goes on in her letter:

> Whilst it is true that a small percentage of tenants are difficult and disruptive, that small percentage can make life hellish for a much larger portion of tenants.

She goes on to talk about tenants complaining to the South Australian Housing Trust and it all falling on deaf ears. She then says that the South Australian Housing Trust, when complaints were made, said:

> The next time you hear someone on the radio—

this is very important—this is the advice—

> being negative about the trust, ring up and remind the radio station of the above facts as detailed in the IRAB newsletter—

which was attached to the letter—

> or write and remind the newspaper. Don't be one of the silent majority of happy tenants.

She goes on to say in her letter:

> It should be stated that the media is used as a last resort by people who are desperate for help. People put their life on the line when they discuss their difficult and disruptive tenant problems with media and give evidence at parliamentary hearings as was done three years ago. The IRAB is, in effect, telling us to gang up on anyone who dares to air publicly issues that they have with the South Australian Housing Trust.

She concludes:

> A tenant representative group should be representing all tenants, not just those who are happy with their South Australian Housing Trust accommodation and neighbours.

So that is what we have now: a very disturbing situation. At best, people are discouraged from complaining, and encouraged, if they are happy with a situation, to make a telephone call, albeit, I think, often disguising a situation which is just bubbling away out there and very disturbing and distressing for these tenants. If, under this bill, we are going to be expanding policy regarding this situation, we had better get it right. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (JUSTICE PORTFOLIO) BILL

The Legislative Council did not insist on its amendments to which the House of Assembly had disagreed.

STATUTES AMENDMENT (PUBLIC SECTOR EMPLOYMENT) BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT DEBATE

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

> That the house do now adjourn.

With the leave of the house I seek to make a few comments as is traditional at this time. I thank all those people who make possible the workings of this house. It is a more difficult job than people understand and much more goes on than often the public realises. In order to make all the things happen here a number of people do a very important job. First, I thank you, Mr Speaker. I think you have been an ornament to this parliament in your first year in the job. You have been rather more fair than I would like, but that is the sort of person I am. Seriously, you have done a wonderful job, and I think you are quite possibly the youngest speaker that the parliament has ever had.

Ms Ciccarello: And the best looking.

The Hon. P.F. CONLON: Can you behave just for a moment? We will be out of here in a moment. I thank the clerks, the table staff, the catering staff, the attendants—and I will come back to some of these people in a moment—Hansard, who continue to draw order out of chaos—

The Hon. M.D. Rann: The library staff.

The Hon. P.F. CONLON: I will get to them soon. Would you like to do this?

Ms Ciccarello: Why don't you tell him to behave?

The SPEAKER: Order!

The Hon. P.F. CONLON: Thank you. You can name one of them if you wish. Feel free. I thank the library staff, the building services staff, the finance manager and staff, parliamentary counsel, who I say are the best in Australia, the government publishers, the police security, drivers, electoral staff, ministerial staff, the cleaners and all those people who work hard in an unrecognised fashion to make the place work.

The Hon. M.D. Rann: But most of all—

The Hon. P.F. CONLON: But most of all I thank the Premier.

The Hon. M.D. Rann: For his confidence in me.

The Hon. P.F. CONLON: For his confidence in me, which remains (as I asked him about five minutes ago) fairly good. A couple of people have been here for a very long time who will not be here when the parliament sits again. First, I mention Gary Parkin who has been here since 26 May 1981.

Honourable members: Hear, hear!

The Hon. P.F. CONLON: He has been through some difficulties in that time, including having to go off work and come back. He has showed a lot of courage to do that. He is retiring and I understand that tomorrow is Gary's last day. We extend our thanks and congratulations to him on his retirement.

Mr Speaker, there is also someone sitting in front of you to your immediate right, David Bridges, the Clerk of the House, who is enjoying his last day in parliament today. I understand that he is not going until February next year but this is his last day in the house. David, I have been elected here since 1997 and you have been unfailingly helpful and courteous to everyone.

Honourable members: Hear, hear!

The Hon. P.F. CONLON: Regardless of who has been in government, you have been absolutely courteous.

Members interjecting:

The Hon. P.F. CONLON: I don't think I will repeat that. I am not putting that on the *Hansard*, true as it might be.

