HOUSE OF ASSEMBLY

Thursday 8 February 2007

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

DRIVING OFFENCES

Mr HAMILTON-SMITH (Waite): I move:

That this house calls on the government to—
(a) ensure the process for notifying licence holders of suspension following demerit point loss is immediate and that any loopholes in the process are closed; and
(b) inform the house of the effectiveness of the penalties imposed by the courts for unlicensed driving.

I am delighted to move the first motion for 2007. The motion I put to the house involves a matter of life and death, and it seeks to ensure that the process for notifying licence holders of suspension following demerit point loss is immediate and that any loopholes in the process are closed. I am really calling on the government to take action promptly to ensure that that outcome is achieved. Secondly, I am seeking information from the government on the effectiveness of penalties imposed by the courts for unlicensed driving. This matter is focusing people's attention increasingly.

I note that the house has split the portfolio of transport and road safety into two by creating a separate ministry for road safety in the other place. Clearly, it is something that the government has identified as a priority; so, too, have members on this side of the house. However, what has become apparent (and it was revealed most earnestly on talk-back radio in early December) is that loopholes are enabling people to get off in court when their licences are suspended. This was explained quite clearly on Radio FIVEaa in early December not only by a criminal lawyer from Lipson Chambers, Mr Simon Slade, but also the Registrar of Motor Vehicles, Mr Rod Frisby. They both spoke publicly about this issue.

When you have your points max out at 12, quite simply as things stand, in effect, one gets a letter in the mail. Should you choose not to open that letter, put it in the bin, ignore it, rip it up or send it on to some other address, when you are subsequently apprehended by the police for some other offence—for example, at a routine stopping point for a random breath test—and the police run your name through the computer and find that you are a disqualified driver, you can say, 'I had no idea I had become disqualified', and that defence is standing up in court. It is putting the courts in a most difficult position of being unable to prove beyond a reasonable doubt that that person had knowledge that their licence had been disqualified.

In some cases this might be genuinely inadvertent, and I acknowledge that. However, in other cases it is a deliberate, mischievous and deceitful attempt by hoons and irresponsible drivers to avoid punishment by simply ripping up the letter or pretending it was never received. That is a totally unacceptable situation. In fact, Mr Rod Frisby confirmed publicly that, as I think he put it, there are around 27 ways a person can avoid a licence disqualification. Mr Frisby said:

> Now some of them would be more the exception, but this was probably the biggest one that the task force has identified. It is going to need legislation changes to the Motor Vehicles Act to correct the situation. So, this one will be pushed for next year and, hopefully, it will get support in parliament.

This is the Registrar of Motor Vehicles saying to the house that we need to change the law. For that reason, I draw the attention of the house to the fact that I have out for public consultation—so I am quite free to talk it—a draft bill to that very effect. With respect to my draft bill, I would welcome comment from any member in the house or any member of the public, and I will then introduce it in the house. It will require that a notice of licence disqualification as a consequence of demerit point loss, P plate violation or any other cause be delivered in person by a process server, Sheriff's officer, or police officer where the former are not available—for example, in certain country areas.

I do not think that our police should be diverted from their primary roles by serving these notices, but there is a process that can affordably be put in place to ensure that these disqualified licence holders are notified and it can be proved that they have been notified. My bill also provides for confiscation of the vehicle of a disqualified driver charged with the offence of driving while disqualified on terms consistent with the hoon driving legislation passed by the parliament earlier. My intention would be for a temporary loss of vehicle at the time of detection and/or charging with the offence.

Repeat offences would result in more stringent loss of vehicle with confiscation and sale as the ultimate sanction, and those provisions are set out in the relevant act. The first offence involves 48 hours' confiscation. If the court records a conviction for an impounding offence and the convicted person has already been convicted of one prescribed offence in the previous five years, the motor vehicle will be impounded by the Sheriff for a period not exceeding three months. For a third offence, if the convicted person has been convicted of two prescribed offences in the previous five years, the motor vehicle will be impounded by the Sheriff for a period not exceeding six months.

Finally, if the driver has, in the previous five years, been convicted of three or more prescribed offences, the motor vehicle is forfeited to the Crown, with the procedures commenced for sale of the motor vehicle and with proceeds to be paid to the Victims of Crime Fund. So, I am really taking my proposition in this motion up to the next level. I am saying: let us make sure that disqualified drivers actually receive their notice of disqualification and that can be proven; and then I am saying: let us toughen up the penalties for disqualified drivers.

People are flouting the law; there is no question about that. I again point to evidence and information available on the public record, where it has been confirmed that there are around 16 000 to 20 000 disqualifications each year in this state. Clearly, quite a number of those are not effective because, if people have moved to another address, they are either not receiving the notice of disqualification and may be driving without the knowledge that they are disqualified, or they are deliberately flouting the law in the 27 ways I mentioned earlier. About half of those are demerit points, but there are also those who breach their provisional or probationary licences, their good behaviour, and the other half is made up of those to whom I refer.

So, if the person is a repeat offender, at present the government is sending those, so it claims, by a process server. I think that the government needs to confirm whether this is in fact occurring in all cases. If the person has a second demerit point qualification, I understand that the government sends the notification via a process server—but not on the first occasion. The Registrar of Motor Vehicles thinks that

probably 1 500 to 2 000 hard-core repeat offenders are working the system. These are people for whom I and, I am sure, others in the house have very little sympathy at all. I would not want my daughter, my son, my spouse or any relative of mine killed by anyone, let alone on the road by a driver who is disqualified and should not even be on the road in the first place. My view is that if you should not be on the road, you should not be on the road, and you should not be out there putting people's lives at risk.

Just recently, there have been some notable cases, and I will give the house two examples. A report in *The Advertiser* on 20 December, entitled 'Killer truckie too ill for gaol: the story of George Geza Nagy', states that he is too old and too ill to go to gaol for breaching a suspended sentence.

The Hon. R.B. Such: Not too old to drive, though.

Mr HAMILTON-SMITH: Exactly. However, infirmity did not stop this 79 year old not only from attacking an *Advertiser* photographer on that day but also from killing two people and crippling a third in a road crash, the subject of an offence committed by him while suspended. The four-year gaol term was suspended on the condition of a three-year good behaviour bond and an eight-year licence disqualification. Since then, Nagy has admitted driving whilst disqualified on three occasions, failing to give particulars about a crash, and driving unregistered, uninsured and with licence plates not properly attached. I make the point that I understand that this matter is still being fleshed out in the court, so I will not go into it any further in order not to interfere in that process. However, I just say that I and many in the community have very little sympathy for people such as Mr Nagy.

I will cite another example, namely, the case of the so-called cycling champion, Jobi Dajka, who recently walked free, in effect, from the court, having faced a gaol sentence for driving and theft offences; instead, he got a 12-month, $10 good behaviour bond and was ordered to pay $2 600 in fines and costs. He had been disqualified from driving because of a drink-driving charge, there were charges of assault, he had been driving again while disqualified, and so it went on.

People are just sick of this and they want it changed. There is a need to tighten things up. I draw the house's attention to an *Advertiser* report on 19 January 2006 entitled 'Thousands convicted but only three gaoled'. The report refers to the more than 11 000 drink drivers, including 1 400 repeat offenders, who were convicted in this state over the previous two years but of whom only three had been gaoled. Members can read that report. If it is indicative of what is occurring in the case of drink-driving offenders, and if it relates directly to what is happening in the case of disqualified driving offences, clearly there is a problem.

More of these recidivist, repeat offenders need to be in gaol. I am not talking about the mums and dads and the generally law-abiding citizens who, because of the government's nonsense and confusion over speed zones, or through their own bad judgment, find that they have been detected for speeding, their demerit points clock out, they lose their licence, they do the right thing, do their time, and then go back onto the road when their period of disqualification is over. This is the vast, overwhelming majority of people who have had their licences disqualified. I am not really talking about them. I think that most people do the right thing, but there is an element of young people especially (and people of all ages, I hasten to add) who just think that it is a joke.

There have been some notable examples in Queensland, where the media have followed young offenders, on their second or third charge for disqualified driving, out of the courtroom and straight down to the car park, where they have got into their car and driven off. I can show people media reports detailing those examples in Queensland. That is happening here, and it is absolutely outrageous.

The government needs to give the house some information. In particular, it needs to confirm exactly what is happening with the process of notifying licence holders. Is the information, publicly given by the registrar in December, correct? Is there a weakness in the system, and does it need to be tightened? The government also needs to inform the house of the effectiveness of the penalties imposed by the courts for unlicensed driving. What I really want to know is: how many people have been charged for unlicensed driving or driving whilst disqualified in the last two to three years, and how many of those repeat offenders have gone to gaol?

Going to gaol for such an offence is a serious matter. I recall as a young officer in the army having accompanied one of my soldiers to court for that very offence in Queensland in 1976. A young bloke on a suspended licence made some very poor judgments, got into his car because he considered it was important, and drove whilst disqualified. The judge sentenced him to three months in Bogga Road. Let me tell members, three months in Bogga Road over Christmas 1976-77 was not a lot of fun. He was a young kid, a good-looking kid, and I gave him some pretty frank advice about how to protect himself in gaol. I am sorry to say that, a few months after he was released from gaol, very distressed and disturbed, he drove his motor bike under a truck and killed himself. Whether it was an accident or whether it was something else, I guess we will never know.

Perhaps that is a signal of how serious it is to send people to gaol for these offences, but it is necessary. The gaol system needs to be able to accommodate this. I urge members to comment on my draft bill,which I will be introducing soon. I should not need to do this, the government should have taken action on this, but I do so in the spirit of ensuring that the roads are safer and that these scoundrels, many of whom are also hoon drivers, are rounded up and punished and our roads made safer. If the law is unenforceable and treated with disrespect, it will break down and crumble before our eyes. This is a very serious issue. I commend members to give it their attention and consider it most carefully. Please read what I have had to say. I look forward to the government contributing to this debate and offering something in a bipartisan way so that we can fix this hole.

Ms THOMPSON (Reynell): I am pleased to hear that the member for Waite is looking forward to taking some bipartisan action and contributing to the debate. I also note that he said that he really wants to know something. He listed a number of facts that he really wants to know. I start by advising the member for Waite that there are more ways of finding information than taking up private members' time. He can ring the minister's office and ask a question—that would be one way; he could even contact the relevant court authorities and ask a question—that would be another way. He could give notice of a motion—that would be another way. He could also listen to what is said in the parliament.

To help him on that matter, I am about to provide him with some information, so I expect that he will listen attentively and take it all in. For the benefit of the member for Waite and other members of the parliament, but particularly

the member for Waite, I am now about to provide information on what this government has been doing on what he rightly identifies as a serious problem. If he had been on top of his portfolio shadow responsibilities, he would know that this government has already taken some action on the matter by legislating in 2004. Part of that process was to review the effectiveness of the legislation, and that has been done. Legislation will be brought into this parliament within a few months, following wide consultation—and the honourable member probably got a few rumbles from that consultation which made him take up this issue.

In July 2005, the Minister for Transport established an inter-agency driver penalty enforcement task force to identify and remedy loopholes in current legislation and administrative systems that allow a driver to avoid a licence sanction or driving condition. The task force considered 27 identified loopholes. Under normal circumstances, a licence holder will receive a notice of disqualification within four weeks of accruing 12 or more demerit points. Demerit points are not accrued until the Registrar of Motor Vehicles is notified by South Australia Police or the Courts Administration Authority after the offence has been satisfied; that is, when the person pays a fine, an enforcement order is made, or the person is convicted by a court. The licence holder is allowed 21 days to accept the disqualification or apply to be of good behaviour for the next 12 months as a condition of continuing to drive.

If a person who enters into a good behaviour agreement breaches the conditions, the period of disqualification is doubled. At present, a notice of disqualification is personally served on drivers who have accrued 12 demerit points within 12 months, breached a good behaviour licence condition, or been disqualified for a second time within three years. I hope members note that at present a notice of disqualification is personally served on those drivers. The most significant loopholes identified by the task force are those that allow a disqualified driver to claim that he or she has never received a licence disqualification notice and thereby avoid a charge of driving whilst disqualified and licence sanctions by delaying payment of a traffic fine or deferring a court hearing.

Many of the anomalies are less significant as they apply in exceptional circumstances and do not involve more than a few drivers. The proposed solution aims to prevent a person who is detected driving under disqualification from claiming that a disqualification notice has never been received by introducing personal service of the disqualification notice. In addition, a person will not be able to avoid either cancellation or the extension of a provisional licence by not paying a traffic fine until the licence has been converted to a full driver's licence or a breach of a good behaviour agreement by delaying the payment of a traffic fine. A number of issues covered by the intended legislation have not yet come to the attention of the member for Waite. The government is well on top of this issue and aware of many complexities of which the member for Waite has not yet become aware.

It is expected that the government will introduce legislation into parliament very soon. I know from personal experience that this legislation is well on the way to development. Where administrative changes are required, work has commenced within the Department for Transport, Energy and Infrastructure, South Australia Police and the Courts Administration Authority to minimise the risk of an offender avoiding detection or a penalty for a breach of a licence condition. The Department for Transport, Energy and Infrastructure is also working cooperatively through the Austroads Registration and Licensing Task Force to reach agreement in areas of cross jurisdictional concerns.

Under the Motor Vehicles Act 1959, there are three separate offences, all of which relate to a category of driving unlicensed. They include driving where not authorised to do so but having previously held a driver's licence. This can occur when a driver's licence renewal fee is not paid on time. Also, driving without the correct class of licence is treated in the same way as driving without a licence. This can occur when a person with only a car licence is detected riding a motorcycle or driving a heavy vehicle. The maximum penalty for this is $1 250. For driving when not authorised and never having been authorised to drive a motor vehicle, the maximum penalty for a first offence is $2 500 and, for a subsequent offence, $5 000, or imprisonment for one year. For driving a motor vehicle when suspended or disqualified from holding a driver's licence, the maximum penalty for a first offence is imprisonment for six months and, for a subsequent offence, imprisonment for two years. I assume that the member for Waite is going to read *Hansard* so that he is on top of this issue afterwards.

The legislation pertaining to driving unlicensed was amended during 2004. The Motor Vehicles Act specifies a maximum penalty, and the penalties imposed upon offenders are at the court's discretion. However, for the benefit of the member for Waite, I will repeat the fact that, for driving a motor vehicle when suspended or disqualified from holding a driving licence, the maximum penalty for a first offence is imprisonment for six months and, for subsequent offences, imprisonment for two years.

The following statistics have been provided by the Courts Administration Authority and give a brief overview of the number of drivers convicted of driving unlicensed under each offence category over a three-year period from 2003 to 2006. With approximately one million driver's licence holders in South Australia, the number of drivers convicted for driving unlicensed include: 36 752 people who had previously been authorised but were not authorised to drive a motor vehicle (I remind members that this is over the period 2003 to 2006); 11 128 people who were not, and never have been, authorised to drive a motor vehicle; and 10 409 who were convicted of driving a motor vehicle while their licence was suspended or they had been disqualified from holding a driver's licence. Of the 58 289 drivers convicted for driving unlicensed, 10 438 (18 per cent of defendants) had previous convictions for an offence of driving unlicensed for the same offence during the period 2003 to 2006. Of those 18 per cent, 3 381 (or 32.4 per cent) had one previous conviction, 4 698 (or 45 per cent) had two to five previous convictions, 1 325 (or 12.7 per cent) had six to nine previous convictions and 1 034 (or 9.9 per cent) had 10 or more previous convictions.

Having identified these loopholes, and recognising that they are a community problem, the government is working on measures to close them, to ensure that the legislation can work in the way in which it was intended and that it is effective in deterring unsafe behaviour on the road. I am sure that the member for Waite will cooperate in any constructive way he can when commenting in relation to the government's draft bill when it is available in the near future. It will be a historical incident if that does occur. However, we look forward to the member's concern being about the safety of drivers in South Australia and not about a headline for the member for Waite in his quest to take on the leadership of his party. We recognise that this is a noble quest—something

which the member for Waite has demonstrated is his main mission—however, we hope that he will look after the safety of drivers as well.

Time expired.

Mr PISONI (Unley): I would like to say a few words in my new role assisting the member for Waite as opposition spokesperson on transport matters. May I say how pleased I am to be working with the member for Waite; he is a very organised and methodical person. Within a couple of hours, I think, of Iain's announcement I was supplied with two folders of information about the portfolios for multicultural affairs, transport, infrastructure and energy. All those folders came with notes explaining his expectations of me and what my expectations could be of him, and for that I am very grateful. He is a very organised member of parliament, and I am sure that his military training has come home to roost. Watch out, Minister for Transport is what I say.

I support this motion because a police sergeant in my electorate approached me several months ago about his concern with respect to people using the excuse that they did not receive their notice of loss of demerit points when they were picked up for driving without a licence and, consequently, using that as a defence. He claimed that, until recently, people would receive that notification by registered mail, but that practice had stopped. His concern was that the result is that it is hampering the job of the police in getting unlicensed drivers off the road. I certainly would like to see a better notification system for drivers.

With magistrates allowing that defence of not receiving the mail, it is certainly not a good advertisement for Australia Post. If I were in Australia Post I would be very concerned that that was a strong enough argument when people claim they did not get their mail. I know for a fact that with the hundreds of letters I send out every month they certainly reach their destination and, if they do not, they come back to me and people say that they have left that address. It surprises me that it is a strong argument for claiming that you have not received the notice. It would concern me if I were one of the managers at Australia Post because I certainly would not want the reputation of not delivering on time or not at all. Nothing can go past the fact that unlicensed drivers are still on the road. They have lost their licence because they have been speeding, driving dangerously or running red lights; these are all the things that cause threats to other drivers on the road. I, for one, do not want to be soft on drivers who break the law. Penalties apply, and I am sure that all of us at some stage in our lives have made a mistake and paid the price, and I think that is fair enough. Those who complain about speed cameras should do what the majority of South Australians do in order to not get caught which is not to speed at all. Speed cameras will not pick you up for speeding if you have not been speeding.

Another interesting fact I discovered when looking at this issue was that a quick look at the cause list finds that a lot of those who are charged with driving while disqualified also are driving unregistered and uninsured vehicles. So, there is a pattern here—disregard for the law and the privilege they have been given to drive a vehicle on our suburban streets and country roads. We need to send out a strong message. We need to say, 'We want you to have regard for others on the road and to obey the law.' You get about three chances (12 demerit points) and you lose three to four points at a time. For people who do lose their licence because they have been breaking the law, they should be notified that they have lost their licence and that should stick. Not receiving notification should not be used as an excuse, and penalties and deterrents should be applied to ensure that those people stay off the road until they have worked off their disqualification period.

The Hon. R.B. SUCH (Fisher): I am supportive of what the member for Waite has put before us; in fact, I think it does not go far enough. I have had very serious concerns about the whole driving licence process for some time and I will share some of them with the house. I have raised concerns about people who cannot speak English getting their licence and I am told by people within the motor vehicle section that the pass rate is almost 100 per cent, yet people who are born in England or Australia are lucky if their pass rate is 60 per cent. I am not suggesting that the interpreters are dishonest but one could imagine that in interpreting you might unwittingly or otherwise convey some assistance to the applicant. The other problem that has been put to me is that many of the interpreters get to know people, especially in small communities, and in effect they become their advocate. Members may not realise that you can get a licence even if you are born here and you cannot read or write English because you can do a verbal test. I find that a bit strange because if confronted with the sign 'cliff ahead', and if you do not have your aunt or uncle next to you and you cannot read the sign, I am not sure what you are supposed to do. In fact, I have heard that the Department of Transport is getting rid of the signs which say 'turn left with care' because people who do not comprehend English are having trouble with that sign.

Mr Hanna: Is that true?

The Hon. R.B. SUCH: I have heard it from a very good source; someone in the police force has conveyed that information. People can understand the international road symbols whether or not they speak English but not all of our road information is in the form of a symbol. I do not believe there is an international symbol for 'turn left at any time with care' or its similar wording. I think there needs to be an independent audit of this whole licence process. When people go for their initial Ls they have to score 100 per cent in the international sign section, which I think contains eight signs or questions, but when it comes to Part B you do not have to get 100 per cent. So, if you subsequently run over a pedestrian or something, you say, 'Oops. When I did the initial test I got 32 out of the 42 questions right and that is all you have to do and understand.'

I find it bizarre that we can have people driving around who could not complete a test to a much higher level than what is about 70 per cent. I am not suggesting we should have driving licence standards at the level of pilots although, if we did, we would have a lot fewer accidents on the road because they have very thorough testing and checking. Our system is incredibly easygoing. I know a young lad very well—I will not identify him although he is not one of my sons—whose licence was suspended for three months but he kept driving every day because the police hardly ever check licences in South Australia unless they have cause to pull you over because you have done something silly or if you look much younger than I do, in which case they are more likely to pull you over, especially if you have P-plates in which case the P is dyslexic for D which means dangerous. In my experience, the police hardly ever have significant licence checks where they pull over a lot of motorists and check their licences. I think if they did they would get a big surprise and, likewise,

they would find that a lot of vehicles are unregistered and therefore not carrying third party bodily insurance.

There are a lot of people on the road who should not be on the road. Members would have seen on television recently a lad whose lawyer claimed that he was intellectually disabled and, unfortunately, his driving allegedly resulted in the death of his mate and he was in tears, and so on. The tears will not bring back his mate. One would not want to see discrimination against people who have an intellectual disability, but you have to question once again the process that allows someone to get a licence—I think it took six attempts for him to get his licence.

We also have a situation where we have a lot of older drivers. We tend to pick on the P-platers, who are probably more astute when it comes to judging distances, and so on, but tend to be a little bit more reckless. I am told that years ago there was an instruction issued that the department was to not go so heavy on elderly drivers because many of them would lose their licence and that would be politically unpopular. In a situation like that, you have to have regard for other people on the road; if someone cannot safely drive a vehicle they should not be on the road, irrespective of their age or any other consideration.