The Hon. K.O. Foley interjecting:

The Hon. P.F. CONLON: Yes, I think that little repartee that has just gone on demonstrates how difficult the job of being the Clerk of the House of Assembly can sometimes be. I genuinely thank you from my own personal perspective. I have worked with you for several years, this is now my fifth year as Leader of Government Business and before that we worked together when we were in opposition, and I have never known you not to be courteous, helpful and fair, which is what is required. On all occasions you have been very well versed in the workings of this place.

I thank all members of the house. As I have always done, and I mean this most sincerely, I thank all of those more unfortunates who are married to or who are long-time partners of members of this house. They have to put up with a great deal. In some cases, they suffer the good fortune of not having us at home very often but, in my wife's case, she considers it bad fortune that I am not there.

The Hon. K.O. Foley: Are you sure about that?

The Hon. P.F. CONLON: I tell you the opposition is bloody easy. I also thank the members of the fourth estate none of whom are here because it is well past their knock off time.

The Hon. M.D. Rann: They're at our party drinking our grog.

The Hon. P.F. CONLON: Yes, they are at our party drinking our alcohol. That is why they are not here. If there is anyone else, please forgive me, it is merely an oversight and I claim in my defence that I am a bit tired.

The Hon. M.D. Rann: Tired but not emotional.

The Hon. P.F. CONLON: Tired but not emotional. I thank the whips on both sides who do a good job for all of us. It is a difficult job—a thankless job. I thank all of my colleagues and I thank my staff, above all Michelle Bertossa, who organises the work in the house. She is unfailingly courteous, and she manages to translate my messages for the opposition into things that do not upset them. I say, 'Tell them this' and she says, 'Look, Patrick has suggested that perhaps it would be better if we did this.' It is a tremendous talent she has. To my chief of staff, the other ministerial officers, all electorate staff and all staff, thank you very much. David, we are going to miss you a great deal. Thank you for all you have done.

The Hon. M.D. RANN (Premier): Could I just say one thing to David. I know I am breaking all the rules but I want to thank everybody whom Patrick has thanked. I particularly want to pay tribute to the whip. I know she is tough on me but I appreciate her fairness. I especially want to pay tribute to David Bridges. I have been in this building for 30 years, and I have been a member of parliament for 21 years today. We all owe so much to the staff of this place, but I have to say that David Bridges, as the Leader of the House just mentioned, has been absolutely unfailingly courteous and wise counsel to us all. In recent years he was given a major challenge of world proportions and acquitted himself brilliantly. During all that time, I have to say he was totally unflappable and unruffled—at least to those of us outside. We owe you a great deal and we wish you well with your cycling holidays in South America and elsewhere. We know that when you are in the Andes somewhere or Santiago you will be plugging into the internet to follow debate in this chamber; and because under the rules we all are able to send a certain number of copies of *Hansard* out every day, if we all as a token of our goodwill put you at the top of our list, we know you will appreciate it. Thank you, David, for everything you have done for us.

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

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

Ms CHAPMAN (Deputy Leader of the Opposition): I join with the manager of house business in his motion of congratulations and appreciation, which has been added to admirably by the Premier in his recognition of our soon-to-be-retired Clerk. On behalf of the Hon. Iain Evans, as the leader of the Liberal parliamentary party, and all my parliamentary colleagues, I not only support the motion but also extend my appreciation to you, sir, as Speaker and your Deputy Speaker, and indeed all those who from time to time have taken on at your nod the job of conducting and supervising the house as acting speakers. It is often a very good learning opportunity for our newer members and they have undertaken that work admirably. Sir, you have been elected by this house and you deserve to be congratulated on the conduct of the house proceedings. Similarly, I endorse that

for the Deputy Speaker, who has the difficult charge of managing committees—which seems more difficult than at other times of the house.

There are important members of our staff and their teams of workers whom I wish to recognise. First, Dr Coral Stanley, our librarian, and her small but tireless group of workers who keep us well informed. Mr Philip Spencer and his army of men and women who put what we say into some kind of organised and understandable missive; I appreciate the long hours they contribute. Mr Denis Hixon and his team—they are the chaps who run around with hammers strapped to their trousers—look after the building and make sure that everything from light switches to windows are operating. They do a terrific job. They seem to be forever doing it, but they do a terrific job. That is an important job.

Mr John Neldner is in charge of the finance section, which is a very important job. Indeed, we thank his team. Mr Creon Grantham as catering manager looks after our gastronomic needs and a large staff provides refreshments to us. They do an excellent job, especially when we change the sitting times at short notice. Mrs Lorraine Tongley is the manager of information systems, which is absolutely critical to the work that we do. Mrs Jan Davis I recognise as the Clerk of the Legislative Council. She has some 42 years service accumulated to this point. You have to be either dedicated or insane, but, as I know Mrs Davis as someone who is brilliant at her job, I think she is certainly the former. We appreciate the assistance she gives.

While I mention the Legislative Council, I recognise members of that chamber because they, too, play an important role in the functioning of this parliament. I particularly mention one member this year, that is, Mr Dennis Hood. As many members will know, his wife is about to have their first baby, apparently a Christmas baby. It is long awaited and we wish them well. Obviously, he is looking forward to this special occasion, so congratulations will be in order for him. Other members of our house have managed to increase the population while they have been here, but Dennis is about to become a father for the first time—which is fantastic.

To members of this chamber, I pay tribute to Perry Brook and his army of men and women who keep us order. Gary Parkin in the security division has been acknowledged with a suitable reception this morning. I noticed that almost every available person in the parliament was there when you spoke, Mr Speaker. He has given 26 years of service and it is appropriate that he be recognised accordingly. We will miss him. He has been around for a very long time.

Some 30-plus years ago when I used to come to this parliament and play billiards and do my homework, and all sorts of other things including travelling around the floors, I used to work on the basis that if I was in a red carpeted area I was lost, so I had to stick to the green carpeted area. It is interesting because Mr Parkin has been here for a long time and given a lot of years service in his security role. His walking stick reminds me that we used to act for people who had those things in their car; and they were often housebreaking implements, and all sorts of things such as tyre levers. He did an admirable job. He will be sadly missed by his colleagues, given his health circumstances in recent years. I also acknowledge the government publishing and parliamentary counsel staff, whose representatives are not here at present but who work very hard.

Our whips and deputy whips have been acknowledged, and duly so. From our office, Leslee, and to you, Mr Whip, you did a pretty good job; and Mr Deputy Whip, an even better job, thank you. To the Government Whip and Deputy, thank you for the extraordinary work that you do. I, too, want to recognise Ms Bertossa, who is a member of the staff of the minister for government business. Ms Bertossa has been very cordial in her dealings with the opposition and, as I receive most of those telephone calls, I certainly appreciate dealing with her and I think the probably sanitised version of what I receive is helpful in the negotiations and we are able to manage business very well, even in your absence, minister.

In expressing the Christmas message to all my colleagues and the members of this house, I note that it is pleasing to appreciate when one of our number faces some difficulty, and the Hon. Michael Wright during previous months has suffered considerable ill health. I only mention it because it has been a public matter. We are pleased to have him back. Each of us in our area of responsibility faces considerable pressure, and when ill health plagues us it makes it more difficult. We in the opposition wish to note our appreciation that he is back and recovered, not just to continue his duties but to be back amongst us again. On a lighter note, I especially recognise Jessica Lindsay, who is a member of my leader's staff, who is about to marry this weekend, so good news all around. We have good news in recoveries, marriages and babies to come.

I have left to the last a comment that I wish to make on this special occasion. This is the last appearance on duty of our Clerk, Mr David Bridges who, as we have heard from the Premier, has served this parliament for some 30 years. He is one of the very few people who has been around for as long as the member for Stuart. Other past members of the parliament, I am sure, if they were here, would have liked to express their appreciation for the work he has done. It has been particularly acknowledged in the higher office that he has had in the past 4½ years in serving you and previous speakers, Mr Speaker, but the work that he undertook as deputy and in his clerical duties prior to that should not be underestimated. I remember, as I am sure he would, what this place was like some 30 years ago, and a bit earlier than that for me.