Recently, I was surprised to hear that the staff of the Department of Transport in a country town were ordered to work on a Sunday so that the migrants who had arrived—presumably on one of these work visas—could get their licence. It is a very innovative procedure and I am not aware that it has ever been done in the city for people who are shift workers. However, I understand in the country town, people involved in licence testing and so on were required to work on the Sunday, more than once, so that visa workers could get their licence. I do not know whether the government is going to extend that practice to the city and have government facilities open on a Sunday, but it would be welcomed by many people. It once again shows the inconsistency in the licensing procedure.

The member for Waite has highlighted the fact that there are people who have lost their licence and who are basically ignoring it or choosing to ignore it. That process needs to be tightened. I know the government uses the term 'tough on crime', but the system is, in my view, far too soft on people who break the law and put other people's lives at risk. We should not automatically make policy on the basis of TV or talk-back programs, but I get sick and tired of seeing and hearing about the offender—wearing a hired suit and looking angelic—rarely suffering any severe penalty for killing someone on the road. On my understanding, if you are killed on the road it is the same as being killed anywhere else. Time and time again, people walk away from the court with some pathetic penalty for taking someone's life, and the excuse is usually, 'I was tired'. If you are so tired then you should not be on the road. You should not be driving if you are so tired that you cannot concentrate on the job. Try that excuse if you are a surgeon at the Royal Adelaide Hospital—'I'm over-tired and I cut the wrong artery.'

The whole system needs to be looked at. I think there should be an independent audit of the process by which people get a licence. People who offend with bad driving should be required to go through a re-testing process. The old police lecture scheme was not a bad one. I remember I had the privilege of having to attend one on the night of my 21st birthday; I will always remember that wonderful gift from the police department. Those police lectures were probably a useful mechanism to remind people to drive a bit more carefully. In my case, I was trying to be helpful. I was going to Whyalla to start work. I knew the police car was behind me and I accelerated a little bit over the bridge because I thought they were in a hurry. I did not see the sign on the left indicating a special speed limit.

The member for Waite is on the right track, but I think he could look at broadening the scope of this to examine the whole question of the way in which licences are granted, taken away and followed up in terms of enforcement. The Minister for Road Safety, the Hon. Carmel Zollo, has been very prompt in responding to my queries on some of these issues. I recently asked her about the matter of lowering the driving age, because many people in my electorate keep asking me about that. She has indicated that the government does not intend to reduce the driving age and I do not believe the driving age needs to be lowered. What is more important is that we have adequate driver training and testing.

Mr HAMILTON-SMITH (Waite): I thank honourable members for their contribution: the member for Unley, the member for Reynell, and in particular I want to thank the member for Fisher for his ongoing interest in road safety. I will look carefully at the contribution of the member for Reynell. I thank the government for having the courtesy to respond; it is extremely helpful. I will look at the information that the member has offered. If I heard her correctly, I think some of her contribution is in direct conflict with advice given publicly by Mr Rob Frisby, the registrar, where he said that that first notice of disqualification was sent in the mail and was not personally delivered. I will check the detail of that. I understand that the government is going to oppose this measure, and I have to express disappointment about that decision.

The motion that I have put simply calls on the government—it does not condemn the government—to ensure the process for notifying licence holders of suspension following demerit point loss is immediate and that any loopholes in the process are closed. I think that is quite a reasonable ask. The government in its response has suggested that it thinks that the system is all right as it is and that it intends to introduce legislation later in the year now that this matter has been brought to its attention. I cannot see why they cannot take action now. You have been elected to lead, so lead.

My motion also asks the government to inform the house of the effectiveness of the penalties imposed by the courts for unlicensed driving, and I note that the member for Reynell has given some information which I will look over carefully. Having already acquired quite a bit of information through questions on notice, through direct contact with departments and from other sources, I will compare what the government has said to the information that is available publicly. However, from what I heard, I think the level of information given was nowhere near enough because I have spoken to police about this; in fact, I have had police come and visit me in my office, and they are so strong in their feeling about it, expressing their frustration and saying that they go out and apprehend these villains, they get them into the courts and they are getting off with a further period of suspension, getting off by arguing that they never got their notice of suspension, or they are getting off by using one or other of the 27 ways identified by Mr Frisby.

He states that there are 27 ways in which these people are just thumbing their nose at the government and disregarding the rules in regard to disqualification and driving while

disqualified. Members on this side will be watching very carefully to see how things unfold in the courts in regard to the pursuit of disqualified drivers. I will be coming into the house on behalf of the opposition with a bill to make the changes that are required. If the government cannot move quickly on this matter, we will, and I ask the government to support the measures and bring about change. In particular, if the vehicle confiscation requirements that the government itself has implemented in respect of hoon driving are good enough in connection with that offence, then in my view they are good enough for driving whilst disqualified. I cannot see why we would not extend that provision.

As I mentioned earlier, quite often we are talking about the same people, and in my view if you bump once for hoon driving and then you bump on a second occasion for driving whilst disqualified, that is occasion two of the three. In other words, the two should go together, in my view; we do not want them to be considered separately. So, in cases where the people concerned own their own vehicle, the sooner we get those vehicles from them and the proceeds into the Victims of Crime Fund, the better. There was a tragic accident in my own electorate just the other week involving hoon drivers—stupid, young fools trying to evade the police—resulting in a fatality and other injuries at Torrens Park, just down the road from my electorate office. There have been other fatalities within 500 metres of my own electorate office in Mitcham, and I am sure other members could tell us about their own electorates. This is something that is driving people mad. I will not call for a division on this matter. The government, which clearly has the numbers, has signalled to me they do not care about this motion; they want to vote it down. They do not think it has merit.

Members interjecting:

Mr HAMILTON-SMITH: I think that is sad. Believe me, I will make sure that Byner and others know that the government does not care about the proposition I have put. I think the government's response is lamentable.

Motion negatived.

ROADS, DETERIORATION

Mr VENNING (Schubert): I move:

That this house—

(a) notes the decrease in speed limits on many major South Australian roads is due to deteriorating road conditions;
(b) supports the installation of signage depicting the safety rating of these particular roads; and
(c) calls for the assessment of such ratings to be set by a joint committee made up of the Road Safety Council, the RAA, Transport SA and the Australian Automobile Association.

Time and time again I have stood in this house and complained about the roads across the state. I have been doing that now for nearly 17 years, but I have to say that right now the situation has never been worse than it is today. I raise this issue again today, but this time to highlight the fact that speed limits on many of our country roads and roads in general are being reduced due to the shocking state of the road, and for no other reason. I strongly disagree with this. I do not believe that we should be reducing speed limits on roads simply because the government will not allocate any money to upgrade them to make them safe. At least it should not be a permanent fix, as is currently the case. Reducing the speed limit is all well and good and, yes, it does make it safer and may help reduce the number of crashes, but it does not hide the fact that the roads are dangerous and need fixing. This is just a blanket solution. It begs the question again: where is our revenue going? There is a huge amount of revenue coming into the government through speeding fines—and I have paid my fair share of this—and various road charges, but there is very little evidence to suggest that the money is actually being spent on roads and road maintenance.

Instead, the money is being spent on new tramlines, lifting bridges, extra public servants—and the list goes on and on; the huge hidden costs of government. General revenue is just soaking it all up. The government has to have a proper public works program for infrastructure, particularly for its roads. There is a $200 million road maintenance backlog now and approximately 4 000 kilometres of road is in desperate need of repair. There is no doubt that this figure will continue to grow in coming years as the government falls further and further behind with the road maintenance schedule. However, I do believe that people should be made aware of the road conditions, which is why—and I will be very interested to hear what the government has to say—I am recommending today that the roads be given a rating and that that rating be signposted along the road for motorists to see.

After all, as we drive on the roads now there are various signs warning us of road conditions. Bends in the road are forecast with a right-angle bend and usually a speed advisory sign, so why can we not have the rating? If drivers are aware of the road condition and that it has been given a low safety rating, it would increase the level of driver awareness and encourage drivers to drive according to road conditions. It would also be a tangible way for the government to prioritise its projects, based on the most dangerous roads attracting the highest priority. Toward the end of last year we saw roads that make up the AusLink network given a rating of one to five stars, one being the unsafest and five being the safest. I was appalled that this study revealed that 65 per cent of the 2 700 kilometres of AusLink road network here in our state was rated three stars or below.

Of particular concern was the rating for the Sturt Highway, which is the vital link from my electorate to the city, because 14 per cent of this road was given a two-star rating. This is the Sturt Highway: a two-star rating. I am very conscious that it came to Public Works yesterday with a program for a dual highway as far as Greenock. I appreciate that, but it should be going further. It should even be planned to go right to the border, or at least to the Riverland, because this piece of road has an appalling record in relation to road deaths. As I say, 14 per cent of the Sturt Highway was given only a two-star rating, while the remaining 86 per cent was rated only three stars. And this is a major highway: most of it ought to be four or five.

In relation to our population, South Australia has one of the highest fatality rates compared to other states and territories and is a staggering 15 per cent worse than the national average. These are shocking statistics, and I am happy for the government to get up and criticise me for bringing them forward or, at least, have its assessment on them: 15 per cent worse than the national average. The federal government National Road Safety Strategy indicates that by 2010 around 332 lives could be saved each year by having safer roads. Other studies by the AAA indicate that the national road toll could be rising and that half the fatalities that occur on the roads could be avoided by upgrading the roads. South Australia's Strategic Plan—and the government has been talking very strongly about that—and the South Australian Road Safety Strategy both identify the need for a multidisciplinary approach by various government and non-government entities and agencies and the

combination of new technology, improved road conditions and safer road use in order to achieve their goal of reducing road fatalities.

With modern technology, there are many things available today that can assist motorists. One I note is the speed limit signs on the new freeway going up to the Adelaide Hills, which are of the reflective type and very bright, and you really cannot have any excuse for not seeing them. This is modern technology, because they have LED lights in them, low voltage, and will probably last for years if the vandals do not wreck them. However, there is so much more we can do, even by putting electronic chips on the road so that when people go past their radios actually record a tone that can warn them about the speed limit and the rating of the road. I just bought a little device the other day that beeps when you pull up at a major intersection. This technology is already there and ought to be more widely used.

It is great to see that everyone else has recognised the need for improved road conditions, but we are yet to see anything done. I would like to point out comments made by the RAA last year when it claimed that a number of the deaths and injuries that occurred on South Australian roads would not have happened had the roads been better maintained. The RAA stated:

> If drivers are doing their part by making sure that they are obeying the road rules and that their cars are well maintained, it is not acceptable that they continue to risk being involved in a serious crash because of poorly maintained or otherwise unsafe roads.

I hear the criticisms made of the RAA by the minister, thinking that it was being political. I totally refute that. The RAA has a responsible job to do and I think it is doing it—

The Hon. M.J. Atkinson: No, you reject it. Whether you refute it is for us to judge.

Mr VENNING: I reject it. I thank the Attorney-General who, in my whole 17 years here, has been listening to me carefully and making those adjustments. I thank him yet again for that, because I have no problem with it. The most important issue right now is not my English but the subject at hand. The problem is that this is another prime example of the government's rhetoric and all-talk attitude. I am aggrieved to see the huge blowouts that we are seeing in the program the government has brought forward. I know why it is: it is because the companies that have tendered for these works no longer headquarter themselves here in South Australia. In the four years that I was on the Public Works Committee, up until last year, very little major public work, particularly in relation to roads, was being done in South Australia.

What happened was that the contractors up and went interstate. I can name these companies and you can see where they used to be, and they are not here now. They will come back and tender for the works that we now want them to do, but it is all done from interstate. They bring their people in, we have to accommodate them, and they tack a 25 per cent charge on top of their normal tendering price as a penalty because they have the extra costs.

We are now seeing that, and that is part of the reason for the huge blow-out in these government projects. It is all to do with the problem that the government is talking about it but we are not seeing enough done. The assessment of the road ratings should be undertaken and set by a joint committee made up of specialists from the Road Safety Council (from whom we hear a lot), the RAA (of course), Transport SA and the Australian Automobile Association. I believe that all those organisations would support this initiative and be happy to be involved. They should do this independently, because at present local government is doing it and we have a real mess on our hands.

The speed limit situation across the state is a joke. We need some consistency. It needs to be dealt with by a common board, which at least ought to have the power of veto over all these speed limits, as well having the ability to set the ratings on these roads. I can see no reason at all why these roads should not be signposted, particularly our major roads. If you are out for a pleasant day, driving along the Sturt Highway in your car and you notice a sign indicating that it is a two-star highway, straight away you think, 'Hang on, it is only two stars. It looks okay to me, but I will be a little more careful.' Sure as eggs you see some pretty bad intersections and bad road edges. As you are driving along in your car you may not be aware of lots of things on that pleasant Sunday afternoon drive with your friends or relatives. I make these comments today as a constructive assessment about where we are at now. After all, we all drive on the roads, and road safety affects us all.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Except the Attorney-General. There is always an exception, and guess who it is in this case! The hapless Attorney-General because he rides his bike. I suggest that the Attorney is more subject to road conditions because people can get knocked off their bike more easily than having a motor vehicle accident. As I have just experienced an accident, I have even more feeling about this matter than normal. People know that cars are fitted with seatbelts and air bags. However, has any honourable member sat behind an air bag that has gone off? I have. It was a week ago, and it is fairly frightening. Thank goodness it was there because I do not have any scratches from here up. I have from there down but I will not show the chamber now.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: I have already done that. We all think, 'Well, road accidents happen but it won't happen to me', or, 'It won't happen to you', but it can; and when it does, it is amazing how much difference it makes to what you say and think. Just because we are MPs and just because we are in this beautiful castle, we are not exempt from having accidents. We are probably more at risk because many of us travel the roads so much, often late at night, tired and in a hurry, and what happens? We say, 'It wasn't my fault and no alcohol was involved.' It happened purely because you were there and a serious accident happened.

I do not believe that we should make this issue political. I think the government should and could agree to putting up these signs to warn people, because everyone needs to know that the roads have been assessed and that a particular road has either a poor rating or a good rating. I think that the idea of putting up signs is a good one. As I said in a previous motion, I believe that the roads ought to be marked in different colours so that we know what the speed limits are, and that is not a big deal. You see that in other states and other countries, particularly now that there are different road paints that do hold their colour—particularly blue, white and orange paints.

One look at the marking on the road and you will know what the speed limit is, particularly if you miss the signpost. It all causes anxiety on our roads, and we do really need to look at this matter, because our road toll is far too high and we should do something about it. This is a great opportunity to do something. Let us hope that the government will support the motion so that we do.

The Hon. R.B. SUCH (Fisher): I can understand the motive of the member for Schubert in moving this motion, but I am not convinced that this is a practical suggestion. However, before I get to the rating aspect I must say that I do not believe that the decrease in speed limits on our country roads in particular has much to do with the alleged road conditions. I think it has been a deliberate policy of the state government in terms of road safety rather than anything to do with the road conditions. Plenty of roads in country areas could be improved. You could always improve them. You could turn them into autobahns, if you wanted to, if you had the money and you wanted to live in a fairly controlled environment.

Overall, I think that our standard of roads is not too bad. The problem is that the standard of driver is not too good. One keeps reading in the newspaper that so and so was killed and that he was a nice lad or she was a nice girl—most people are. Someone from my electorate (he was originally from Port Lincoln) was killed near Myponga a week or so ago. The police have a delicate way of indicating that speed may have been involved; and, normally, it is speed inappropriate to a road situation. I would have to say to my country cousins—literally and figuratively speaking—that I believe many of them drive far too fast.

I visit the Mallee quite frequently, and I must say that, driving through the Adelaide Hills, particularly when it is close to the end of the day shift, many people driving are barely on the road. Their vehicles are almost at the point of Cape Canaveral stage, where they are about to take a leap into space. The other thing I notice is that, sadly, many people in the country do not wear seatbelts. I cannot understand why this is, and there have been many tragic consequences of that silly practice in the country. I am not saying that it does not happen in the city, but I do not know whether people in the country think free and easy, or they are listening to Slim Dusty, or whatever, and do not want to wear a seatbelt. It is the same with this crazy habit of dangling one's hand out the window. I am not sure why people do that, unless they are trying to dry their fingernails from the fingernail paint. It is a crazy practice and particularly dangerous if as a consequence your arm is torn off.

One aspect that has always puzzled me is that country roads, in particular, have a lot of advisory speed signs. These have been assessed by a professional engineer as being the correct speed to travel on a section of road, around a bend, or whatever. However, these signs are advisory and have no legal status. It has always puzzled why, if that is the safe speed to travel on that section of road, that is not the legal requirement. If a professional engineer has assessed that you should go around a bend at a particular speed, why should that not have a legal requirement? If it does not, what is its purpose? If it has no relation to safety, why have an advisory sign there at all? It has no teeth and people take no notice.

I would be interested to hear what the RAA and the Road Safety Council think of the member for Schubert's proposal, which is, as I say, well intentioned. The problem with it is that, if you put up a sign saying, in effect, 'This road is safe,' the weather may change (and country members would know that the status of a road, particularly dirt roads, can change overnight, as many of them are not graded as often as they should be), and, after rain, it is anything but safe. I think you could be creating a situation of false security and even creating a legal dilemma (the Attorney would know more about this than I) if you indicate that a particular road has a safety status but, for some reason, it does not because, for example, a kangaroo hops out or the Attorney is cycling his pushbike in the country distributing leaflets. There are too many variables to say that a road has a particular safety rating. I think that the onus should always be on the driver to drive in a way that is appropriate to the conditions and according to the law. One would think that that should be the overriding consideration.

I have a lot of relatives and friends who live in country areas, and it disturbs me greatly that too many country people are killed. Recently a young couple, related by marriage, were wiped out in the Mid North through no fault of their own, when people did not give way. The young lass was 17 and the lad was 21. The people in the other car survived, but those young people were wiped out in the prime of their life. Sadly, it was the second grandchild that young lad's grandfather had lost in a country accident in less than 12 months. The accident involved the son of a police officer near Murray Bridge. As I understand it, none of the young people killed was in any way to blame for the accident. So, I plead with people in country areas to wear seatbelts and to drive appropriately. The same plea applies to those in the city. We are losing too many good young people; we should not be losing any. One loss is one too many.

I commend the member for Schubert for the intention of his motion, but I am not sure that it is feasible or practicable. However, I would be interested to hear what the RAA, the minister and the Road Safety Council have to say.

Mr WILLIAMS (MacKillop): I congratulate the member for Schubert on moving the motion and bringing this matter to the attention of the house. It gives a number of us the opportunity to highlight the lack of care shown by this government for the situation in the country in general. This government has a very sad record on its commitment—or, indeed, lack thereof—to country roads. In coming to power, one of the first things it did was to halve the amount of money being spent on and the workforce operating in the Far North of South Australia. We saw the results of that quite recently with the floods and the amount of time it has taken to reopen access to Outback communities.

I note that the member for Fisher is on the move, but I can help him out with a couple of matters he raised. He talked about the black and orange signs which give advisory speeds on a number of corners on our major roads. He attempted to make the point that he did not understand why expert road engineers came up with an advisory speed but it was not a mandatory maximum speed for drivers at that site. I say to the member for Fisher that the reality is that those advisory speeds have not been determined by road engineers. The way they are determined is that Transport SA sends out a group of its officers with speed detection apparatus. They sit on the corner for a period of time and take down the speed of vehicles going around it. They set the advisory speed at the 75th percentile. So, what they do is take down a range of speeds over a period of time—probably in different driving conditions, I dare say, such as daytime, night-time, wet or dry—and, with the 75th person in the range of the lowest speed and the highest speed, they say, 'We'll set that as the advisory speed.' That is how it is set. So, it has nothing to do with the road design; it is all to do with the perception of the average driver.

Obviously, there is a range of driving skills amongst those on our roads, and that has been taken as a reasonable place to put the advisory signs. People with more experience of driving on country roads and highways obviously know that

they may be a little above that speed and take that into account. The people who have lesser experience should also take that into account and slow down at least to that speed, if not a little lower. That is the way in which 99 per cent of people on our roads drive: they do take note. Unfortunately, we have a number of people on the roads at any given time who have no experience of that particular road.

This motion is about our sealed country highways: it is not about open-surface roads, as the member for Fisher tried to indicate. The default speed on all our open-surface country roads is 100 km/h, anyhow. None of them is set at 110 km/h. Most of our country highways are set at 110 km/h by sign, but a few are set at 100 km/h for various reasons, and I hope to get to that in a moment. When the general motoring public drive along a country highway, quite often there is a particular patch or corner on the road and, notwithstanding the advisory signs, often a driver who is not experienced on that road can be caught out. I think the motion that the member for Schubert brings to the house is one way that we can overcome that; that is, as people are driving along a road, they can be forewarned that the road is narrower, the shoulders are unsealed, or there is a windy stretch where they should take extra care.

Of course, we do have hazard warning signs on some of our roads, for example, a sign warning that for the next 15 kilometres the road is windy or slippery when wet. We already have some signage. I think the point the member for Schubert is making is that we have considerable deterioration in the quality of our country roads and highways due to an absolute lack of commitment from this government. We know that over 12 months ago—probably 18 months ago—the state-funded roads had a backlog maintenance of at least $200 million. That is growing because the commitment to country roads is zip.

In fact, I had an interesting debate with the Minister for Transport during the latter part of last year about the government's commitment to bypass the township of Penola in my electorate. I am delighted that the minister committed a substantial amount of money to try to achieve that bypass, but the reality is that the money has been pulled out of existing programs for upgrading or bringing our roads up to standard. That is one area where the lack of new capital funding into our road network means that the backlog in maintenance is only getting bigger. Not only is this impacting on country people as they travel around the countryside but it is also impacting on the state's economy because it is adding significant cost to the movement of freight around the country.

I now come to the Coorong road or the Princes Highway along the Coorong, the stretch of road which is in my electorate, particularly between Meningie and Salt Creek. The government again in its zealousness to do something about the road toll—over-zealousness I would argue—reduced the speed limit on a number of signed roads around the state from 110 km/h to 100 km/h, one of them being the road between Meningie and Salt Creek. I have been debating this with three transport ministers now to no avail I might say, but I have FOI'd—

The Hon. M.J. Atkinson: Perhaps that is because you are wrong.

Mr WILLIAMS: The Attorney-General says that is because I am wrong, but if he listens and I get time—

The Hon. M.J. Atkinson: No, 'perhaps'.

Mr WILLIAMS: I have FOI'd internal Transport SA documents. A number of emails have gone back and forth between the experts in Transport SA and, by and large, they all say that there is no technical reason why that stretch of road should be at 100 km/h and not 110 km/h. By and large, they all say that, as a principle, we should not have capricious changing of speed limits as people travel along a road because it is confusing the driver. By and large, they all back up the position that I have put to no fewer than three transport ministers but they have also all tried to second guess what the minister's attitude would be. I have had letters from the ministers who I have been lobbying on this particular issue and they all say, 'This is what the experts are telling me.'

The reality is that the only reason the experts have been telling them that is that the departmental advisers giving advice to the minister at the time are too damned frightened to give open, fair and free advice. It is not based on the technical information which is circulating within the department. They are too damned frightened. They are trying to second guess what the ministers want to hear and that is what they have been telling the various ministers.

Mrs Geraghty interjecting:

Mr WILLIAMS: I will provide the file that I have on this to the member and she can form her own opinion on what the file tells us. That is what it tells me. There is plenty of advice in the file between the officers in the department to say that there is no logical reason why that stretch of road should be at 100 km/h. In recent years, the government has spent millions of dollars sealing the shoulders on that road. It has improved the standard of the road markedly from when it was first dropped to 100 km/h. It was debatable whether it should have been dropped in the first place. Much money has been spent and the road is much better now, yet the minister—and it is not just the current one—and his predecessors have all disregarded the fact that the road is eminently suitable to be traversed at 110 km/h by the general public. It is a travesty. I have had no representations from my electorate asking me to desist in lobbying the minister to have the speed limit restored on that road to 110 km/h.

Mrs GERAGHTY (Torrens): After that, I feel inclined to adjourn. I have listened to the debate this morning. The member for Schubert is to be commended if his intent is to promote road safety through this motion. However, I have serious doubts that the carriage of this motion is the way to achieve this. South Australia has adopted the national default speed limit for non-built-up areas of 100 km/h per hour, compared with the former state speed limit of 110 km/h, in the interests of safety—and that is what this is about—and national consistency. The Department for Transport, Energy and Infrastructure uses national standards and guidelines in determining speed zones. The national standard indicates that a 110 km/h limit may be applied to either high standard rural freeways or high standard rural arterial roads or highways.

I think it is important to make the point that speed limits are not reduced because of deteriorating roads, as has been portrayed. It is to improve the safety of South Australians. There is nothing more tragic than people being killed because they are driving a vehicle at a speed that they cannot handle (and that applies not only to young people but also to people around my age). About 100 kilometres of rural arterial road has had the speed limit reduced from 110 km/h to the default speed limit of 100 km/h. This has occurred on three roads: 18 kilometres of the Dukes Highway at the Victorian border, where a substantial road upgrade was also implemented; a short section of the Princes Highway from Meningie to Salt

Creek; and the section of the Yorke Peninsula coast road to Ardrossan.

However, it seems that the motion is being confused with the result of a very successful initiative to reduce the speed limit on some 1 100 kilometres of arterial roads (about 40 relatively short arterial roads) in the year 2003. This was in line with the Road Safety Advisory Council's recommendations. I go back to the point that this was not done due to deteriorating road conditions. Results from this initiative showed a 20 per cent fall in casualty crashes after the speed limit was reduced, compared to the roads that retained the 100 km/h limit. Casualty crash reductions due to lowering the speed limit are independent of road conditions, and I think that is what people are getting confused about.

Safety rating as a concept is worthy of some support, but road signage would not be worth the resources required. It is better to keep putting those resources into road improvements. If a person is driving on a road with which they are unfamiliar, they are a complete fool—an idiot—to drive at a high speed. If the road is unfamiliar to them—

Mr Venning interjecting:

Mrs GERAGHTY: They are stupid, are they not?

Mr Venning interjecting:

Mrs GERAGHTY: That is right—and you could have been in a very serious condition. Sometimes I wonder what we can do for people's safety. If there are reasonable speed limits, hopefully, they will stick to them. As part of the Australian Road Assessment Program, the RAA commissions the assessment of such ratings according to guidelines agreed nationally among the motoring organisations. DTEI provides the necessary road traffic and crash data for this to occur. The guidelines used are consistent with those used in Europe, and have been developed by independent consultants for the motoring organisations. It would seem to be of no value to interfere with the system that has been established. It is thought that the ratings may serve to raise people's awareness that there may be road safety issues on a particular road, but it does not necessarily make the road safer.

I certainly support road safety measures where there is a tangible need and benefit for the community, but I do not believe that this motion is the way in which to achieve that. I think we ought to be saying to people to drive at a speed they know they can handle and, if they do not know the road, no matter which road it is—if they are tearing up the freeway, which I think is a pretty decent road—if they cannot handle a vehicle at that speed, they will be the one at fault if there is an accident; not the road or a sign. It is what people do when they get behind the wheel of a vehicle, and families suffer as a consequence of people being so stupid.

Mr Venning interjecting:

Mrs GERAGHTY: I have been in a number of accidents, and they are not nice; I agree.

Mr GOLDSWORTHY (Kavel): I am also pleased to have the opportunity to make a contribution to the motion moved by the member for Schubert, particularly as it relates to paragraph (a), which states, 'expresses concern at the inconsistency of speed limits across South Australia and Australia'. I note the comments of the member for Torrens, who said that it is unwise for motorists to drive at a certain speed limit if they are unfamiliar with the road conditions. Of course that is true. However, we also see people at times drive above the designated speed limit because they are familiar with the road conditions. It is well known that people drive according to the condition of the road.

I have had many conversations and discussions with officers in the department, and so on, about speed limits and how are they are being set in the Adelaide Hills (a part of which I represent in this place). They have said to me, 'Mark, we set the speed limits in consultation with the local council and, obviously, the minister's office, and so on. But in the end motorists will drive at a speed they think is suitable for the road conditions.' I understand what the member for Torrens is saying, that people will drive slower than the speed limit, and should drive slower than the speed limit, if they are unfamiliar with the roads. However, on the other side of the argument, at times, people drive faster than the designated speed because they are confident that they are able to handle the road conditions.

As a consequence of that, I have gone to the local council, the department and the minister to argue the point that when the 50 km/h speed limit was introduced a number of roads were changed unnecessarily which should have been kept at the 60 km/h limit or even increased to 80 km/h. I will give an example that took me 2½ years to rectify and it involved the road leading into Woodside coming from Nairne. When the 50 km/h zone was introduced, they replaced the 80 km/h zone with a 50 km/h zone even though it was out in the middle of paddocks and vineyards. Motorists would approach Woodside where there was no house site or residential development at all, and they would have to slow down to 50 km/h and tootle through an area with a vineyard on one side and open grazing country on the other. It did not make any sense at all. Motorists and the local residents became so frustrated.

I had a number of representations made to my office to me personally about this issue. I took it up and finally, after knocking my head against a brick wall for the best part of 2½ years, we got some change. The unusual issue about this is that they have brought the 50 km/h zone closer into Woodside, and most people are satisfied with that, but an inconsistency still exits in the 50 km/h zone on each side of the road because on one side, as you approach the town, the 50 km/h zone starts reasonably close to residential development. That is on the approach to Woodside. But when you leave Woodside, heading towards Nairne, the 80 km/h zone starts further out and does not correspond with the 50 km/h speed limit on the other side of the road. It means that if you are going along heading out of Woodside and you do a U-turn, after having done 50 km/h, you head back into Woodside at 80 km/h. Each side of the road has a different speed zone. That is just nonsense.

The same situation arose at Mount Torrens when the 50 km/h zone was introduced. I raised it in the house. I asked the Minister for Transport, the Hon. Michael Wright, about this in question time and he was extremely puzzled, so we had a discussion after question time when I explained the situation to him and within a matter of days, to the minister's credit, he had it changed so that there was consistency of speed limits. Unfortunately, at Woodside that inconsistency is still in existence even though I have taken up the matter with the local council, the Adelaide Hills Council, which has spoken with the department, yet the department is blindly ignoring it. I want to raise it in this place so that, hopefully, the minister's office will hear this and take some further action.

It also goes to other areas within the Kavel electorate. A mandatory decree came from the government that all 60 km/h zones be changed to 50 km/h. There was very little consultation or time allowed for the council to put in a submission.

All the 60 km/h zones were changed to 50 km/h in areas where there was no real density of residential development. Over the next 12 months or so I will continue to work through these specific roads, highlighting them with the department with a view to having them changed back to 60 km/h because there is no reason for those roads to be reduced to 50 km/h because they do not meet the criteria for them to be classed as a 50 km/h zone. I commend the member for Schubert for bringing this matter to the house particularly as it relates to paragraph (a) and I am happy to indicate my support.

Mr VENNING (Schubert): I am happy to complete this motion today because I think the more we deal with these things the better. I thank the members who participated in the debate, particularly the members for Fisher, MacKillop, Torrens and Kavel. I will take issue, though, with the member for Fisher because I believe that the speed limits on the roads relate to the conditions. As I drive from Kapunda to Crystal Brook, the road speeds vary from 100 km/h to 110 km/h quite regularly and it is easy to see why because it is usually the width or the condition of the road verges—

Mr Goldsworthy interjecting:

Mr VENNING: Yes, you were. Without a doubt, as you drive from Kapunda north to Marrabel, the road is dead straight. The road is narrow and very undulating so it is only 100 km/h but when you turn the corner and go from Marrabel to Saddleworth, the road still bends but it is a wider road and, whilst it is undulating, it is not as bumpy, so it is 110 km/h. As you get to the Clare road, the Main North Road, to Auburn, it is then 100 km/h because of the amount of traffic, the width of the road and the lack of overtaking lanes. Without a doubt, the roads have been assessed already by the government of the day and they set the speed limits accordingly.

I do not refute the fact that the default speed limit is 100 km/h but most of us expect to be able to travel at 110 km/h on open country roads. As the member for Torrens said, we all need to be reminded that roads can be dangerous, but we get a bit selfish and we are always in a hurry to get somewhere at a certain time and we do not really think too much about other motorists. As the member for Fisher said, we have speed recommendation signs on the bends in the roads, but we should also have signs reminding us that a road has been assessed by an independent body as being dangerous if speed limits are not adhered to. If the speed limit sign shows 100 km/h, it should indicate why and it should have a star rating on it. It is commonsense. Even though it appears that the motion is going to fail, I hope that others will look at this matter, and hopefully we could get feedback from the RAA as well as from the other organisations I have mentioned. I would also appreciate feedback from the Minister for Transport.

I moved this motion with some passion. Indeed, since I have had an accident, I have developed a fair bit more passion now than I had when I first thought about this matter. You can drive along at 100 km/h or 110 km/h, but when the other driver is doing exactly the same speed, what is the force of impact? We often do not realise that it is a huge impact, and to be able to walk away from a head-on accident just speaks wonders for the modern motor car, with its air bags, seatbelts and modern design. I have nothing but the highest praise for General Motors and the people who designed my Holden Commodore, because I believe my life has depended on it.

Mr Pengilly: And we didn't need a by-election.

Mr VENNING: And we didn't need a by-election.

An honourable member interjecting:

Mr VENNING: It might have saved me the decision of announcing my retirement. I do not think this issue is political.

Mrs Geraghty: Did you say you were retiring?

Mr VENNING: I said it would save me making an announcement. I am not announcing that. Decisions need to be made when decisions need to be made, and that is not now. I have as much passion to do the job right now as I have ever had, and I am not totally infirm. Good people come and go.

I hope the government supports this motion, but obviously it is not going to. I am sad about that, but hopefully it is not the end of the issue. Let us hope that others will pick it up. I am happy for the minister to bring it back into this house and amend it if necessary. The bottom line is that we have the common goal of protecting motorists and saving lives. I commend the motion to the house.

Motion negatived.

MURRAY-DARLING RIVER SYSTEM

The Hon. R.B. SUCH (Fisher): I move:

That this house commends the Premier for seeking to have an independent authority manage the Murray-Darling River system so that the needs of all users and the environment can be met.

As we would all be aware, the Premier and, I would imagine, the Minister for the River Murray and Water Security will be attending a very important meeting in Canberra today to discuss this very issue. The Premier received some criticism from people, including the Prime Minister, for putting forward the idea that the Murray-Darling River system should be managed by a body somewhat similar to the Reserve Bank Board concept. Other prominent people in the community have supported the concept: Dr Dean Jaensch is on record as supporting it, I have supported it publicly, and so have many others.

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: Members of the opposition might like to listen, as it is a very important issue. In arguing for the independent authority, I am sure the Premier is mindful that there are various models and variations and it would not be exactly the same as the Reserve Bank Board. The point that the Premier and others, including myself, are trying to make is that we need to have an authority which will remove, as far as possible, the partisan and parochial element from this matter. That is critically important for South Australia because we are at the end of the Murray system and, basically, we get what is left. We do not get much of the total flow of the river; I think in aggregate it is about 8 per cent. So, we have a very strong interest in ensuring that whatever system is put in place to manage the Murray-Darling is fair for all users and that it also takes into account environmental factors.

Having an interest in horticulture, I received one of the industry publications issued on 31 January and the headline read, 'Irrigators big winners in Prime Minister's package'. That sent a bit of a chill down my spine because it indicated that irrigators are already claiming victory out of this $10 billion fund which the Prime Minister has said will go with the new management structure. I suspect that the amount of money will have to be significantly more than that. I acknowledge that irrigators have a legitimate interest in the river, but so do others. However, once groups start talking

about themselves as being winners, it implies that others are losers. South Australia, Adelaide, the country towns and our irrigators do not want to be losers in relation to this system. I am sure that the Premier and the minister are quite capable of putting the case that South Australia needs a guarantee in terms of the volume and quality of water, and that not only the needs of our irrigators will be adequately considered but also the needs of domestic users and the environment.

I was perturbed to hear a week or so ago that Premier Bracks was saying that he would support this new scheme provided his irrigators did not suffer any net impact. You cannot reform the system unless someone changes their practices. So the big users of the river system, which are Victoria and New South Wales, have a strong interest in ensuring that their irrigators continue to take a lot of water out of the Murray-Darling. I do not know whether members heard Professor Tim Flannery last night on ABC Radio. He made a very interesting point which illustrates the complexity of this issue, and he said that if you simply get rid of the channel and put the irrigated water into pipes, you actually can have a negative impact on the river system because, with the channel irrigation, some of that water seeps back into the river system, but if you have a pipe system you get less of that seepage back into the river. I guess it is a truism with anything to do with the environment, and it reminds us of the basic principles of ecology, interrelatedness and interdependence, that if you do one thing it will have a consequence for other aspects.

People say, 'Get rid of the open channels, they are evil, put everything in a pipe,' and Tim Flannery is saying, 'You do that and you'll have a consequence for the river because you'll get less seepage back to the river.' I have to take what he says at face value because he is more qualified in that area than I am, or ever likely to be. I think it is fair to say that many of us have had a wake-up call in respect of what has happened in recent times with the drought and climate change and so on. I think we have been in a comfort zone for too long—probably thanks to the efforts of Sir Thomas Playford, who had those pipelines from the Murray constructed to supplement our system. If it was not for his and his government's foresight, we would be in big trouble today.

We have limited options in terms of extra reservoirs. I would not like to see the member for Kavel under water—that would be very unfortunate—but if you look around, we do not have many valleys or gorges that you can actually dam and, if you do, you will have a human impact and you would have an environmental one as well. If you look close to Adelaide, probably the only area—and I am not suggesting we do it, because there would be a lot of angry people—would be Brownhill Creek, which is one of the few areas where you could dam back close to Adelaide; I do not know of any others. I am not suggesting that this happen, because I do not want people like Marcus Beresford, who lives there, to be under water or forced to grow rice in that area.

I am sure that the Premier and the minister, in representing South Australia today, will go in to bat. I am sure that what will come out of it, as always in politics, is that it will be a compromise. Politics, they say, is the art of the possible. I am sure that what will happen today will be a compromise. Irrespective of whether the Premier gets a result involving a Reserve Bank-type board, I think that what we need is people with expertise in relation to water management having a significant input into the process. We always have to account for the money side. We know that the Prime Minister is applying the golden rule: he who has the gold makes the rule. But it is important that we have the expertise from people who can look beyond the vested interest to make sure everyone gets a fair go, and that the river system in the long term is sustainable. I am sure the Premier is not suggesting that we have a group of academics with goatee beards who sit around and think about the river. We have experts who are very knowledgeable about river systems and climatic change and so on, and we need to make sure that we get their input into this process.

There are a lot of other aspects we need to deal with in respect of water. We are not doing enough in terms of reuse or recycling. We are doing some things, but we could do a lot more in terms of being economical in our use. I believe we have to look at the whole water usage regime, whether it involves irrigators or domestic users; whether it is surface water, from a river or from underground sources. At the moment we have what I would call a dog's breakfast. We have some areas where the underground water is extracted at minimal cost—probably not the true economic cost or the true environmental cost. Likewise, I am not convinced that the system we have for allocating water licences is necessarily the best, although the Minister for the River Murray says she will enlighten me on that aspect, and I am happy to be so enlightened.

The other aspect to which I refer involves domestic use in Adelaide. We have a very primitive system whereby each household is entitled to 125 000 litres of water a year, which is fairly generous. It is irrespective of how many people live in the house, and you go from 49 cents to $1.09 if you exceed the benchmark. In Perth they have a five-tier system, and the more you consume, not only does the rate go up but it increases progressively, so you get on to the fifth tier and then you really pay for the water you use. We have got a crazy system at the moment where you can be in the shower all day if you wish, and there is nothing to stop you doing that as long as you can pay the water bill, but the little old lady who wants to water her pot plant in the middle of the day is a criminal. So we need to be a little more sophisticated about that.

You also have the irony that SA Water needs to sell water. People have to use water, otherwise it will not make money and the government will not get its income stream, but you do not want to use too much and you certainly do not want to waste it. However, with the system at the moment, even for those who get an irrigation licence, there is no real incentive to use less. If you use more than your entitlement, you get penalised but, if you use less, there is no incentive. There is no reward for being more economical, from my analysis of the situation. In essence, I commend the Premier and the Minister for the River Murray for going into bat for South Australia. It is very important that we get the best possible outcome that, as the motion says, is fair for all the users and for the environment, because we do not have the luxury that exists in some of the other states, which tend to have a higher rainfall and are not as dependent on the River Murray as our towns and the city of Adelaide are. I commend the motion to the house.

Mr PENGILLY (Finniss): I oppose the motion. For the life of me I cannot see any point in giving control of the River Murray to a handful of independent people who are not answerable to anyone. Quite frankly, we elect politicians, whether in this state, in the nation's capital, in New South Wales or wherever, to form a government and run operations. You do not put in place a heap of independent people. You

can certainly source information from independent people, but I would like to think that this nation could actually trust its politicians to take hard decisions in relation to the whole Murray-Darling system and its various waterways. Quite frankly, I think we have gone past the days of having independent people run things. They have not been altogether successful in other places, and I do not see how the honourable member's motion will solve the problem of the Murray-Darling Basin by putting it in the hands of independents.

Bearing in mind that, in my electorate, Victor Harbor and (particularly) Goolwa are at the bottom end of that enormous, most important system that goes through the South-East and South Australia, the Victor Harbor *Times* newspaper has come out today very strongly in support of giving Howard the responsibility for the Murray. It says that the state premiers must think less parochially and more long term on the future of the Murray and that for too long the River Murray states have been fighting over ownership of the dwindling water supply, resulting in much money and time being spent for little result. In the view of the Victor Harbor *Times*, the states want to protect their patch. I commend *The Times'* editorial. It has touched on the motion that the honourable member has put forward today.

I do not support the honourable member's motion, and I am sure that there will be other speakers with various points of view. Wasting oxygen on independent control of that system is to my mind a waste of time.

Mr VENNING (Schubert): I support what the member for Finniss has just said and have strong opposition to what the member for Fisher has raised here. We have the strongest argument of any state in Australia to be protected on this issue. Our record is the best in Australia. We do not have open channels any more. We have done the work over the years, because we have known the problem. We have spent the money. The last open channel was the Renmark open irrigation scheme, which is now gone. I believe they are now all in pipelines.

The Hon. R.B. Such: We had no choice.

Mr VENNING: No, we had no choice, but why did New South Wales and Victoria not do the same? They did not, and it is shocking to see a lot of water running in open channels that are not even lined. They are open earth channels. You can imagine the waste that goes on. Our record is probably the best in Australia, because we do not waste the water. We have the most to lose in this because we are at the end of the river, as we all know, since it has been said ad nauseam, but we also have the most to gain in relation to future decisions. We all agree that we need one body to manage the River Murray. Nobody disagrees with that. We all welcome the decision that we need one authority to manage the Murray and that it should have nothing do with state borders, but the argument we are having here is whether the body should be a government-sourced body, as the Prime Minister put forward or, as the Premier has been saying, a totally independent body.

I agree 100 per cent with the Prime Minister. We need to put in place the strongest and most effective overriding authority that we can, because it has to make some pretty tough decisions. We do not want yet another so-called independent authority that would become yet another burgeoning bureaucracy not accountable to anyone, a recipe for disaster and non-performance. It needs to be linked to the funding body, which in this instance is the federal government. The $10 billion is a very generous upfront offer from the federal government. None of the other premiers agree with the South Australian Premier. New South Wales Premier Morris Iemma has come out and said that he supports the Prime Minister's approach.

Members interjecting:

Mr VENNING: Yes, he has big irrigators, but when we consider the position of New South Wales, Victoria and, to a lesser extent, Queensland, they are huge users. They are 80 per cent of the total users. Does anyone think that they are going to give away those powers? They are going to be under tremendous pressure from the irrigators and others to maintain their share of the river water. They could not give a fig about us or our requirement for environmental flows. That does not come into their vocabulary. They only want the water because they have always had it, whether it be for rice, cotton or whatever. These decisions are going to be pretty tough to uphold, and we want to put in a body that has the teeth to do it. Do members think that these governments will give up without a hell of a fight?