Members may find it hard to believe, but some of the country members of parliament used to live here during sittings and the rooms that are now occupied by some of our building workers were bedrooms. It was a time when there were no mobile phones or fax machines and there was one typist for three or four members of parliament. If you put in a letter to be typed it usually took about a week to come back with corrections and another week to be issued. Times were very different. This was at a time, as I have sometimes said before, when Dean Brown had long hair and Graham Gunn had hair. It was a long time ago, but I have no doubt that our Clerk has seen not only the change of guard with many of the people who serve in this chamber but of the staff who have been here and who have grown with this parliament.

I particularly wish to pay tribute to him and the work that he has done. I hope that he enjoys his retirement. I think that if my father were here he would say, 'Just say he's been a good bloke and he's done a good job and shut up and sit down.' I have taken a bit longer to do that, I appreciate. I just want to say that he is a good bloke, he has done a good job and he has a great local member of parliament, actually! On behalf of the opposition I wish to record our appreciation. I hope that you and Bernadette have a great retirement. Enjoy the cycling and any other adventures you get up to. We thank you for those years of service. Merry Christmas to all members of the house.

Mrs GERAGHTY (Torrens): I will be very brief. I wanted to put on record my pleasure at working with David Bridges. He has been extremely helpful, very educative, and I agree with the Premier that, under times of, shall we say, interesting experiences, he was cool, calm and collected. He has got a little greyer, I have to say, but he has been an absolute pleasure to work with. I know that my caucus colleagues agree. We wish him well and look forward to seeing him again. I am sure the Speaker will think of something very nice for us to get together for in the new year. To Carol and Val, who are probably still working somewhere else, on behalf of all our caucus I thank them. They are exceptionally helpful and very dedicated staff.

To members of the opposition, at times it is interesting, challenging and fun. I might say to Adrian that I guess this has been an experience for him and we are going to have a lot of fun next year. Thank you all, and I look forward to coming back next year and doing it all again. We are just sorry you will not be here, David.

Mr VENNING (Schubert): As the Opposition Whip, I thank the Government Whip for her kind words. I already spoke about our Clerk last night, and this is it. Again, thank you very much, David. I think that we all class you as a friend. Good luck for the future. You know where we are, so please feel free to come back and, if nothing else, share a good red with us.

Members interjecting:

Mr VENNING: I am paying, yes. I am quite happy to pay. To you, Mr Speaker, congratulations on your first year in the job. As the youngest Speaker I think we have ever had in this house, well done. I think we are generally pretty happy.

Ms Chapman: You're one of the oldest whips, aren't you?

Mr VENNING: I don't know about that. Anyway, congratulations and well done: you have handled it well. Also to the government, our good wishes. Robyn, again thank you very much. As a new whip, at this old age, I thank you very much for your cooperation. We have got on generally fairly well. To my colleagues, I thank them very much for their great understanding. They have got away with murder. I am a very soft whip, a lot softer than the previous whip. To all the people in this house who keep the place working, thank you very much, and to all those who record our speeches. I reiterate what the deputy has just said. I thank everyone who works in this place: you are all very important parts and make this house work just as we do. We would be lost without you. Again, seasons greetings to you all. I hope you have a good and safe Christmas and all the best for the new year. I look forward to seeing you all back next year.

Honourable members: Hear, hear!

The SPEAKER: I thank members for their kind words and endorse everything that has been said about all the hard work that has been put in by all the staff. A few people whom I would like to particularly thank include the people who assist in the chairing, in particular, the Deputy Speaker, who is very generous in the amount of time she spends in the chair. I try not to leave her abandoned in the chair for too long, but occasionally I am a bit forgetful. I thank her for that. And the other members; the member for West Torrens and the member for Finniss come to mind as two members who have spent a bit of time assisting in the chair. I thank our table staff, our Deputy Clerk, and Paul, David, Rick and Rachel for the enormous amount of work that they put into the smooth running of this place.

I thank Mary Kaperski, my secretary, and the whips. who I think have the second most thankless job in this place—the most thankless job is held by the deputy whips. I thank all of them for the smooth running of the parliament. Finally, I have already said a few words earlier today about David, but I would endorse everything that has been said. It has been a steep learning curve for me, and David has been enormously patient and helpful. I would like to say other things about David, but I think I might wait for an occasion that is off the record. I do thank him and wish him well in his retirement.

Honourable members: Hear, hear!

At 6.18 p.m. the house adjourned until Tuesday 6 February at 2 p.m.