They see the rain falling in their state and so the water is theirs. That is their argument. We believe that it is an Australian river and that its health is the responsibility of all Australians. I have always said that it should have been done years ago. Every state having its own comments and issues in relation to the river has been a farce. South Australia is at the end of the river and it has done the right thing. I do not think the other states have. It will have to go back to the government. The implementation of the final decisions—by an independent body, or whatever—will end up in the parliament because they will be huge decisions to make about taking water entitlements from one area to another, particularly in relation to environmental flows.

They will be tough decisions to make, and I do not believe that anyone can make them other than the federal government. The two houses of parliament will have to do that because some of these issues will be very contentious, indeed. For example, it is a disgrace that Cubbie Station in Queensland was ever allowed to happen—a huge water catchment with massive amounts of evaporation, and it has only just been put there. It is an environmental disaster, and it will take a lot of political courage and acumen to address that issue. I believe that, with respect to this issue, the Prime Minister has got it right. I believe that most premiers would agree with him, except ours.

I find that very difficult to understand, because we in South Australia have got the most to gain from this. I cannot believe that Premier Rann says that we want an independent authority. I thought it would have been the Premier of Victoria, Queensland or New South Wales who would have said that. But, no, it is the South Australian Premier. I really cannot believe the logic in that. I only hope that the Premier has not put our position in jeopardy. Premier Iemma is very smart. He was very quick to be the first premier to support the Prime Minister's point of view, but, guess what? I am sure that when it comes to the cookies, Premier Iemma will be first in line, and rightly so. He has backed the Prime Minister, and members know what happens in politics—

The Hon. R.J. McEwen interjecting:

Mr VENNING: Well, of all people, the member for Mount Gambier would know what goes on in politics.

An honourable member interjecting:

Mr VENNING: Well, call it what you like. I do not know. The minister would know more than I do. He is a minister of the government but, as a bystander, that is how it looks to me. He is quick to agree, and he will be first in the

line when it comes to the decision making and the cookies that are handed out. I only hope that our Premier has not done us immeasurable long-term harm by hanging out when, as a state, we should have been first to agree. He should not play politics. He should have said, 'Yes, you've got it right, Prime Minister. We agree that we need one body but it doesn't necessarily need to be independent.'

I have been around the place long enough to see what happens with independent bodies. We have had them with the Wheat Board and in other areas. After a while independent bodies become a burgeoning bureaucracy in themselves. To whom are they accountable? Well, they must be accountable to someone. They must be accountable to the government. So, why not cut the bureaucracy and the red tape and deal with it directly. Deal with it with a body that is accountable to the ratepayers and voters of Australia.

I think the Senate is the ideal house to have total control. The Senate is the states' house, and I believe that is where these decisions should finally be made. I cannot agree with the member for Fisher. We all agree that we want an authority to manage the Murray, but we disagree that it should be independent.

Mr RAU (Enfield): I was not going to enter this debate but, as luck would have it, I have been listening to the member for Schubert who said a number of things which I think warrant further discussion. He says, for example, that the South Australian government should have signed up to the Prime Minister's proposal.

The Hon. R.J. McEwen: There isn't one.

Mr RAU: Indeed, that is my point. I do not know how we can sign up to something until we know what it is.

Mr Venning: I didn't say 'sign up'.

Mr RAU: Well, 'agree', whatever words the honourable member used. A prudent person would try to find out what is on the table before they sign up to something. I think that is something that is a problem. Secondly, we need to be very careful that the irrigators upstream do not wind up getting a great deal more out of any arrangements than do the city of Adelaide and the irrigators downstream. That is very important, because the consequence of our getting this wrong is that we might all wind up like the former Indian Prime Minister, Mr Desai, who used to have an interesting drink for breakfast. In fact, before the CHOGM meeting in, I think, 1975 Mr Whitlam said of him, 'Well, I've heard of people getting on the . . . . early, but this is ridiculous.'

An honourable member interjecting:

Mr RAU: I will tell the honourable member after. Also, the member for Schubert should not get too hung up on the question of the state's house. As a matter of constitutional history (and I know the member for Schubert knows this), a series of debates took place around the country leading to referenda resulting in the constitution that we now have as our federal constitution. Interestingly, I think the early debates in 1897 were held in Adelaide and, at that time, Charles Kingston chaired the Constitutional Convention.

One of the main issues before the Constitutional Convention in 1897 was the question of the Senate. There were two questions about the Senate. One question was: would every state, irrespective of its population, have the same representation in the Senate? That was a very lively issue, because the larger eastern states thought that, because they had more population, they should have more senators. Kingston and others argued that, like the United States, there should be equal representation for each of the Australian states to be. Ultimately, he prevailed by the force of his argument and his commonsense.

The other debate was the method by which the members of the Senate would be elected. In the 1890s, the United States was looked upon as a model, particularly for the upper house. It might interest members to know that, in the United States (and this prevailed in some states until the mid-1930s) their senators were not popularly elected. They were elected by the state legislatures. Originally, it was proposed in our draft constitution that all our senators from the states would not be popularly elected but would be elected by the state parliaments to go to Canberra, which is much what happens in Germany under the present arrangements for the Bundesrat.

Mr VENNING: Mr Speaker, I am enjoying this speech and the lesson, but I do not think it is relevant to the debate.

The SPEAKER: Order! Traditionally, particularly in regard to the member for Schubert, the Speaker has given a great deal of latitude to members. I will listen to what the member for Enfield has to say.

Mr RAU: I am coming to the point, Mr Speaker.

The SPEAKER: Generally, members are given a fair bit of breadth to address the issues.

Mr RAU: I can explore the German system a bit longer, if that would help the member for Schubert. The point I am coming to is this. Originally, we were going to have a senate that was indeed a state's house. The members of the South Australian parliament, probably in a joint sitting, would have selected our senators as a group, and they would hold their terms, effectively, at the pleasure of the state legislature. However, somewhere between 1897 and 1899, that was changed to enable the popular vote to be the means by which the senate was selected. From that moment onwards to this very day, the Senate has never been a state's house. It has been a party house. I do not mean by that that it has been entertaining; in fact, for the first 70 years of its existence, it was hard to know whether or not it was even there.

The Hon. R.B. Such: It was a sheltered workshop.

Mr RAU: Exactly—well, perhaps that's too hard, but it was very quiet. The position the member for Schubert advocates, whereby we can sit back comfortable in the knowledge that our senators will save us from any unfairness that might be imposed by a federal arrangement, is bordering on fairies at the bottom of the garden. It is not going to happen. On the other hand, if the member for Schubert can persuade his federal colleagues to advocate a constitutional change whereby we get to elect our senators, I will warm up to his ideas a lot.

That is my position. I do not know exactly what all that means, but I am not Robinson Crusoe in that. Quite honestly, presently, nobody in here knows what this means because we do not know what is on the table. We do not know what the deal is. I have entertained myself by attempting to recount constitutional history for seven minutes. We are none the wiser, so I think that we should move onto the next item.

Mr PISONI (Unley): I rise to oppose this motion, but I respect that it is well meaning. I know that, although the member for Fisher has been in politics for a very long time, he is not a terribly political person. However, he has the ability to bring people together. I remember that, when he was minister for further education, in my business I was very involved in training apprentices. The way he was able to bring businesspeople and TAFE together to ensure that the

right courses were being offered and taught was a great achievement, and I commend him on that.

I am a little more cynical than the member for Fisher. I see the Premier's behaviour at the moment as grandstanding. It is interesting that I should use the word 'grandstanding' today when the Victoria Park grandstand is back in the news. It is obvious that the Premier is still disappointed at his loss of the ALP presidency. With the comments we heard from the federal shadow environment minister today putting doubt on the future of Roxby Downs (it was the anti-uranium lobby that beat him to the ALP presidency), it will be a very interesting national conference.

Mr KENYON: I rise on a point of order, Mr Speaker, namely, the relevance of the member for Unley's contribution. He is talking about nuclear policy in the middle of a debate on the River Murray.

The SPEAKER: I will listen to what the member for Unley has to say.

Mr PISONI: I understand that the member for Newland is very interested in uranium mining, and I can understand that. It does bring a great future and employment opportunities for South Australia, and it gives us a worldwide role to play in helping to reduce greenhouse gases. The last thing we want is for places such as China and India to burn brown coal and pump all those greenhouse gases into the atmosphere. I commend the member for Newland for his support for uranium mining.

However, I am very disappointed in the Premier's use of this important issue—the management of our River Murray—for the national platform he did not get when he did not achieve the presidency of the ALP. He has been swimming in the small pond of South Australia for the last four years, and he wants more. Now he thinks Australia needs to know who Mike Rann is. First, the presidency of the ALP was going to give him that platform. That failed. Now the River Murray will give him that platform. He is wrong in saying that there should not be ministerial responsibility for the eventual result of the management of the Murray.

Remember what happened in this state last time there was no ministerial responsibility. Tim Marcus Clark, what a great guy he was—arm's length from the government. The first thing John Bannon knew about the State Bank was that it was $11 billion in debt. He sold off the Torrens Island power station to try to recover some of that debt. It sent South Australia into a recession. South Australia was a basket case. It was interesting that, because of that distancing and there being no ministerial responsibility for the State Bank, John Bannon is not referred to as a failed politician in newspaper articles. He is a historian now. He is one of the few historians that has played such a significant role in South Australia's history; that is, bankrupting the state of South Australia. As a result of that distancing and the lack of ministerial accountability, we awarded him an AO for his contribution to South Australia because he was not responsible for the State Bank: it was Tim Marcus Clark.

That is my whole point about why we need ministerial responsibility for the management of the Murray. I can understand how sceptical the Labor Party is about federal control because I remember that it was Don Dunstan who sold the South Australian railways to the Whitlam government. What a failure that was. Here we are 25 or 30 years later and we have no regional passenger rail lines left in South Australia; the difference being that it was a federal Labor government that was in control of national railways that ruined the South Australian railways and South Australian passenger services to our rural areas. I can understand the Premier being concerned after that experience. However, I can assure him that the Howard government has been very successful and has been very decisive.

It is a government that has made tough decisions and decisions that have benefited Australia for the longer term. The decisions were not popular at the time. I would suggest that the decision to take over the River Murray is not necessarily a popular decision but it is a necessary decision. It must have ministerial control. Although I commend the member for Fisher for moving this motion, I cannot support his sentiments because I do not agree that this important body does not require ministerial responsibility.

Mr PEDERICK (Hammond): I wish to briefly address this issue today because obviously the River Murray is dear to my heart being the member for Hammond. I will give a brief outline of what I believe to be the allocations throughout the Murray-Darling Basin. These are the annual allocations: 790 gigalitres for Queensland; 7 300 gigalitres for New South Wales; 3 400 gigalitres for Victoria; and South Australia has an allocation of 1 850 gigalitres but it normally receives 4 800 gigalitres of water in median inflows across the border in a median inflow year. This year we are only receiving 1 470 gigalitres. On *The 7.30 Report* the other night the Premier was saying that he wants to guarantee environmental flows for South Australia. I am sorry, it does not happen now. As soon as special accounting—and I will not let Victoria and New South Wales take all the heat because they take a belting under special accounting as well: it used to be called drought accounting—comes into play, everyone takes a hit because the water just physically is not there because it is over-allocated. That is the crux of the problem.

Mr Kenyon: And you want people from New South Wales and Victoria to sort that out?

Mr PEDERICK: That is interesting from the member for Newland. He wants the people from New South Wales to sort it out. I will come straight to that point. The reason the Premier and his Minister for Water Security are so worried about other politicians taking over the water is because Labor has stuffed it up. Labor governments in four states cannot get their heads together and sort out the solution to the water problem with respect to the Murray-Darling Basin. That is why the Premier and his water security minister are so worried about the management of the basin, because they know damn well that they cannot even have a love-in and get together with their mates from the Eastern States and organise the water. That is why there should be a national approach, and federal politicians need to sign off on it.

I agree that we need a beefed up Murray-Darling Basin Commission that will advise minister Turnbull, and whoever is the minister in the future. We will have a Labor government federally (I hope it is not for a long time, but it will happen), just as we will have a Liberal government here at some stage (hopefully in three years' time). That is what I believe. I heard the Premier say on the *7.30 Report* that he will go to Canberra and fight for South Australia so that we have minimum environmental flows. That is a fallacy, because we do not have it now. We do need minimum environmental flows, and I believe that Howard's plan, when it is fully outlined, will show how we will achieve that.

We have already seen the broad outline, where $3 billion is to be allocated for buying back water allocations. Just before Howard's plan was released we were taking guesses in our office on how much money would be announced. I

thought that if we received $3 billion or $4 billion it would be fantastic; but $10 billion! What an incredible thing for the Prime Minister of this country to do: to get hold of the Murray-Darling Basin and fix it once and for all. State governments over a century have just stuffed it up.

I have mentioned that the river is over-allocated. Irrigators in my area (and I apologise; some of them are down on the Narrung Peninsula in the member for MacKillop's area) have even suggested that perhaps allocations could be bought back or irrigators could give up 10 per cent of their allocations. That would put about 1 400 or 1 500 gigalitres of water back into the Murray. So, that is an option. Another matter that we need to address is that no major water supply infrastructure has been announced by Labor for the direct supply of Adelaide's water in the last five years. So, I find it ludicrous for members opposite to carry on about water supply.

With respect to the proposed weir, in 2003, DWLBC quoted $160 million to pipe water to the areas around the lake that would be cut off by any weir that would block the river. I believe that that figure has now jumped to $330 million. The minister told us in this house during question time that everyone must receive water. My information is that people in the Narrung and Meningie area have already been alerted that not everyone will receive water if they are cut off.

Last year, when the Hon. David Ridgway introduced in the upper house in the last session his bills with respect to sewerage mining, rainwater fitted to houses with non-return valves and grey water reuse, guess who voted against them—members of the Labor Party. That is how in tune they are to drought in Australia.

Mr WILLIAMS (MacKillop): I cannot support the motion moved by the member for Fisher. I am sure that members would be surprised! How ridiculous that anyone can propose (and this is what the Premier is proposing) that you can have an independent body to make political decisions? You cannot do it.

Mr Kenyon: Like interest rates.

Mr WILLIAMS: The reality is—and I will come to the member for Newland in a moment—in the Murray-Darling Basin we have serious competing interests and, because of that, at some stage, somebody will have to make a political decision unlike the Reserve Bank where we all share one interest. I think the analogy that the member for Unley made about the independent Reserve Bank and the independent management of the old Bank of South Australia should send a shudder through the member for Newland because I think that highlights the flaw in the proposal put by the Premier. The reality is that we have to make political decisions. There will be winners and losers.

Of course, here in South Australia we are fearful, and our being a less populated state, a smaller economy and at the end of the Murray-Darling system may well see us the losers. One of the things that the Prime Minister is asking us to give up in this process is our veto right, and I have always argued to a number of my constituents down on the Narrung peninsula against a national system because we would no longer have that veto right, and that is one of the things that I think has stood us in good stead over the years. Some might argue that it has been part of the problem and in some way they are probably correct in that each of the states involved in the management of the Murray-Darling Basin, because of their individual veto rights, have made it very difficult to move forward. However, it is an absolute nonsense to think that you can make a political decision by having some sort of expert. Who would be the experts? Where would they come from? I would hazard a guess that if we used so-called experts, the vast majority of them would be from the eastern states. I invite members to go upstream on the River Murray and to go into New South Wales and Victoria and read the local newspapers to see what they say about South Australia and the way we use water. If you go onto the Darling and the Murray in New South Wales, they call Lake Alexandrina and Lake Albert Adelaide's freshwater playground.

If the Premier were looking after the interests of South Australia today in Canberra, he would be arguing that we will hand over the power on the condition that no weir will ever isolate the Lower Lakes from the Murray River and that no weir will be built at Wellington. But of course, because the Premier came out and announced that he was going to have a weir to save Adelaide and he was going to make himself a hero here in Adelaide, he cannot do that. So, here is the very person who is undermining the interests of South Australia, because I have a grave fear that one of the things we will lose in South Australia through this process is the ability to say no to a weir around about Wellington and I think that will be an environmental disaster.

However, I think it might happen because those people upstream in New South Wales and Victoria believe that Lake Alexandrina is Adelaide's freshwater playground. That is what they believe and they do not think we need it and they do not think we should have it. They would rather build a weir there and have the 600 000 or 700 000 megalitres—or even more because some people have suggested it is over 1 000 gigalitres—available for their irrigators and for productive use. I argue that in South Australia's interests, and in the interests of the environment down here, we should be saying no to the weir but, of course, the Premier has got himself into a position that he cannot argue himself out of.

Let us not forget that the reason we have such serious water restrictions in Adelaide today is because this government, which thinks it knows a fair bit about the River Murray, allowed more than the total usage of South Australia from the River Murray to flow out to sea last year. Notwithstanding that, we have been told that they could not do anything about it, when the reality shows that Lake Victoria was being emptied at the same time as the water was flowing down the Murray. We are still waiting for the figures that the Minister for Water Security promised to provide to the opposition late last year. The reality is that the South Australian Labor government, as the member for Hammond said, along with the Labor governments of the other states, has failed miserably. They have had a fantastic window where all the light of the same political colour was subject to the same drought and they failed in that small political window to take positive action. No wonder the Prime Minister has said, 'Enough is enough. They have proved beyond doubt that they are incapable of fixing this. I am stepping in.' I congratulate him, particularly for putting a large sum of money on the table which will provide one of the solutions—namely, to buy back water allocations where they have been overallocated beyond the sustainability of the river system.

Debate adjourned.

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

SCHOOLS, INSTRUMENTAL MUSIC PROGRAMS

A petition signed by 2027 residents of South Australia, requesting the house to urge the government to maintain funding for the instrumental music service program and other music programs, was presented by Dr McFetridge.

Petition received.

SCHOOLS, AQUATICS PROGRAMS

A petition signed by 787 residents of South Australia, requesting the house to urge the government to maintain funding to school swimming and aquatics programs, was presented by Dr McFetridge.

Petition received.

SCHOOLS, SPORTS PROGRAMS

A petition signed by 626 residents of South Australia, requesting the house to urge the government to maintain funding to school sports programs and continue 'The Be Active—Let's Go' school sports program, was presented by Dr McFetridge.

Petition received.

SCHOOLS, DENTAL PROGRAMS

A petition signed by 395 residents of South Australia, requesting the house to urge 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 children, was presented by Dr McFetridge.

Petition received.

SCHOOLS, SMALL SCHOOLS PROGRAM

A petition signed by 313 residents of South Australia, requesting the house to urge the government to maintain funding to all schools that currently receive small school grants, was presented by Dr McFetridge.

Petition received.

APOSS HOUSE

A petition signed by 41 members of the South Australian community, requesting the house to cause the immediate relocation of APOSS House from 27 Lowe Street, Royal Park, was presented by Ms Chapman.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Health (Hon. J.D. Hill).

Abortion Reporting Committee, South Australia—Report 2005-06

Institute of Medical and Veterinary Science—Report 2005-06.

VISITOR TO PARLIAMENT

The SPEAKER: I draw to the attention of the house the presence in the chamber today of Amy King, of Noarlunga Downs, who has been awarded a Rhodes Scholarship and will head to Oxford University in October. She is the guest of the member for Mawson.

QUESTION TIME

VICTIMS OF CRIME COMPENSATION

Mrs REDMOND (Heysen): Will the Attorney-General explain why he rejected a request for an ex gratia payment for a victim of date rape, when the government claims to want to give better support to victims? The victim, Bridget Lockyer—and I advise the house that Ms Lockyer has given permission for her name to be used—was encouraged to go on Crime Stoppers. Although a suspect was subsequently identified, the police did not believe they had enough evidence to successfully prosecute. Nevertheless, the police were satisfied that the victim had been raped and was thus a victim of crime. They encouraged her to seek compensation. South Australian law clearly states that ex gratia payments can be made in the absence of a conviction, at the discretion of the Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): South Australia has one of the most generous victims of crime compensation schemes in this nation. When South Australians were the victims of the Bali bombings, we were the only state in the commonwealth to provide compensation for the victims. Indeed, despite our pleas, the commonwealth would not come to the party; that is, the commonwealth Liberal government would not compensate the victims of the Bali bombings.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: It is true that where it has not been established in court—

Mr Pisoni interjecting:

The Hon. M.J. ATKINSON: Mr Speaker, could I object to the member for Unley wallowing in the gutter yet again in this chamber?

Members interjecting:

The Hon. M.J. ATKINSON: The member for Elder saith. Where no crime has been established by a trial, there is provision in the victims of crime legislation for the Attorney-General to make an ex gratia payment up to $50 000. My advice from my staff is that I approve seven out of 10 of those applications. I am rather more generous in my use of the ex gratia discretion than the former attorney-general, of blessed memory, Trevor Griffin. The policy of the Labor government on payments ex gratia under the Victims of Crime Act is far more generous than the policy of the previous (Liberal) government.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: With sexual assault allegations, one has to be very careful. Yesterday I moved in this house two bills to make the criminal justice system treat alleged victims of rape and sexual assault far more generously than at any time in this state's history.

Ms CHAPMAN: On a point of order, that is a bill before the house. It is not the subject of this answer.

The SPEAKER: There is no point of order. The Attorney-General has the floor.

The Hon. M.J. ATKINSON: I think that is a most unpleasant tactic of the member for Unley, to take a conjectural individual case into the public domain for party political purposes.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: It was the policy of the previous attorney-general (Mr Griffin) not to give reasons for the refusal of an ex gratia payment. Needless to say, I would be an irresponsible attorney-general to throw around $50 000 at a time of taxpayers' money in response to every allegation that is made.

Members interjecting:

The SPEAKER: Order! That is enough.

The Hon. M.J. ATKINSON: The prosecutor decided not to bring this matter to court, because he believed he could not prove it by evidence. I have to be careful in awarding up to $50 000 in taxpayers' money to an alleged victim where police and prosecutors have not found there to be sufficient evidence even to bring the matter to a charge.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: One has to treat these matters most carefully and most discreetly in order to avoid re-victimising people. The member for Unley and the member for Heysen want to bring this lady's personal circumstances into the public domain.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I believe it would be—

Mr Pisoni: She is a rape victim. A rape victim!

The SPEAKER: Order! I warn the member for Unley.

The Hon. M.J. ATKINSON: I believe it would be a sad day when the details of an alleged sexual assault, an alleged rape, are canvassed in this house in great detail for the political thrills of the Liberal opposition.

HOLDEN

Mr KENYON (Newland): My question is to the Treasurer. What are the flow-on effects for the state of GM-Holden's new export deal to the United States?

The Hon. K.O. FOLEY (Treasurer): This morning I attended an event in—

Dr McFetridge interjecting:

The Hon. K.O. FOLEY: Sorry?

Dr McFetridge interjecting:

The Hon. K.O. FOLEY: Well, ask me a question about it. This is about cars.

An honourable member interjecting:

The Hon. K.O. FOLEY: Can members have Pontiacs? No, in answer to the Liberal opposition, they cannot. They are left-hand drives. I attended an event this morning with the Victorian Minister for Industry and State Development, the Hon. Theo Theophanous and the Hon. Ian Macfarlane, the federal Minister for Industry, Tourism and Resources at which Mr Denny Mooney, Chairman and CEO of General Motors-Holden's Australia, announced that GM is embarking upon a major export drive into the United States.

Whilst it is not yet prepared to put exact numbers on it, the company hopes and believes that this will be its largest export market. At present, its largest export market is the Middle East to which it exports about 30 000 Commodores (renamed Luminas) and Calais. This market, it hopes, will be in excess of 30 000. Some reports have put the vehicle numbers as high as 50 000. It will be a left-hand drive Pontiac G8, which will have significant changes to the body shape—perhaps to make it appear more like a muscle car for the world's largest muscle-car market. That is a quote from the Hon. Ian Mcfarlane, which I have plagiarised because I thought it was very good. The car was simultaneously unveiled in Melbourne and at the Chicago Automobile—

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Yes, well, parliament was sitting. It is an outstanding decision by Holden's. It will underpin and provide security for the Adelaide operations of General Motors-Holden's for many years to come. The good thing about this is that Denny Mooney—a very aggressive, quality chief executive sent from the US—is building on the work of Peter Hanenberger, the former CEO. General Motors cannot survive making cars only for the Australian market. In fact, this could see as much as 50 per cent, if not more, of its production exported overseas, and that is the way this company will survive and grow into the future.

The good thing for Elizabeth is that, although the engines are built in Victoria, the cars are assembled at Elizabeth, and I think for the work force at Elizabeth, as well as the automotive component industry in our state, this is exciting news. Importantly, it says that this country and this state do have a future in automotive manufacturing. We are subjected to the pressures of globalisation, and it is great to see companies such as General Motors-Holden's rising to the challenge and exporting cars back into the toughest and largest car market in the world, the United States.

VICTIMS OF CRIME COMPENSATION

Mrs REDMOND (Heysen): My question is to the Attorney-General, again referring to the same matter as my first question. Why has the Attorney-General refused to give reasons for his decision not to approve the ex gratia payment when the victim has consented to such disclosure? The Attorney claims he is not willing to explain his decision to refuse the ex gratia payment on the basis that this will intrude on the victim's privacy. However, the victim herself has consented to disclosure of the details. She has requested an explanation as she feels it would allow her closure—and I quote from her letter—'on a painful chapter of my life'.

The Hon. M.J. ATKINSON (Attorney-General): It was the invariable—

Mr Pisoni interjecting:

The SPEAKER: Order! The Attorney-General will take his seat. The member for Unley is trespassing upon my good nature. I am not going to warn him again. The Attorney-General has the call.

The Hon. M.J. ATKINSON: It was the invariable policy of the Liberal Party when it was last in government not to give reasons for the refusal of an ex gratia payment. The Liberal government defended that policy stoutly throughout its term in office. I think that it is a sensible policy, particularly where the matter is very sensitive. Just because an alleged victim wants to put the details of an alleged sexual assault in the public domain—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —does not mean that politicians should assist in such an endeavour.

TOUR DOWN UNDER

Mr BIGNELL (Mawson): My question is to the Minister for Tourism. What benefits has the recent Tour Down Under provided for South Australian communities?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Mawson for his question because he, perhaps more than anybody else in this chamber, understands the intricacy of cycle racing and the inner workings of the peloton. The Tour Down Under is one of the significant major events in this state, so I was somewhat disappointed to hear the comments of the member of Schubert, who would talk down an event which gives volunteers, local communities and a whole range of businesses extraordinary opportunities in a month which has, traditionally, been the low month in tourism in our state. In fact, I have to say that this year kicked off with more support, more activity and more investment, despite some truly difficult weather.

Mr Bignell interjecting:

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

The Hon. J.D. LOMAX-SMITH: Despite the member for Schubert's extraordinary assertions, this year we had more teams than ever, with 14 teams, 112 riders and, for the first time, the world's most significant cycle team, CSC, which is generally regarded as one of the top teams in the world, coming to South Australia. Indeed, this demonstrates that the international cycling fraternity understands that the TDU is one of the major cycling events of the year.

This year the numbers were down to 355 000, although the weather was quite unpleasant, with torrential rain during some parts of the race. Many of the local communities invested large amounts of money in making sure that the event was a stellar one generally. I have to say that I went to Mannum with some trepidation; in fact, I was rather anxious because I was told that the member for Schubert was racing in the celebrity race. The prospect of him in lycra made me most uneasy. However, the burghers of Mannum were saved because, in fact, he wore a T-shirt and shorts, so it was not quite as unpleasant as I might have expected. Mannum put on a sterling event, with concerts, celebrity races and street parties. Of course, the event brings much opportunity for restaurants, hotels and local operators.

On top of its being an elite cycling event, it also supports health and healthy living by encouraging more people to take up cycling. This year, 2 700 entered the Stirling to Victor Harbor leg, with 600 in the Mutual Community Fun Tour, which meant that more and more amateur fun cyclists are entering. We know that we have a problem with obesity and good health, and cycling is one of the great sports for dealing with that issue.

I was particularly upset to hear the member for Schubert say that we were lacking sponsorship. I have been told that we had 14 per cent more sponsorship than in 2006. However, one should never let the facts get in the way of that sort of story. We also heard some fairly unpleasant messages about one of our major sponsors in this state, Orlando Wyndham. In fact, again the member for Schubert was wrong, because it is still a sponsor of the tour. It may not be the naming rights sponsor, but it still backs the event and has been very pleased with the leverage and the opportunities it has had from it. So, it is very upsetting to find a local member talking down one of the local businesses and suggesting that it is doing badly out of the sponsorship. In fact, to have sponsorship rising, as I have been told, is quite an achievement in a year that had the Commonwealth Games, Winter Olympics and FIFA World Cup. So to get such high sponsorship levels was a real achievement. We calculate that $20 million of economic benefit went into South Australia. Above all, I would expect members of this place to support major events which are popular in our community, supported by local government—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —and supported generally, and particularly it happens to be an event that we are promoting around the world because we would like to make it a pro tour in the future, and I think that every South Australian should get behind it.

VICTIMS OF CRIME COMPENSATION

Mrs REDMOND (Heysen): My question is again to the Attorney-General and again on the topic of the rape victim. Will the Attorney-General review his decision, or at least tell the victim, even in writing, the basis of his decision to deny her an ex gratia payment?

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I have answered that question. It appears to me that the Liberal policy has now changed from government to opposition so that anyone who makes an allegation must immediately be given up to $50 000 from taxpayers' money. Well, I am sorry, I cannot accept—

Mr Williams: Out of the Victims of Crime Fund.

The Hon. M.J. ATKINSON: Where do you think the money comes from?

Mr Williams: It comes from people who have been fined. I put some in for driving too fast.

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I find it astonishing that the member for Unley can now enunciate this weird theology whereby Jesus of Nazareth taught that, whenever a government official is asked for money, he must write the cheque immediately, anything else would be a derogation from Christian principles. Victims of crime funding goes principally to people who are proved to be victims of crime by dint of a person being found guilty of a crime in our courts. We have provision for an ex gratia payment where, for some reason, a conviction is not obtained or the person is found not guilty by reason of insanity or automatism. Further, where a trial results in an acquittal or withdrawal of charges, I have a discretion to make an ex gratia payment—

Mrs Redmond interjecting:

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

The Hon. M.J. ATKINSON: —and in the majority of cases I do. The member for Heysen talks about the police. My advice from the Victims of Crime Commissioner is that no-one was ever charged.

LOCAL GOVERNMENT

Mr RAU (Enfield): Will the Minister for State/Local Government Relations outline for the house what has been the response of the local government sector to new financial and accountability measures which came into force in January?

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I thank the member for his question and acknowledge his keen interest and commitment to the local government sector. We have entered a new era for local government in South Australia, an era that will provide for scrutiny and accountability of councils to the communities that they serve. I have been pleased that the local government sector has recognised that change in the way councils do

business was required. They have worked cooperatively with the state government to identify how they could improve in a number of ways, including financial sustainability and transparency processes and, importantly, accountability of councils to their communities. Indeed, the Local Government Association initiated, as we well know, its own independent inquiry into the financial sustainability of local government in South Australia. The Local Government Association has been supportive of changes to the Local Government Act, and many of these changes came into operation in January, as the member said.

They included requiring councils to publicly consult over a draft annual business plan for adopting their budget. Councils must prepare both long-term financial plans and infrastructure and asset management plans. Councils have been advised that they must begin to develop these plans now that the act has been brought into operation, and they are required to complete them within two years of the local government elections. Councils are also now required to make provisions for rate relief to provide eligible seniors with the opportunity to defer a portion of their rates over $500. Importantly, under the changes to the act, each council is required to have an audit committee with a membership of three to five people, one of whom must not be a member of council and who has financial experience relevant to the functions of an audit committee.

As a result of discussions that I had with the Auditor-General late last year, and in consultation with his office and the Local Government Association, new measures have been put in place directed at further improving the independence of council auditors. Councillors are prohibited from hiring their external auditor for any other work outside the scope of their audit functions. These are just a few of the measures, the aim of which is to assist local government to improve professionalism and transparency in the way in which it does business. In addition, the Local Government Association is currently in the process of consulting with councils on a wide range of initiatives, which I am confident will build further on these new provisions which we have put in place. It is pleasing to have the sector willing to work with government to identify and implement measures that continue to lift standards and build community confidence. We always welcome ideas about how we can ensure that councils function in a professional and accountable way that ensures that residents have confidence in their local councils.

ELECTIVE SURGERY BULLETINS

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Health. Why hasn't the minister now updated on the department's website the monthly elective surgery bulletins for over three months? South Australians have been waiting for the accurate up-to-date monthly information about the elective surgery performance in public hospitals with respect to waiting lists since 17 June 2005 when, during the estimates committee, Mr Stubbs, the Executive Director, Health System Management, stated:

> We will shortly be able to have available to the public an internet site showing progress in elective surgery, and we could update on a monthly basis.

On 5 December 2006, the minister told parliament that he was now providing month-by-month information. He said:

> On the website now is the performance data from September this year and I understand the October data will be uploaded soon.

That was after a number of questions over some months as to where it was. The website has not been updated since October 2006 and there have been no monthly updates for November, December or January.

The Hon. J.D. HILL (Minister for Health): I would like to think that I am a hands-on minister and that I keep in contact with all the things that happen in a three point something or other billion dollar budget. However, I have to say that updating computer science is not something that I do directly. I am happy to find out for the member why the information that she is seeking has yet to be placed on the site, but it is certainly our intention to make sure that that information is made available.

MOUNT GAMBIER, WATER FLUORIDATION

Ms THOMPSON (Reynell): My question is to the Minister for Health.

Members interjecting:

The SPEAKER: Order!

Ms THOMPSON: Minister, will there be further community consultation about fluoridating Mount Gambier's drinking water, and what is the state government's role in relation to this issue?

The Hon. I.F. Evans: Check the press release that went out.

The Hon. J.D. HILL (Minister for Health): I thank the member for Reynell for her question, and I also acknowledge the interjection by the Leader of the Opposition. I am not sure that all members of parliament read every one of my press releases in great detail. I know that members on this side probably do so, but I am not sure that everyone does. Fluoridating drinking water is one of the most effective ways of preventing dental decay. As a public health protection, it is listed as one of the top ten public achievements of the 20th century by the US Centre for Disease Control and Prevention. It is right up there with vaccination and tobacco control. It is because of this public health benefit that state cabinet decided way back in 1968 to fluoridate Adelaide's drinking water, and that occurred in 1971. Some members may remember the great debate that occurred in Australia at the time of fluoridation. There are a few of us who can remember that.

The Hon. M.J. Atkinson: The League of Rights was right into it.

The Hon. J.D. HILL: The League of Rights, as my colleague says, was right into it. In 1983 state cabinet took a decision to progressively fluoridate country areas. Today there is only one major city in South Australia that does not have fluoridated water and that is the city of Mount Gambier.

The Hon. R.J. McEwen: A great shame.

The Hon. J.D. HILL: As my colleague says, that is a great shame. Other major regional centres have been treated with fluoride as water filtration plants have been installed. Since Mount Gambier's water from the Blue Lake does not need such treatment, the fluoridation process there has yet to occur. However, moves to fluoridate Mount Gambier's drinking water have long been discussed. A public meeting, for example, was held in Mount Gambier on 8 July 2005 as part of the consultation process for the development of an oral health plan which includes fluoridating water. Invitations were sent to all local councils, amongst others, and the meeting was prominently advertised in *The Border Watch* and on local radio. A subsequent article in the *The Border Watch* correctly reported that the issue of water fluoridation for

Mount Gambier was discussed at the meeting. A number of organisations made submissions following these meetings. While the Mount Gambier council did not, other local councils, including the council of Grant, did provide a submission to the state oral health plan expressing concern about high decay rates in the area. The South-East Regional Health Service called for water fluoridation. The national oral health plan that has now been adopted supports the fluoridation of water supplies for centres with a thousand residents or more.

A series of scientific studies has proven that fluoridation improves oral health, particularly for children. As a result of the lack of fluoride in Mount Gambier's water, we know that children there have significantly more dental decay than in other parts of the state. For instance, in 2004, children in Mount Gambier had 40 per cent more dental decay than children in the Riverland where water is fluoridated. The comparison is even starker when compared with the oral health of children in Adelaide. While some people have made claims about the risk of fluoridation, these claims are not scientifically proven. Indeed, every major public health reform has its critics—for example, the move to make wearing seatbelts compulsory in motor cars was met with opposition—but governments have to act in the public interest and do what they know to be right.

It is for this reason that my department has written to SA Water to request consideration of a proposal to fluoridate Mount Gambier's water supply. Now that SA Water has approval from the Department of Health, their process is currently under way, and bodies such as the local council will be further consulted. I am pleased to note that the member for MacKillop is supportive of water supplies across the region being treated with fluoride.

Members interjecting:

The Hon. J.D. HILL: I should say the member for Mount Gambier is equally supportive.

FAMILIES SA

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Families and Communities. Why did Families SA not investigate any allegations made by a grandmother over a four-year period that her young grandson was seriously at risk if he continued to live with his drug-affected and violent mother? I have been informed by a grandmother that Families SA repeatedly refused to investigate her concerns that her young grandson was at risk. The mother of the boy has a substantial history of drug use and anorexia, criminal offences, police detention, and financial and domestic violence problems, and the grandmother has been contacting Families SA in relation to the safety of her grandson since January 2003, with reports to Families SA and the child abuse hotline escalating through to 2006.

Pleas for assistance by the grandmother on 14 September, 21 September and 28 September were not acted upon. In October 2006 the child's mother told the grandmother that the boy had been abducted from his mother's care 24 hours previously. The grandmother again took care of her grandson who was dirty and in an extremely distressed state. Further, the grandmother advised me that his unusual behaviour over the following fortnight suggested that he had been sexually abused, on the advice given to her. The grandmother, after going into hiding with her grandson, has now been granted interim custody by the Family Court. The grandmother has written to the minister, asking him why his department did not act to protect this child and why she had to go through the Family Court in order to protect her grandchild at a cost of $16 000—

The SPEAKER: Order! The deputy leader will come to order. I think the explanation went far beyond an explanation sufficient to explain the question; it was really in the nature of a grievance. I will be far stricter if members abuse the granting of leave to make explanations; I will simply not give leave. I call the Minister for Families and Communities.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. Of necessity, when a member comes to this place on behalf of one party in a family relationship, they tend not unnaturally to present one part of the picture. This is consistently the pattern. We have questions of this sort laid out in this house which create a generally bad impression about the agencies that are charged with the responsibility of undertaking these investigations. Of course, I have one arm tied behind my back because I am unable to respond in a way that identifies the family because we are trying to protect the interests of the young person involved. Indeed, the details that have been disclosed now probably go perilously close to identifying the family in question. It is not our policy. The legislative policy is that we do not publicly discuss these issues.

The trade-off for doing that is that we have a plethora of accountability bodies that supervise the role of Families SA. These public servants are the most scrutinised public servants on the face of the planet. They have the Health and Community Services Ombudsman, the Child Death and Serious Injury Review Committee, their own internal Adverse Incidents Committee, the Special Investigations Unit, and they also have the Mullighan inquiry, which is presently reviewing their work.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: We have just had a Layton inquiry that went for 12 months at the cost of $1 million, and in relation to all of these inquiries there has been a consistent view that it is not the diligence and the professionalism of the child protection workers who undertake their work that has been in question, rather it has been the failing of governments not to support those workers. I am proud to say this government has provided the resources to support these workers to carry out their very difficult task and make conscientious judgments about doing that. I will look into this particular matter, if the honourable member will supply me with a few more details to identify them privately, and I will investigate this matter further. On so many occasions the member has come in here and created an impression which proves to be entirely false when the matter is properly investigated.

CABINET SOLIDARITY

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Minister for the City of Adelaide. Why does the minister think she deserves special treatment by requesting exemption from cabinet solidarity on the Victoria Park redevelopment when no other Labor minister in Labor Party history has been granted this special treatment?

The Hon. K.O. FOLEY (Deputy Premier): Well—

Mr WILLIAMS: A point of order, Mr Speaker.

The SPEAKER: If the point of order is about which minister gets up to answer the question, it is not a point of order. Is that your point of order?

Mr WILLIAMS: In this case, I think—

The SPEAKER: No, there is no point of order. Any minister—

Members interjecting:

The SPEAKER: Order! I do not require—

Members interjecting:

The SPEAKER: Order! I do not require the assistance of members on my right. Any minister can rise to answer any question on behalf of the government and that has been a longstanding practice of all governments on both sides, including previous Liberal governments. The Deputy Premier.

The Hon. K.O. FOLEY: Thank you, sir. I must say that the reason I am answering this question—

Members interjecting:

The SPEAKER: Order! The member for MacKillop will take his seat. Points of order are not an opportunity to engage in debate with the Speaker. I take it that your point of order was about the Deputy Premier answering the question; is that correct?

Mr WILLIAMS: That was my original point of order.

The SPEAKER: My ruling is that the Deputy Premier is able to answer the question.

The Hon. I.F. EVANS: Point of clarification, Mr Speaker.

The SPEAKER: The Leader of the Opposition.

The Hon. I.F. EVANS: Given that the cabinet has taken a decision that in relation to this matter the minister is exempt from cabinet solidarity and can stand outside of cabinet, on what basis can another cabinet minister answer the question in relation to this issue when cabinet does not have the same view on this issue?

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I have already given my ruling. It is a longstanding practice. There is nothing new about my ruling, and I will not have members speaking over me. I will not engage in debate on this matter. If members wish to move dissent, they are free to do so. The Deputy Premier.

The Hon. K.O. FOLEY: The reason I am answering this question is that the minister is not responsible for what cabinet may—

Mr WILLIAMS: Mr Speaker—

Members interjecting:

The SPEAKER: Order! The member for MacKillop.

SPEAKER'S RULING, DISSENT

Mr WILLIAMS (MacKillop): I move:

That the Speaker's ruling be disagreed to.

Members interjecting:

The SPEAKER: Order! If the member for MacKillop wishes to move dissent, he must place it in writing and bring it to the table.

The Hon. K.O. FOLEY: The reason that I chose to answer the question, sir, is that the Premier is the chair of cabinet. The Premier makes the decision as to whether—

The SPEAKER: Order! The Deputy Premier will have to take his seat. We need to proceed with the dissent motion before we can proceed with question time.

Members interjecting:

The SPEAKER: Order! We will proceed with this in an orderly manner.

Members interjecting:

The SPEAKER: Order! I inform the member for Schubert, the deputy leader and the Deputy Premier that we will proceed with this matter—

Members interjecting:

The SPEAKER: Order! Goodness me, I am on my feet. I expect some respect from members on both sides. We will proceed with this in an orderly manner. The member for MacKillop has given to me in writing his motion of dissent. Is the motion seconded?

Honourable members: Yes, sir.

The SPEAKER: Does the member for MacKillop wish to speak to the motion?

Mr WILLIAMS: Yes, sir.

Members interjecting:

The SPEAKER: Order! The member for MacKillop.

Mr WILLIAMS: Thank you, Mr Speaker. The reason I have taken this action is that as I sit in this house I lament the lowering of the standards of this place.

The Hon. P.F. Conlon: He said you are lowering the standards, sir. He is reflecting on the chair.

Mr WILLIAMS: I may well reflect on you in a moment, Patrick. It is often said that the quality of a government often is forced by the quality of an opposition. The quality of opposition is often dictated by the ability of the opposition to do its work. To do its work, one of the important roles of the opposition is to keep the government accountable by asking questions and getting answers to the questions asked. One of the problems that we have had in this opposition is that the government never answers the questions. One of the problems we have in getting answers to questions is that no minister in this government is willing to take responsibility either for their own actions or for the collective actions of the government. They duck and weave and hide continuously. To give an example, only a few weeks ago the minister responsible for introducing tougher water restrictions here in Adelaide flouted his own restrictions. Before this government came back into the parliament he was stripped of those responsibilities so that, if and when he was asked a question regarding that matter, someone else would stand up and say, 'I'm now the minister for that: I'll take responsibility for it.'

It happens all the time, and I understand that there is a long-held convention that any minister should be able to speak on behalf of the government, and that is what the principle of cabinet solidarity is all about. That is one of the fundamentals of our parliamentary system. That is one of the fundamentals of representative democracy and one of the fundamentals that we in this state have embraced. It is known as responsible government. Ministers are responsible to the parliament, collectively or individually. The reality with regard to the matter that is the subject of the question that has been put to the member for Adelaide, the minister for, among other things, the capital city of Adelaide, is that on this particular matter cabinet has broken ranks.

This particular minister has decided, and achieved the approval of her cabinet colleagues, to do away with that long-held convention that is one of the very bases of our democratic system and the institution of this parliament. I would therefore argue that the convention that any other minister can give an answer, ostensibly on behalf of cabinet, should also be put aside in this instance, because this particular minister we know is at odds with the rest of her cabinet colleagues. We know that she does not agree with the rest of

her cabinet colleagues. How, therefore, can the opposition do its job in questioning the minister when all we are going to get is an answer from people who do not share her view? This is akin to the situation where we have a majority report and a minority report.

This minister is the author of the minority report and we wish to question the minister about her thoughts, her motives and her aspirations as expressed in the minority report. How on earth can we perform as an opposition if the answers to our questions about the minority report are going to be answered by a minister who is the author of the majority report? The reality is that I would contend to the house that your ruling, notwithstanding that under normal circumstances it would be the correct ruling, in this particular situation and these particular circumstances I believe is the incorrect ruling.

The Hon. P.F. CONLON (Minister for Transport): Ordinarily—

Members interjecting:

The Hon. P.F. CONLON: I would love to have heard the former speaker, the Hon. Graham Gunn, on this matter. I would like him to stand up with a straight face and say that the ruling is not correct. I would like the former speaker of the house, the Hon. Graham Gunn, to stand up and say that the ruling is not correct, because it is manifest to anyone who has been here longer than five minutes—and certainly would be to the father of the house—that the ruling is not only correct but incontestable. Nothing speaks more eloquently for that than the fact that the member for MacKillop cannot give one jot, one iota, of precedence—no reference to a standing order, nothing from Erskine May—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —to support the notion that—

Members interjecting:

The Hon. P.F. CONLON: I must say that, not having any argument will not win it, and hectoring when they hear a sensible argument will not help them, either, because—

Mr Williams interjecting:

The Hon. P.F. CONLON: I know, but this is your question time, so I have all the time in the world. What we are seeing here is an opposition that has failed so abjectly this week that they will do anything to avoid asking questions because the answers never suit them. That is why the Leader of the Opposition, in somewhat frantic desperation, said, 'Move dissent, move dissent', because there is absolutely no prospect of success. If one member of this house can point to one single precedent which would speak against your ruling, sir, I would like to hear it. Not only that, but I will address the guff that was put forward that this is a rare occasion.

In fact, if there was ever an occasion when the appropriate minister to answer this was the Premier or the Acting Premier, it is this. The question was: why was the person given an exemption from the ordinary course of conduct? The most appropriate—

An honourable member interjecting:

The Hon. P.F. CONLON: Well, I have to say that is what I heard. We will go back to the *Hansard*. The most appropriate person to tell members opposite why cabinet rules might have been changed is the person in charge of cabinet. That person not being here, it is the person acting in charge of cabinet who would have told members opposite that cabinet decided that that would be the case—that cabinet made a very clear decision that that would be the case. The most appropriate person to answer it would have been the person who chairs cabinet. However, any member of cabinet could give that answer.

The truth is that the opposition wanted to defy the chair's ruling. Can I say that members opposite come perilously close to reflecting on the Speaker himself when they talk about standards being lowered. Members talk about standards and cabinet solidarity, but it was very simple in my time on that side of the chamber. I did not worry about these things because they turned up in my pigeon hole—cabinet, cabinet subcommittee, minutes and underlined bits from your former cabinet ministers in case I missed them.

So, do not come to this place, talk about standards and then reflect on the fairest Speaker I have seen in this place in my time because you do not like the rules that have applied as long as anyone remembers. I will just say this: someone on the other side put up their hand—anyone—if they can remember a ruling other than this on this issue? Come on, one of you. Graham, you have been here longer than electric light. Graham, can you remember it?

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: The deputy leader will come to order!

The Hon. P.F. CONLON: Mr Speaker, I close by saying that not only have you made the correct ruling but you would have been wrong to make any other. You were not free to make any other, because the precedents of the house demand the ruling that you made.

Members interjecting:

The SPEAKER: Order! It has always been the practice for the Speaker to allow the government to decide which minister answers a particular question. In my time in this place all speakers with whom I have had the pleasure to be in this parliament—former speakers Oswald, Lewis and Such—have refused to direct which minister answers a particular question. That has always been the case under previous speakers. I am sure that there were plenty of times when speaker Gunn also refused to direct which minister had to answer a question.

There are good reasons for not requiring the Speaker to make decisions about which minister has responsibility for a particular area, the main one being that it is the government that allocates portfolios, not the Speaker. To expect the Speaker to second-guess which areas of responsibility a particular minister has would just be silly. Those are the reasons for my ruling, that I cannot direct the Minister for Tourism to answer a particular question and that the Deputy Premier is perfectly within his rights in answering the question.

The house divided on the motion:

AYES (14)

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

NOES (27)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Caica, P.
Ciccarello, V.	Conlon, P. F. (teller)
Foley, K. O.	Fox, C. C.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Kenyon, T. R.

NOES (cont.)

Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	McEwen, R. J.
O'Brien, M. F.	Piccolo, T.
Portolesi, G.	Rankine, J. M.
Rau, J. R.	Simmons, L. A.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

PAIR

Griffiths, S. P.	Rann, M. D.

Majority of 13 for the noes.

Motion thus negatived.

QUESTION TIME

CABINET SOLIDARITY

The Hon. K.O. FOLEY (Deputy Premier): Sir, I will answer the question. Quite simply, acting for the chair of cabinet who is currently in Canberra it is appropriate that I answer the question. However, as I said, whether the minister sought permission or whether it was given, it was certainly a lot different from under the former Liberal government when ministers would leak without any permission at all, on a consistent basis. I once received a phone call whilst the cabinet meeting was still sitting. The minister left cabinet, got on the phone to me and leaked to me and then went back into cabinet. That is what happened under the Libs.

The Hon. P.F. Conlon: I had a bloke pull a hamstring racing across the road to me.

The Hon. K.O. FOLEY: Yes, that MP who ran across the road to tell you something. I mean, fair dinkum. The issue in question here is that, indeed, from my recollection, it was the Premier who chose to allow the Minister for the City of Adelaide and recommended to cabinet that the Minister for the City of Adelaide be able to put a clarifying statement to the media in respect of her position by the rules of cabinet. That was duly noted in the cabinet submission and, from my recollection, at my press conference I was the one who revealed it. Every step of cabinet procedure was followed. Proper procedure was followed. Cabinet is its own decision making body. Cabinet makes its rules and cabinet made a rule that was endorsed by the cabinet to allow a statement to be attributed to the member for Adelaide.

However, as I said, when it comes to cabinet solidarity, when it comes to the fiduciary duty of members of the cabinet, I am proud of this government. I am proud of the way we conduct ourselves, unlike the shabby lot opposite who leaked from cabinet week in and week out. They rang us; they wrote to us; they sent us letters; they ran across roads to us; and they met us in the dark of night. The Premier had to check whether he had a tail on him one night. I had a water contract given to me. At the end of the day, sir—

The Hon. P.F. Conlon: They used to check to make sure that it had been delivered. 'Now, you did you get it, didn't you,' they would say.

The Hon. K.O. FOLEY: 'Did you get that thing I left in your letterbox. Do you know what that actually means? It means this, this and this.' Two Liberal premiers were brought down in this state—Premier Brown and Premier Olsen. Both of them were brought down by continual leaking from their cabinets.

Members interjecting:

The SPEAKER: Order!

PETROL SNIFFING

Ms SIMMONS (Morialta): My question is to the Minister for Aboriginal Affairs and Reconciliation. What is the significance of the results of the recently conducted petrol sniffing survey by the Nganampa Health Council on the APY lands?

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): The results of the independent survey carried out by Nganampa Health were very pleasing. We found a 60 per cent reduction in petrol sniffing on the lands from the same time in around 2005, and that was on top of a 20 per cent reduction on the year before. However, there are two other statistics which I think will be very gratifying for people who were appalled by the scourge of petrol sniffing that we have all been sad to witness on the lands and they are these. Of the 70 people who were noted as sniffing in the past 12 months, half of them have been described as not sniffing for some time or having quit sniffing completely; and 96 per cent of people who were considered to be heavy sniffers had decreased their sniffing. So, in 2006, 4 per cent of people on the APY lands were regarded as heavy sniffers—and the largest reductions in sniffing were on some of the largest communities.

Dr McFetridge: Marijuana.

The Hon. J.W. WEATHERILL: The member for Morphett interjected 'marijuana'. It is true that there are high levels of marijuana use and, indeed, alcohol abuse on the lands. That is of concern and, of course, we need to address the underlying issues that are at the heart of these questions. However, one only needs to understand the damage to young people's brains that is caused by petrol sniffing to know that this is a very substantial step forward.

There are many explanations for why we have been able to achieve this in a relatively short period but I think that, fundamentally, it is about the strength of the community. The community now feels that there is a point in saying no to petrol sniffing; there is a point in seeking to stop their young people from engaging in petrol sniffing. There is help, and that is the part for which we have been responsible. We are attending to the things that have not been attended to in the past: reducing the supply, the rolling out of Opal fuel, the penalties for petrol sniffers, the increased police presence, the hope for young people, places to go, things to do and youth workers on the lands. However, more than anything else, the people on the lands turn to these substances and abuse them because of despair, and now we are beginning to see the first signs of hope.

CABINET SOLIDARITY

The Hon. I.F. EVANS (Davenport): My question is again to the Minister for the City of Adelaide. Did the minister threaten to resign from cabinet over the Victoria Park redevelopment decision and, if not, why not?

The Hon. J.D. LOMAX-SMITH (Minister for the City of Adelaide): I have to say that I know my predecessor in this seat decided to cut and run and go to Bragg, but I do not think that that is my style.

SASI TALENT SEARCH PROGRAM

Ms CICCARELLO (Norwood): My question is to the Minister for Recreation, Sport and Racing. What is the South Australian Sports Institute doing to identify potential future sports stars from the rich pool of talent in South Australia?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The South Australian Sports Institute plays a pivotal role in assisting young South Australians to pursue an elite sporting career through the identification and development of talented young athletes. Through the coordination and management of 17 sports programs at the institute over 400 young people, from development level athletes to elite international and Olympic Games athletes, are given the opportunity to train and develop skills in their chosen sport. Every year the SASI talent search team, working predominantly with high schools, conducts a talent identification program to identify potential elite athletes to join talent development programs in selected major Olympic sports.

I understand that, throughout 2006, over 7 000 high school aged students have been tested in this program, and over 400 young people have been identified and invited to join development programs. Over the years, this program has been very successful in assisting young athletes to achieve national and international results. In the past 12 months alone, 41 graduates of the talent search program were inducted into SASI scholarship sports programs, and 15 talent search graduates were selected in junior or senior Australian teams.

It is worthy to note that SASI's and South Australia's most recent junior world champion, Becchara Palmer (who, incidentally, was identified at Henley High School and who was a netballer but turned out to be a volleyballer, I think, after this identification program), created Australian volleyball history by securing our first ever world championship gold medal at any level of the sport at the 2006 Under 19 Beach Volleyball World Championships in Bermuda.

In 2005-06, as in previous years, the government, through the Talented Athlete Award and the Country Athlete Award grants programs, distributed $125 000 to talented youngsters. Some 207 athletes from over 30 different sports were selected to receive individual grants to assist with training and competition expenses and in their development as elite level athletes. SASI celebrates its 25th year this year and will continue to play an important role in the identification and development of young South Australian athletes.

CABINET SOLIDARITY

The Hon. I.F. EVANS (Leader of the Opposition): My question again is to the Minister for the City of Adelaide. If the minister is serious about stopping the Victoria Park redevelopment, why will the minister not put the maximum pressure on her own government to cancel the project by resigning from cabinet?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Deputy Premier): The shadow minister for sport, the former leader and former premier, the member for Frome, could not endorse this project quickly enough, and I, as the minister responsible for this project—

Mr WILLIAMS: On a point of order, Mr Speaker, as to relevance. There is no relevance to the question that was asked.

The SPEAKER: There is no point of order. There is no standing order about relevance. The standing order says that the minister must answer the substance of the question. The minister has barely begun his answer, so I cannot see how we could question that. The Deputy Premier.

The Hon. K.O. FOLEY: So I assume from the rapid endorsement of this project by a senior member of the opposition that the Liberals were lock stock behind this project. Are you now suggesting to me that you are not?

Members interjecting:

The Hon. K.O. FOLEY: If you want to make play of division on this side, what is the division on your side? Are you for the project or against the project?

Members interjecting:

The Hon. K.O. FOLEY: The member for Adelaide has had a long-held view about that project. It is now public knowledge that she argued that position within cabinet.

Members interjecting:

The Hon. K.O. FOLEY: And, yes, perhaps for the member for Adelaide it is fortuitous that the Leader of the Opposition has kept repeating it so that no-one could be in any doubt about what the views were of the member for Adelaide. As a cabinet the Premier took a decision, fully supported by his colleagues, no division, that what the member for Adelaide noted on the cabinet submission was her position and that that position could be made public. That is the position of this government. But what we have today is what the Liberals always do. They are now looking for ways to undermine the project. What I want the Leader of the Opposition to do today is not question whether or not the government supports this project, but does the Leader of the Opposition give this project 100 per cent support?

UPPER SPENCER GULF HEAVY INDUSTRY

Mr O'BRIEN (Napier): My question is to the Minister for Employment, Training and Further Education. What is the government doing to increase employment opportunities for local job seekers in expanding the heavy industry sector in the Upper Spencer Gulf?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): I thank the honourable member for his question, his very important question about local jobs for local people. The state government through its South Australia works programs contributed more than half a million dollars to the Goal 100 project. The Goal 100 project is a highly successful employment initiative that provides industry specific training, strong mentoring support and guaranteed jobs. That is guaranteed jobs in the heavy industry sector specifically for local people who are out of work or out of school. It was launched in Whyalla last year with the goal of delivering 100 jobs to local people over the course of a year. The Goal 100 project involved a partnership—and this is critical—between SA Works, One Steel, BHP Billiton, the Whyalla City Council, the Whyalla Economic Development Board, the Bungala community, and other key local industries.

I recently attended the first graduation for Goal 100 and I am delighted that 75 people have already gained employment from the program and, in the main, through the heavy industry sector, with One Steel being the major employer. At the launch I saw these many young men from the Learn to Earn program who—and they will not mind me saying it, because I spoke with them after the graduation—had

difficulty at the stage of the launch even engaging you in such a way that they were capable of looking you in the eye.

This program had a focus on specific mentoring to teach these young men and women their own self-worth and to give them self-esteem. It has been an outstanding effort by a group of people that has resulted in outstanding outcomes for these young people and, indeed, an outstanding outcome for Whyalla and South Australia. I congratulate the member for Giles, who has been actively involved in this program and in promoting employment opportunities for the people in her electorate. I thank her for her support of this project. Not surprisingly, this project has attracted a high level of interest throughout Australia because of its unique nature. It is a successful approach to work force development and a model that engages the long-term unemployed and helps them to move towards and into areas that industry demands. I know that the opposition will fully support this program and others that we will explore.

The Goal 100 project, conducted through TAFE SA Regional, provided participants with an intensive 20-week program of accredited training in literacy and numeracy, mechanical reasoning and electrical training. The participants, as I have already mentioned, undertook a personal development program and received one-to-one mentoring, and they participated in work site placements and industry skills visits. Given the project's outstanding success, I confirm that a new phase of the project has already commenced. This will provide an opportunity for a further 100 local unemployed people within the region to win jobs in this expanding sector. There are exciting times ahead for South Australia and we must make sure that everyone enjoys and gains from these opportunities and that they can be part of this prosperity. As part of the selection process, DFEEST will identify new participants for other labour market programs that are run through the state government's SA Works.

The key to the success of Goal 100 is the strong partnerships being forged by DFEEST with OneSteel and other key industries, local communities and the commonwealth government. I pay tribute to OneSteel's commitment to ensure that there are local jobs for local people; they have been outstanding in this program. These partnerships are crucial in responding to work force development demands. I commend the staff of DFEEST for their excellent work and I also commend all those people who have been involved in this outstanding project.

CABINET SOLIDARITY

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Minister for the City of Adelaide. Are there any other issues such as the proposed development on the Le Cornu site for which the minister has sought, or will seek, special treatment again through the exemption from cabinet solidarity?

The Hon. K.O. FOLEY (Deputy Premier): Can I make a very important point: the decision of cabinet was to allow the minister to make a statement on this matter and this matter alone. In fact, as I said, and I cannot speak for the Premier, but my recollection is that the option of making a clarifying position was offered to the minister and she did not seek it. That is my recollection of what occurred, and that was the decision of the Premier and the cabinet to afford the minister that courtesy on this issue alone.

AUSTRALIAN SKILLS RECOGNITION INFORMATION WEBSITE

Mr PICCOLO (Light): Can the Minister for Multicultural Affairs inform the house of details of the recent launch of the Australian Skills Recognition Information website and the advantages it will bring to our state?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): I am pleased to advise that after lobbying from the Rann government, the commonwealth has launched an innovative website that assists new migrants in having their skills and qualifications recognised. The launch came after the appointment of a national working group on overseas qualifications which was chaired by someone from our state and which recommended the development of the website nationally. The new Australian Skills Recognition Information website provides information that facilitates contact with assessment, licensing and registration organisations in South Australia and other states and territories. Access to information about skills recognition pathways is one of the barriers that ethnic community groups face, and we hope this will alleviate the situation. Nearly 500 skilled occupations are listed on the website. Under the state population policy the Rann government has set up an overseas qualifications reference group to identify barriers to recognition and provide recommendations for improvement.

The adoption of these recommendations has resulted in new and expanded skills recognition support services and trade recognition support services. The government continues to work to attract new migrants to South Australia. It is vital that, when migrants arrive, the skills and qualifications they bring are utilised as quickly as possible. We do not want to repeat the tragedies of the late 1940s and late 1950s, when highly skilled people from central and eastern Europe were unable to practice their vocation in Australia. We must continually strive to ensure that our state derives maximum benefit from its most valuable resource—its qualified and skilled people.

ELECTIVE SURGERY BULLETINS

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

Leave granted.

The Hon. J.D. HILL: In question time today, the Deputy Leader of the Opposition asked me a question about elective figures and the publication of those figures on the internet site. We have been publishing the figures since September last year, and I am advised that the September figures were published at the beginning of December, the October figures were published towards the end of December, and the November figures will be published in the next few days. I point out to the member that there will always be a gap of a couple of months between the month finishing and the reporting of those figures because they obviously have to be checked by the departmental officers.

E. COLI OUTBREAK

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

Leave granted.

The Hon. J.D. HILL: During question time yesterday and in the media today, the member for Bragg claimed that proper processes were not followed in relation to a recent investigation into cases of E. coli. For the record, I inform the house and the member who asked me this question yesterday that local councils were notified of this E. coli warning, as were GPs, on 25 January.

It is important that the house understands why a warning was issued in this instance. A warning was issued because three cases of E. coli 0157 had been detected as having a very similar genetic composition, which suggested that there could be a common source. A case of a patient with HUS was also being investigated for any link. This prompted a public warning and communication with GPs, local councils and hospitals.

Ms Chapman: Which ones, or don't you know?

The Hon. J.D. HILL: All of the councils.

Ms Chapman interjecting:

The Hon. J.D. HILL: They received a release which has the report in it. It had 'media' at the top but it was basically the public health report.

Ms Chapman interjecting:

The Hon. J.D. HILL: The Deputy Leader of the Opposition is not only showing an incredible lack of courtesy but also a lack of understanding about proper procedures within the health system. Literally hundreds of faecal samples were tested over the Australia Day long weekend by the hardworking experts at the IMVS and the department's public and environmental health team. This investigation did not find any further evidence of a common source leading to an outbreak.

However, cases of E. coli are detected from time to time. This is not unusual given that up to 120 tests are conducted every day by the IMVS, and the Department of Health received 8 500 reports of notifiable diseases last year. In fact, since question time yesterday, I have been advised of a further four cases of E. coli 0157 that are being investigated, and the people in each of those cases have recovered. If this investigation leads our health experts to conclude that there may be a threat to public health, then a public health warning will be issued. These warnings are routinely issued by our public health doctors, not politicians.

In relation to the dates of notification, I need to clarify the information I provided yesterday on advice. I am now advised that the department received results linking three cases of E. coli 0157 on 23 January, an HUS case was notified on 24 January, my office was notified on the same day, and a public health alert was issued by the department on Thursday 25 January. The public health doctors made this announcement after confirming the information collected and contacting the affected families.

WATER SUPPLY

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

Leave granted.

The Hon. R.J. McEWEN: On Tuesday the Minister for Water Security advised the house of measures that the government is taking to secure water supplies for all South Australians in response to the extreme drought and low flow conditions being experienced in the Murray-Darling Basin. One of those measures involves the potential temporary closing off of water bodies from the main River Murray channel. The minister indicated that 27 regulated wetlands had been closed, providing savings of 14 gigalitres in reduced evaporation. Another eight water bodies are under investigation for temporary closure, including Lake Bonney at Barmera, not to be confused with Lake Bonney in the South-East. It has been reported in the media that a member in another place made some statements about Lake Bonney. I am advised that those comments are misinformed and only serve to make constructive consideration of the issue very difficult.

For the benefit of the house, I provide the following information. There are two main reasons for considering closing off Lake Bonney, both of which are related to drought in the Murray-Darling Basin. The first is to reduce the amount of water lost to evaporation. Lake Bonney's surface water area is about 1 700 hectares and annual evaporation from the lake is about 29 gigalitres. During summer, evaporation can be 170 to 200 megalitres per day. Closing the lake can save large quantities of water. Secondly, if River Murray levels drop because of low flows in South Australia, Lake Bonney will begin to drain back into the river. If this is not carefully managed, this highly saline and nutrient-rich water will flow back into the river channel, which will negatively impact on the health of the river.

Currently, Lake Bonney's salinity levels can be as high as 10 000 EC, which is about one-fifth that of sea water. Blocking off Lake Bonney and other water bodies will reduce the flow of nutrient-rich, saline water into the river and protect its water quality. Failure to block off Lake Bonney could increase salinity in the River Murray locally by 300 to 500 EC. Also, the River Murray micro-algal count is relatively high and the further introduction of nutrients may trigger toxic algal blooms, which have the potential to affect stock and domestic supplies. I am advised that the lake will not be drained before being closed off. This is important: the lake will not be drained before being closed off. Water levels will slowly drop after the lake is closed, due to evaporation which, on average, is about eight millimetres per day in summer and about two millimetres per day in winter.

As the lake level drops, ground water flows into the lake will increase. These flows will slow the rate at which levels drop. Lake Bonney is up to five metres deep in places, and closure would not dry the lake out. In fact, a 12-month closure would reduce the water surface area by only 5 per cent. If Lake Bonney was allowed to close off naturally and river levels dropped rapidly, then up to 26 gigalitres could flow from Lake Bonney into the river, taking with it 150 000 tonnes of salt. While there is not expected to be a major decline in river levels immediately, even a modest drop could render the local river water unsuitable for human consumption or irrigation.

The ecology of Lake Bonney has suffered from increased salinity over many years. Recent scientific surveys of the lake have not found any threatened, rare or endangered species. The surveys have found that increased salinity to the levels mentioned above would be unlikely to have any major long-term impact on the lake's ecology. Animals that currently live in the water of the lake would move towards the centre as the shoreline slowly retreats.

Around 700 people attended a public meeting in Barmera on 18 January 2007 at which the minister was presented with a petition entitled 'Save our Beautiful Lake Bonney—Barmera', signed by 3 784 people. These petitioners can be assured that, should the temporary closure be found neces-

sary, that decision would not be taken lightly. Following from the public meeting, the Berri Barmera Council is establishing a new group, the Lake Bonney Management Committee, which will work with communities, business and residents who could be impacted by a potential closure. The group will also develop a plan for long-term management of a healthier lake. Regular updates are being provided through Mr Neil Andrew (the community liaison manager above Lock 1) and the SA River Murray Environmental Manager, and briefings have been offered to members of this house and the other place.

DIVISION, CORRECTION

Mrs GERAGHTY (Torrens): I seek leave to make a personal explanation.

Leave granted.

Mrs GERAGHTY: There was some misunderstanding between the whips with respect to pairs for the division on the question that the ruling of the Speaker be dissented from. The member for Giles was excluded from the division and not recorded as supporting the noes.

GRIEVANCE DEBATE

HOSPITALS

Ms CHAPMAN (Deputy Leader of the Opposition): Well, on behalf of the government, we have to say, 'Sorry, we've cut off the wrong leg.' South Australia should be alarmed that on 20 occasions in the last two years South Australian hospitals have either operated on the wrong person or the wrong part of the body—a huge rise from zero in the previous year. The Productivity Commission report also shows that four instruments were left inside a patient's body in 2004-05; again, up from nil in the previous year. So, what is going wrong in this state? Also, after being released, 3 855 patients had to return to our hospitals to be retreated for the same condition because either the operation was botched, they were released too early or the treatment was faulty.

This is the worst state in the nation for readmissions to our public hospitals; that is, 4.8 per cent of all patients must return for remedial treatment—almost twice the national average of 2.8 per cent. Imagine if South Australia's Holden's plant was sending out twice as many cars needing recall or warranty repairs than any other car plant in the country. Questions would be asked and answers would be demanded. The wrong people are being operated on as a result of wrong identification. I have been advised by one patient in my electorate that her patient case notes included 37 entries which related to other patients. She is lucky to have got out alive. She could easily have been given the wrong treatment or operation. In that case, she had a number of conditions and medication was important. Imagine how tragic it would have been if her admission had resulted in fatality as a result of having 37 entries relating to other patients in her notes, on which, of course, the medical authorities rely.

There is boasting that South Australia has the highest per capita funding to health in the country, and it does. That is an impressive statistic, but what is going on here? Why is it that we have the highest per capita funding in the country yet we have the worst performing indicators when it comes to the administration of public health in this state? We have these adverse events—operations on 20 wrong patients or body parts, four instruments left behind in someone's body, 3 855 cases with warranty defects, identification problems and incorrect patient entries. We are throwing money at this but, obviously, we are not hitting the mark in this state; and we are talking about more money per capita than anywhere else in the country.

That is gross mismanagement of its money by this government on behalf of this state. All these mistakes are symptomatic of nurses and doctors being rushed off their feet. What does the minister do about it? Does he redirect the money from bureaucrats to ease the pressure? No, he does not do that. He puts out an alert. He publishes that on a website, which says, 'Here are the guidelines. We will have a policy on correct patient, sight and procedures, and we will make you fill out more forms. We will check identification bracelets. We will have more flow charts. We will check our processes. We will make you fill out more forms.'

All that does is require the medical professionals and staff in these facilities to fill out more forms and flow charts and to add more data to a website, and all without success. The guidelines are not working. So, I say to the house: it is important for the minister to come out and tell the house what he is going to do about this situation, or will we continue to have the wrong people operated on, the wrong part of their body operated on, and medical procedures undertaken because he will not help the medical and allied health professions, particularly nurses in public hospitals, to administer this information and ensure that we have the right body at the right time and operated on at the right spot.

SCHOOLS, MORPHETT VALE HIGH

Ms THOMPSON (Reynell): First, I thank the member for Bragg for giving me a grieve for next week. There will be plenty to say in response to her misinformation. However, today, unfortunately, I rise to apologise to the parents, students and staff of Morphett Vale High School who have been subjected to a very difficult morning. To some extent, this was due to the inexperience of the new principal and, to a large extent, to the desperation of the temporary member for Kingston to find some issue he could run on within his community so that they might actually have heard of him.

What has happened is that, due to falling enrolments at Morphett Vale High School, the principal became aware of the fact that it was overstaffed according to formula. Unfortunately, he failed to contact the district office for assistance to have this matter addressed. Instead, he sent a letter home to parents indicating that a large number of subjects, particularly relating to year 12, could not be offered and that students would need to revise their choices. In his letter, the principal indicated that, whilst year 8 and 9 enrolments had been outstanding, senior school numbers were considerably fewer than expected and, as a result, there would be major timetable changes.

I will go back to the reasons that the senior school numbers are considerably fewer than expected in a minute but, first, I want to say that, within two hours of my office being aware of the matter, the issue was rectified and students will not be missing out on their subjects. Next week, I will meet with the divisional superintendent to go through the details, and we have already been talking about the long-term needs of Morphett Vale High School and some of the other schools in our area. So, a simple phone call to the district office would have fixed the problem but, unfortunately, the inexperienced do not always know what to do, especially when the Liberals started the notion that schools should be

independent in the way they managed their resources. However, it was beyond the wit of the member for Kingston to suggest that that might be a useful thing to do; instead, he rang Channel 7.

The problem is fixed, but why did it arise? There has been a decrease in the number of year 11 and 12 students, and there has been a decrease in the numbers at Morphett Vale High School for several years now. It has only 250 enrolments this year. In a school of 250 students, it is very difficult to offer a wide choice of subjects. For instance, a school of 700 student offers about 44 subjects in year 12 for SACE; a school of 250 offers 18. It is difficult to manage. We all know that demographics change and that little pockets of areas have changes in the composition of their age groups. The little area that Morphett Vale High School serves has been decreasing in youth numbers for some time. However, it has all been made worse by a number of factors, most of which can be sheeted home to the Prime Minister.

Prime Minister Howard is constantly telling young people that they do not need to go to university, that they do not need to go to TAFE and that they can go out and get a job. That is exactly what these young people from Morphett Vale High School have done. They have done nothing at a federal level to assist school retention. It has been the state government that has taken measures to assist school retention and made it very clear that it wants all children to complete year 12. It has legislated to increase the school leaving age and has indicated that it will legislate again. It has been the state government that has invested $1.2 million in Morphett Vale High School over the past five years. It was the federal government that invested about $16 million in the technical school serving 105 (at my last information) year 11 and 12 students, thus taking away the science and maths students from Morphett Vale High School, Christies Beach High School, Seaford High School and Wirreanda High School. All the nearby schools are facing problems because the critical mass of maths and science students has been taken away thanks to Howard's idiot spending.

Time expired.

CABINET SOLIDARITY

Mr WILLIAMS (MacKillop): I wish to spend a couple of minutes this afternoon just pointing out to the government the folly that it has now brought upon itself of having a divided cabinet. I will reflect on where the tradition of secrecy in a cabinet started and why it has continued. Indeed, it started in the very early days when people were wresting power from the kings and the rulers. Once their parliament had been established, cabinet remained solid so that, if there was a move by the king against the cabinet, the king would have to remove the whole of the cabinet—not just one or two detractors—and that gave the king of the day very little opportunity of then restoring a new prime minister and a new cabinet who could control the parliament and who could work with the king of the day.

That is where it started and it was for very sound practical reasons. The reality is that, through the centuries, the idea of cabinet solidarity has grown, but still one of the reasons governments maintain cabinet solidarity is so that governments can maintain their own party and government because, if there is any chink in the cabinet room, it will flow through to the rest of the party. I have always acknowledged that the Labor Party maintains discipline very well within its ranks. It has to date. There is a long list of people whom the ALP in South Australia has expelled from its party for breaking ranks with the party. I will not go through all of them, but they go back to the 1930s, but some of the ones of whom we are obviously aware—and I think every member of the house would be—are obviously Norm Foster, who was expelled from the Labor Party for crossing the floor, as was Terry Cameron and Trevor Crothers.

They were three notable members of the ALP who were expelled from the ALP for going against the party line. Now we have the ALP saying, 'One of our cabinet ministers can remove herself from the convention of solidarity'. That undermines the whole government, because how can anyone in South Australia from this point on have confidence in what any minister is saying is the mind of cabinet? How can anyone take the word of the minister standing up and purporting to speak for cabinet at face value, because the Premier and his senior cabinet colleagues have admitted that they do not believe in the convention of solidarity within the cabinet ranks. For convenience, they can allow one of their members to break ranks.

Is that exactly what happened? I would argue that that is not what has happened in this case. I would argue that, in reality, the member for Adelaide has not done everything she could to try to stop the project at Victoria Park. She definitely has not done everything she could because, if she had done that, she would have resigned from cabinet. We do not even know whether the member for Adelaide argued against the project.

What we do know is that the government had a problem, because the member for Adelaide had indeed railed against the project in her electorate. It is a marginal seat, and the government had a problem. So, what did it do? I would suggest that in the cabinet room they sat around and said, 'Goodness gracious, we're going to build the project. Bad luck, Jane. We know you don't like it, but we will contrive a little set-up that would allow you to say that you fought tooth and nail against it when, in fact, you didn't.' So, they came out and slowly leaked it. The Treasurer made a statement, and it was not really picked up, and then it was picked up a little later. It was not picked up in the first instance because no-one believed that that was the way in which a responsible government would work. That is why it was missed in the first instance. But it was a contrived—

Members interjecting:

Mr WILLIAMS: You don't like it, do you?

Time expired.

LIGHT REGIONAL COUNCIL

Mr PICCOLO (Light): On previous occasions I have spoken in this house about issues of concern in relation to the governance of the Light Regional Council. Members of the house would be aware of the ongoing police investigations into allegations surrounding the CEO of the council, Mr Peter Beare, which resulted in the South Australian police removing documents from the council offices on 2 November 2006. The CEO has been on voluntary paid leave from 3 November 2006. I do not want to discuss matters that are the subject of police investigations. I have confidence in the SA police to undertake those investigations without requiring my involvement. However, I want to raise the issues of governance that the matter gives rise to.

Today I wish to make some comments that I skirted around on previous occasions. For that I apologise to the Light regional community, because I allowed myself to be a

party to a curtain of silence that has left the people of the Light Regional Council in the dark—no pun intended! The previous council, whether intentionally or not, combined with the Local Government Association and the council's legal advisers, under the cloak of confidentiality, have all been a party to keeping the residents and ratepayers of Light Regional Council ignorant of issues of concern to them.

At this point I wish to make it very clear that the new council, under the leadership of the Mayor, Robert Hornsey, is trying to steer the council in a new direction, one which lessens and responds to the needs of the community. I wish them well in their endeavours, and I will do whatever I can to assist them in the process of reform.

In my previous statements to this house I made reference to how unpopular the Light Regional Council was amongst its community. At the various community forums I have held in the council area, resident after resident and ratepayer after ratepayer has vented their anger at the injustices perpetrated on the residents in the council area. What I did not say, and what is very clear to all who live in the area, is that the anger was predominantly directed to the CEO of the council, Mr Peter Beare. Putting aside the current investigations, it is clear that Mr Beare does not enjoy the confidence of the majority of the people within the Light Regional Council area. Wherever one goes in the council area today, residents express their outrage that this man should be on leave at their expense. It is quite clear that Mr Beare should either return to work forthwith, as there is no legal impediment for him to do so, or give serious consideration to resigning.

Let us remember that Mr Beare costs the people of the Light Regional Council (based on publicly available information) about $160 000 a year, or about $3 500 a week. He has now been on paid leave for over 14 weeks. The cost to the people in the Light Regional Council area is enormous. The people of Twartz Road at Roseworthy could have had an important part of their road sealed; the people of Wasleys could have had almost a kilometre of footpaths built; the people of Frederick Street at Greenock could have had their drainage and dust issues resolved; and the residents of Fiddlewood Drive could have had their stormwater problems better managed. Those are but a few of the negative impacts the current governance of the council is having on the residents of the Light Regional Council area.

The current situation also places an unfair burden on other employees and the new councillors who are trying to come to grips with their new responsibilities. It is preventing the new council from moving ahead. I understand that Mr Beare's contract (which has far more generous conditions and provisions than that of any other employee of the council) requires him to be given one year's pay in lieu of notice if he is required to leave. It would be a gross injustice to the people of the Light Regional Council if the council were to do a sweetheart deal with Mr Beare for him to depart. There would be a community outrage if he were to be given a $200 000 golden handshake. If Mr Beare really cares for the Light Regional Council community, he will do the most honourable thing and consider resigning forthwith without any conditions. No other outcome would be acceptable to the people of the Light Regional Council area.

EDUCATION CUTS

Dr McFETRIDGE (Morphett): Issues of cabinet solidarity have been raised in this place today, and when it comes to my shadow portfolio for education, there is another interesting area that will, I think, test the member for Adelaide, the Minister for Education and Children's Services, as to whether she is really going to stick up for what she knows is right and come out against some of the education cuts. To remind the house, I point out that there was nearly $170 million in education cuts in the last budget, including programs such as aquatics, the schools instrumental music program and the physical Be Active program. The issue that will test the minister is one that was raised on ABC 891 on 1 February this year by the member for Florey, and I will read from the transcript. David Bevan said:

> It's good to know you're getting along. While we're on cabinet matters, what's your views on Jane Lomax-Smith speaking out against the decision of cabinet?

The member for Florey said:

> Jane's a really good friend of mine. I know she's going to help me save instrumental music.

David Bevan then said:

> What's that got to do with her speaking outside of cabinet?

The member for Florey replied:

> Because I know she'll speak out on instrumental music as well.

Well, the member for Florey should not hold her breath, because I do not think that is going to happen. The minister will speak out in self-interest and that is all.

Another education issue has been mentioned in this house today—and I have certainly been on Channel 7 today speaking out about principals sticking up for their schools, sticking up for their teachers and sticking up for their students. For the member for Reynell to say that the principal in question is inexperienced is, I think, a very unwise thing to say. I understand that the person concerned is a man of principle. As I indicated, he was sticking up for the school, sticking up for the students and sticking up for what he knows is right.

For the declining numbers at Morphett Vale High School to be blamed on John Howard and Kym Richardson, having started up an Australian technical college down there, is a fairly long bow. The kids down south deserve everything that the state and federal governments can give them and, thanks to Kym Richardson, they have an Australian technical college down there where they will be learning and earning—not learning or earning, as this government wants them to do. To say that there has been a movement away from Morphett Vale High School to the Australian technical college which, in turn, has caused the issues now is just wrong.

The Productivity Commission's report this week shows that there has been a huge drift away from public education to private education, and we all know why that is. It is because it has been under resourced, and I will talk about education funding cuts in a moment. At Morphett Vale High School, we cannot say that a sudden change of heart this afternoon has brought everything back because my understanding, having spoken to a parent this afternoon, is that not all subjects are being funded. Sure, the government came out with a bit of money to help fund maths and physics programs for this year only.

That does not cover all the other subjects that are being cut. It is interesting to see the range of subjects that are being cut because the school just happens to be down in numbers: year 12 history, year 12 business, year 11 pure maths, year 12 maths applications, year 12 early childhood studies, year 12 music, year 11 music (semester 2), year 11 and 12 physics, year 10 furnishing and year 12 photography. We know that

physics and maths are being funded for this year but what about the others and what about next year?

We cannot blame the principal; he is just sticking up for the school and its students. He knows what is right down there, and the member for Reynell should know those kids are doing it tough and they deserve everything that this state government can give them. They should be getting more from the state government and they are certainly getting a share from the federal government. Sure, I would like to see them get a lot more, and I know that, because the economy is going well, they will be getting a lot more in this year's federal budget; I am sure of that. I cannot make any promises but I will be lobbying on their behalf.

When it comes to education funding in this state, we have a minister who keeps coming in here with the same answers and talking about $76 million more in funding. I am no economist and no accountant and I have had people who are far more experienced in this area go through the budget and re-examine where this number is coming from. I challenge the minister to come in here or write to me, if she wants, with a breakdown on the $76 million. When we look at the $151 million over four years for operating initiatives, the $63 million over four years for investing initiatives and then you look at the four years' savings initiatives, we come up with a net $44 million over four years—that is, $44 million extra. However, when we add in all the rubbery figures about Education Works, whether they are public and private investments, and we look at what is going on with those cuts, the way finances and education are being managed in this state is just atrocious.

Time expired.

WATER, NATIONAL CRISIS

Mr KOUTSANTONIS (West Torrens): I rise today to grieve about remarks made by the new federal environment and water spokesman. In the federal parliament on Tuesday, the new minister said that Australia could withstand a sea level rise of one metre and that on the eastern seaboard, especially Sydney, a rise of one metre could be easily coped with. I would ask the new minister for water resources to check that remark scientifically and come down to the western suburbs of Adelaide, including the electorates of the members for Morphett, Bright, West Torrens and Colton. I can honestly say that the reason we have such flooding problems is that the contours of the land leading towards the ocean do not always suit even flow. We have to pump water out to the ocean stormwater to avoid flooding.

If we had a one-metre rise in sea levels in South Australia, I do not think Mr Turnbull completely understands the economic impact, let alone the cost of human life that would have in South Australia. When I heard this, I thought it was a mistake and that someone was making it up and that it was hearsay, so I checked the *Hansard* and, sure enough, this guy is out there saying that Australia can withstand a one-metre rise in sea levels. That is just madness and, coming from a new water minister, makes it even scarier. The fact is, our beaches are artificial. If we do not replenish our sand, our beaches will be washed away because of the natural tidal drift; our coastline will be out past the airport. We can do that—

The Hon. P. Caica: Rostrevor—absolute beach front.

Mr KOUTSANTONIS: Rostrevor will be beach front. We already spend about $8 million a year protecting our coastline by sand replenishment. We also now have to deal with climate change, greenhouse gas emissions, global warming and a rise in sea level because the polar caps are melting. If the new environment minister is a sceptic and does not believe that these issues are really happening and, in his own mind, he thinks that a one-metre rise will not affect anyone, he is crazy. I know he is very wealthy; apparently, he has a net worth of $150 million. Perhaps the chopper could land on the helipad on the house and fly him away, he will be fine, and he can move to the Blue Mountains. But I do not have a chopper in my backyard and I do not think any of the members on this side do. Perhaps some on the other side do, I am not sure. The member for Schubert might have a chopper standing by, I do not know. Most of us do not. Given that he represents the north shores of Sydney where a lot of—

An honourable member: Turnbull?

Mr KOUTSANTONIS: Turnbull.

An honourable member: South Sydney.

Mr KOUTSANTONIS: South Sydney.

The Hon. P. Caica: Wentworth.

Mr KOUTSANTONIS: Wentworth, sorry. I would imagine that a lot of people living in Sydney on the harbour who have their homes very close to the water might also be a bit concerned about a one-metre rise.

The Hon. M.J. Atkinson: No, they'd be happy to live in the ocean.

Mr KOUTSANTONIS: Yes, okay. It seems to me that, while members of the Howard government are talking about water and the environment, they are still sceptics. They still do not believe the evidence. They cannot come to grips with the fact that we are making a real impact on the earth's climate and the environment in which we live. I am the first one to support the growth of our economy but it is no good having an economy if you do not have a planet on which it can thrive. Perhaps the Premier is right not to trust people like Malcolm Turnbull and the Prime Minister on the infrastructure that governs the River Murray.

Adelaide is the only capital city in Australia that relies on the River Murray for water; Sydney and Melbourne do not. We need to make sure that we have experts on this commission. I support the Premier completely on this because, if we leave it to politicians, we will leave it to special interests—namely, cotton growers and rice growers. Special interests are cotton growers and rice growers. Their interest is not in the long-term viability of Adelaide, it is in the long-term viability of their farms. We should start looking at the River Murray in a very different way. We should start by working backwards. We should look at what flows are needed to clear the Coorong—and this is a suggestion made by the member for Hindmarsh, Steve Georganas—and work backwards, not the other way around. I am very concerned about Mr Turnbull's remarks. I think it shows a level of naivety that I did not expect from someone who has risen to the level of federal cabinet minister.

CRIMINAL LAW (SENTENCING) (DANGEROUS OFFENDERS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

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

That this bill be now read a second time.

In the general election of last year, Labor promised to build on its law and order record. The bill before the house fulfils pledges made under the heading 'Justice for Victims'. In doing so, it continues the Rann Labor custom of bringing victims to the forefront of criminal justice policy and combatting those who would threaten society and individual members of the public.

The bill requires sentencing courts to give primary consideration to the need to protect the public from an offender's criminal acts. The bill introduces minimum non-parole periods for major indictable offences resulting in the death or total permanent incapacity of the victim. The bill proposes the detention of dangerous sexual and violent prisoners in custody by removing non-parole periods for prisoners sentenced to life where there is little prospect of rehabilitation and where the protection of the public requires their continued incarceration. We think these measures are necessary to protect the South Australian public, whether as individuals or as a whole, from dangerous criminals. In proposing this bill, the state government is keeping its pledges to South Australia. It should command the support of all in both Houses. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The first promise addressed is this:

· *The Sentencing Act will be amended to require sentencing courts to give primary consideration to the need to protect the community from an offender's criminal acts.*

Section 10 of the *Criminal Law (Sentencing) Act* contains a number of primary policies of the criminal law and, therefore, of sentencing. The current list includes carefully worded policies about home invasions, arson and bushfires and sexual predators. All of these deal with well documented public concerns. The Government proposes to introduce an additional policy at the head of the list. A new subsection is to be inserted that provides that a primary policy of the criminal law is to protect the safety of the community. The Government is of the opinion that this is no mere slogan, but a statement of a principal policy of the Government, the Parliament and the public of South Australia about the difficult task of balancing competing considerations in the difficult task of criminal disposition.

The second promise addressed is this:

· *The Rann Government will introduce minimum non-parole periods for major indictable offences resulting in death or total permanent incapacity of a victim. In these cases, the offender should be required by the court to serve four fifths of his or her head sentence, unless the defence can establish that there are truly exceptional circumstances that justify a lower non-parole period. In the case of mandatory life sentence for murder, the offender should be required to serve a minimum of 20 years, unless the defence can demonstrate truly exceptional circumstances that justify a lower non-parole period.*

This policy is to be found in clauses 5 and 8 of the Bill. The only addition to the stated policy is that the phrase "total incapacity" has a defined meaning. That meaning is that the victim is permanently physically or mentally incapable of independent function.

In addition, it has been necessary to deal with a technical issue in this part of the Bill. Section 18A of the *Criminal Law (Sentencing) Act* is an important and effective sentencing tool. It enables a sentencing court to impose a "global sentence" instead of having to reach a concluded and final sentence on each of the counts on which the offender has been convicted. Instead, the court reaches "indicative sentences" on each of the counts and, in the course of doing so, the court will decide whether those indicative sentences should operate concurrently with or cumulatively upon the other indicative sentences. By taking such an approach, the appropriate aggregate sentence to be imposed under the *Criminal Law (Sentencing) Act*, s 18A, can be determined (*R v Sevo* [2006] SASC 124). Where none of the offences the subject of a potential s 18A order are not subject to a prescribed mandatory minimum non-parole period, or all of them are, then no problem arises. But what if some are and some are not? The answer given by proposed s 32(5a) is that the non-parole period fixed in relation to the global sentence in such a case should be at least the length of the prescribed mandatory minimum non-parole period.

The third promise addressed is this:

· *Special legislation will be enacted to detain dangerous sexual and violent prisoners in custody, and to remove non-parole periods for prisoners sentenced to life, where there is little prospect of rehabilitation, and where the protection of the community requires their continued incarceration. The Director of Public Prosecutions or the Attorney-General will have the right to seek an order of the court to detain dangerous prisoners to ensure the adequate protection of the community.*

This policy is to be found in clause 9 of the Bill, proposing a new Division 3 of Part 3 of the Act dealing with Dangerous Offenders. It is proposed that the Attorney-General have the power to apply to the Full Court to negate the non-parole period of a person convicted of and sentenced for the crime of murder in prescribed circumstances. The effect of a successful application will be that the head sentence will remain but there will be no non-parole period applicable, and so it will be as if the original sentencing court had declined to set a non-parole period under section 32 of the Act. The application will be made and considered in the period 12 months before the offender becomes eligible to apply for release on parole.

Proposed s 33A(8) sets out a list of criteria against which the Court must measure the offender's circumstances. The paramount consideration of the Court in considering the case must be the protection of the safety of the community (whether as individuals or in general) (section 33A(7)) and the applicable test is whether the offender still poses a serious danger to the community or a member of the community (section 33A(9)). In determining the application, the Court may (but need not) be assisted by the expertise of the Parole Board in determining questions of this nature. It may be noted that the Parole Board brings to the question the experience and perspectives of a very senior legal practitioner, a psychiatrist, a person who has extensive knowledge of, and experience in, criminology, sociology or any other related science, a person who has extensive knowledge of, or experience in, matters related to the impact of crime on victims and the needs of victims of crime in relation to the criminal justice system, a former police officer; and a person of Aboriginal descent. It is well placed in expertise and experience to advise the Court.

The policy of the Government is that murderous offenders, guilty of particularly heinous crimes of that kind, who show little signs of remorse or rehabilitation, who may have defied all efforts to show them ways in which to reintegrate into the community as responsible and law abiding citizens, should not just be entitled as of right to become eligible for parole, but should be subject to rigorous assessment as to their suitability to even reach the point of eligibility.

In addition, on the advice of the Solicitor-General, the Government is taking this opportunity to clarify existing legislation. A person convicted of a wide range of sexual offences may be subject to an application by the Attorney-General for indefinite detention under section 23 of the Act. Such an application may be made at the time of sentence or at any other time while the person remains in prison. The application at time of sentence or early in the sentence may be refused for any number of good reasons. But once the prisoner has begun serving the finite sentence, things may change. His mental condition may deteriorate. He may refuse medication or other forms of treatment. The position may become such that another application is desirable, even certain to succeed, because of any one of a number of supervening events. But the fact that there was the earlier unsuccessful application may stand in the way. To prevent that problem arising, the Government proposes that clause 7 amend section 23 of the Bill, inserting a new section 23(2b) to ensure that an additional application may be made. In order to prevent the possibility of repetitive applications, a further application may only be made in the period 12 months before the prisoner is eligible to apply for release on the finite sentence on parole.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 3—Interpretation

It is proposed to amend the definition of sentence so as to include the negation of a non-parole period as a consequence of the insertion of new Part 3 Division 3.

5—Amendment of section 10—Matters to which sentencing court should have regard

It is proposed to amend this section in a number of ways. An additional primary policy is to be inserted that provides that a primary policy of the criminal law is to protect the safety of the community. Two new subsections are to be inserted. New subsection (1a) provides that a court, in determining sentence for an offence, must disregard any mandatory minimum non-parole period prescribed in respect of the sentence under this Act or another Act. This new subsection is included so as to discourage the setting of a lower head sentence than would otherwise be imposed in the case where a minimum mandatory non-parole period is prescribed. New subsection (1b) provides that a primary policy of the criminal law is to protect the safety of the community.

6—Amendment of section 11—Imprisonment not to be imposed except in certain circumstances

The proposed amendment to this section is consequential on the proposed insertion of subsection (1b) in section 10.

7—Amendment of section 23—Offenders incapable of controlling, or unwilling to control, sexual instincts

This amendment is proposed out of an abundance of caution. Currently, section 23(2a) allows the Attorney-General to make an application to the Supreme Court to have a particular prisoner dealt with under that section. The proposed amendment will make it clear that such an application may be made by the Attorney-General even where an application (whether by the Attorney-General or the prosecution) has previously been made and declined by the Court. However, in that case, the further application may not be made more than 12 months before the person is eligible to apply for release on parole.

8—Amendment of section 32—Duty of court to fix or extend non-parole periods

It is proposed to add a couple of paragraphs to current subsection (5) of section 32. That subsection sets out the qualifications relating to the fixing of a non-parole period by a court. New paragraph (ab) provides that, unless the court is of the opinion that some lesser period is appropriate because of the exceptional circumstances surrounding the offence, any non-parole period fixed in relation to the sentence of life imprisonment for an offence of murder must be at least 20 years.

New paragraph (ba) provides that, unless the court is of the opinion that some lesser period is appropriate because of the exceptional circumstances surrounding the offence, any non-parole period fixed in relation to the sentence for a serious offence against the person must be at least four-fifths the length of the sentence.

A new subsection is to be inserted after subsection (5) that provides that where a person is sentenced under section 18A of the Act to the 1 penalty for a number of offences and a mandatory minimum non-parole period is prescribed in respect of the sentence for 1 or more of those offences, the non-parole period fixed in relation to the sentence imposed under that section must be at least the length of the prescribed mandatory minimum non-parole period.

It is proposed to further amend the section by inserting a number of definitions for the purposes of the new paragraphs to be inserted.

9—Insertion of Part 3 Division 3

The new Division is to be inserted after section 32 in the Part of the Act dealing with imprisonment.

Division 3—Dangerous offenders

33—Interpretation

This section contains definitions and interpretive provisions for the purposes of the Division. A serious sexual offence is defined, and provision is made for a reference to an offence of murder to include—

(i) an offence of conspiracy to murder; and

(ii) an offence of aiding, abetting, counselling or procuring the commission of murder.

This section also provides that an offence will be taken to have been committed in ***prescribed circumstances*** if, in the opinion of the Attorney-General—

(i) the offence was committed in the course of deliberately and systematically inflicting severe pain on the victim; or

(ii) there are reasonable grounds to believe that the offender also committed a serious sexual offence against or in relation to the victim of the offence in the course of, or as part of the events surrounding, the commission of the offence (whether or not the offender was also convicted of the serious sexual offence).

33A—Dangerous offenders

This section provides that if a person has been convicted, whether before or after the commencement of this Division, of an offence of murder and the offence was committed in prescribed circumstances, the Attorney-General may, while the person remains in prison serving a sentence of imprisonment, apply to the Full Court to have the person declared to be a dangerous offender. Such an application cannot be made more than 12 months before the person is eligible to apply for release on parole.

The Court may direct the Parole Board to hold an inquiry and report to the Court if the Court is of the opinion that such a report may assist the Court to determine any such application and the Board may exercise its powers under Part 6 of the *Correctional Services Act 1982* for the purposes of its inquiry.

The following persons are entitled to appear and be heard in proceedings under this section and must be afforded a reasonable opportunity to call and give evidence, to examine or cross-examine witnesses, and to make submissions to the Court:

(a) the person (personally or by counsel);

(b) the Director of Public Prosecutions;

(c) the Commissioner for Victims' Rights.

The paramount consideration of the Court when determining an application under this section must be to protect the safety of the community, whether individually or in general.

A number of other matters are listed to be taken into consideration by the Court when determining an application under this section, including the likelihood of the person committing a serious sexual offence, an offence of murder or some other serious offence of a violent nature should the person be released from prison.

If the Court is satisfied, on the balance of probabilities, that the release from prison of the person to whom the application relates would involve a serious danger to the community or a member of the community, the Court must—

(a) declare the person to be a dangerous offender; and

(b) order that the non-parole period fixed in respect of the sentence of imprisonment for the murder be negated.

A person who has been declared to be a dangerous offender—

(a) will serve his or her sentence of imprisonment as if the fixing of a non-parole period in respect of that sentence of imprisonment had been declined by order of the court under section 32 of the Act; and

(b) may not make an application under that section for the fixing of a non-parole period for at least 12 months after having been so declared.

33B—Division does not affect Governor's powers etc in relation to parole

Nothing in this Division has any effect on the powers and authorities conferred on, or vested in, the Governor in relation to parole.

10—Transitional provision

An amendment made by Part 2 of this measure to the *Criminal Law (Sentencing) Act 1988* applies whether the offence to which a sentence of imprisonment or non-parole period relates was committed before or after the commencement of that Part.

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 1604.)

Ms CHAPMAN (Deputy Leader of the Opposition): I continue my remarks on this bill. During the last nine week adjournment I received from the minister a copy of a foreshadowed amendment, which may or may not have been tabled, in respect of a proposed covenant power. Although that was recently received, I have had an opportunity to review that and speak to members of the department and minister's staff to brief me in relation to that.

I outlined to the house a number of examples of disruptive tenancies of properties owned by the South Australian Housing Trust, which is under review and significant restructure under this bill. I bring to the attention of the house just briefly the circumstance at Royal Park to highlight how the situation has not improved with the expiration of time. This parliament received a 41 signature petition this week, signed by all residents of Lowe Street, Royal Park, and members of a soccer club sporting facility in that street, calling on the parliament to assist in the removal of a tenant of a Housing Trust property there. They outlined, in summary, a very tragic and tawdry history of behaviour among tenants who were placed in the property by the South Australian government agency, which largely provides accommodation for new release prisoners.

They outlined a history of robbery, placing chemical fluids over a motor vehicle to torch it, serious assault by the manager of the facility against his girlfriend in his driveway (which was viewed by neighbours and their children), syringes left in driveways, drug exchanges, and a very sad but severe history, causing fear and anxiety among other residents in the street. The tawdry part of this is that for five years they have written to the government, not just the current minister but also his predecessor in this government; they have had meetings with the agency that occupies the property; and they have been given reassurances, been offered meetings which they have attended, and been promised changes in policy.

Yet this morning on radio the Chief Executive of the South Australian Housing Trust told us that, where there are breaches of the law by tenants, the trust acts on these matters and takes them to the Residential Tenancies Tribunal to have them dealt with. This is a plain example of where in five years that has not happened. Is it because this tenant is another state government agency? I do not know the answer to that question, but I am sick to death, as I am sure this house is, of hearing of law-abiding citizens who live peaceably in homes that they rent or own, with our without their families, and who are terrorised by disruptive tenants of properties owned by the South Australian Housing Trust. It is an important matter relevant to this debate because there is a proposed new structure of governance of the South Australian Housing Trust that will include a new panel process, which has the ultimate appeal provision by the minister of the day.

So, I will be referring to it. It is important. It is not resolved, and I think this is a classic example of the many cases that I recounted in the earlier part of the debate on this matter where the problem is obvious but nobody wants to fix it, because the ultimate outcome of fixing it means that some tenants may find themselves homeless. If there is a total of nearly 30 000 law-abiding people on waiting lists for either Housing Trust or community housing in this state, they should be given an opportunity to occupy these properties and live a decent, law-abiding life and not disturb their neighbours, cause disruption and cause fear, cause panic and be the recipients of threats, which have been put up with to date because no-one has been prepared to deal with this matter.

At least give these honest and decent people the chance to occupy these properties. If it means that we are moving some of these people out to become homeless but we can give the other 800 people who sleep on the streets every night a chance to have a home; or we can give the other 24 500 people who are actually on the Housing Trust waiting list a chance to have a home, then so be it. The other matter I raise, because there has been some advance on this, is the government's initiative of a common ground apartment block. I give some commendation, at least, to the government for the idea of this. It was picked up from a project in the United States that involved private people coming together to renovate derelict buildings, warehouses and the like, to be able to have this common ground and offer it for a mix of low income earners, rough sleepers and others seeking affordable shelter.

I indicated, I think, Mr Theo Maras, and I named a number of other people who had been appointed by the government to progress this. If those in the house wish to review what I said then, it was, in summary, to note my disappointment that I had not heard anything further about it. I am pleased to have read in *The City Messenger* in the last few days that this project seems to have advanced a bit, because two sites have been earmarked to be developed for the purposes of a common ground community strategy to be implemented. All we know at this stage is that there are two sites, one of which is to create or develop an existing building that would have 39 apartments, and the second is a new building of 32 apartments.

That sounds good but in the same press story we are told that we are not allowed to know where they are. Presumably we have some assurance they will exist. The other disappointing thing is that any money to purchase the sites is yet to be confirmed in April. We are now a couple of years down the track and we have an indication of the site which the appointed committee has selected, but we are still a long way from having money allocated to buy the site, let alone do the building. On the face of it the project sounds like a good initiative. It seems to have worked overseas. It is important to have this level of cooperation. It is very distressing that we have such a problem with not only affordable housing but also housing for people with high needs and on very low incomes, who are out there every night sleeping on the streets or in someone else's lounge room or in a car. It is very distressing that we cannot hasten these projects. In any event, I advise the house of that new initiative about which we have now heard some news.

I will mention another initiative which the government has announced and which is in its second reading. Again, it is important. Whilst it does not directly reflect on a program for the renovation of the South Australian Housing Trust, community housing, Aboriginal housing or all the Development Act amendments to accommodate the new system that will operate for new developments, it does relate to the question of ensuring that we offer people on a low income an opportunity to get into the private sector other than by purchasing through the new 15 per cent scheme—which I will mention shortly. This program is to extend HomeStart financing to underprivileged persons—essentially, persons in a poor financial position—to buy their own home. Financing by government is not new; and offering of low interest loans and the like is not new. The information available to date is interesting, because the minister gave an update on it this week.

It is a program about which his department has been sending out kits of information yet I am aware of at least one person who tried to obtain information from the department and was told that it would not be a program that would apply to country people. These 500 applicants, the lucky winners of a chance to buy a home and obtain a low interest loan with an equity component—if they can be called 'lucky'—will be confined to people who live in the city. It is a program I have described as 'the government profiting from the poor'.

Whilst I do not make any criticism of the government for offering low interest loans, I think it is a disgraceful situation that the government should say, 'We will give you funding for an extra 35 per cent stake in the buying of the property'—which gets them over the problem of equity—'but when you come to sell it we will take 49 per cent of the equity on sale.' The media has published 'up to 50 per cent'; so, 'When you make a profit on the increased value of your home we will get it back when you sell it.' That might sound okay but, having purchased the home, if you then decide that you need to move to a retirement home or move house to another suburb to pursue employment and the government takes back their share, what happens then? You are homeless again. You are back in the same situation as you were because the government has taken its slice of the profit.

As I understand it, the government is saying, 'If the house goes down we will give you a bit of a cushion. We will take the loss with you.' That is good of the government. There are not too many times in history when a loss on a property has occurred other than the dark days of the Bannon administration when we had the State Bank situation in the early 1990s, when there was a drop in the CPI and a drop in the value of properties. The new Liberal government which came to power had a reduced property tax revenue arising out of the fact that we had a drop in the overall values.

Fortunately, at least for a couple of terms, that was able to be turned around by that government. However, what it offers is: 'We'll take a share of the profit when you sell.' In an article appearing in *The Independent Weekly* of 3 February, Bill Nicholas said:

> Who are the lucky 500 Adelaide residents who get to have the state government sharing their home equity? Why should 500 home owners get this charitable bandaid when people unaware of the HomeStart scheme have to stay in the rental market? If the SA government was serious about helping poor South Australians get into a house of their own there is a real, quick, simple solution—cut stamp duty for first home buyers. Stamp duty on transferring the title of a house is no cheap incidental expense. If you buy a house for $220 000 you have to come up with an extra $7 680 and hand it over to Jay Weatherill. In return, a public servant keys in a couple of computer entries. And when you take out a mortgage for the same amount you have to fork out another $973.

The till is ticking away here. His article states further:

> To buy your first home—and for $220 000 you'd be lucky to buy a two-bedroom apartment for that price—the Rann government has its hand out for $8 653. . . Is it fair? Is it reasonable? It seems wrong to me. And what about the government helping itself to up to 50 per cent of the capital gains when the property is sold. Oh, what clever public servants. The system funds itself. But with the extra funds under management, the commercially savvy HomeStart executives will be demanding extra staff to reflect their increased responsibility, and the poor family that keeps up the mortgage payments and finally gets its own house when the kids leave home and mum and dad are thinking about selling to retire into something smaller can look forward to the government taking back the original stake and then up to 15 per cent of the capital gains tax as well. So the mature couple can look forward to being poor again, because with half of their tax free capital gains disappearing into the state government coffers, they sure won't be able to afford another property.

I could read on, but he paints a pretty clear picture. This is a rip off of the poor, not only in taking the equity but also in encouraging them to go out and buy their home and then ripping off all the tax and stamp duty that goes with that. There are some problems with this type of proposal. It is clear: it is inequitable; it is available to a select few. It seems that people must live in the city to be able even to line up to get an application in the door; and, when you get it and you have the benefit of it and you have paid all the stamp duty back to the government, it comes in and takes its share of the money on the way through.

This is not the answer to affordable housing. Whilst I support the government in its initiatives to help people to buy their own property so as to reduce the percentage of the population who need government assistance in other ways (those people who, whatever they do, will not be able to purchase or rent in the private sector), we would diminish that burden if we were able to get people into their own home. However, to get people into their own home at the price of ripping them off, I think, is unacceptable; and, as a government initiative, I would not support it.

South Australia has quite an interesting history of subsidised housing. I will, perhaps, leave the description of affordable housing at the moment and turn to a definition of subsidised housing: that is, where governments either build a house for someone and let them live in it, or they subsidise the rent they pay to live in someone else's house, or they subsidise their purchase of someone else's house, or, of course, give them access to a facility with others to which they provide services and/or rent relief, and the like. Governments can subsidise housing in a number of ways for that group in the community—ever growing—who are in need. As I say, I mean those who have no opportunity to access the private sector through purchase or rental and those who do. At the moment it is clearly a larger proportion of the community who are in that category. I understand it is about 70 per cent, and there are about 20 per cent who, with some assistance, can use the private sector, and there are about 10 per cent who, frankly, for lots of reasons, have no hope of getting access, without significant support from the government.

I refer to a publication identified as the *State of South Australia*, which has an update, and the 2006 update has recently been published. In respect of housing, Lionel Orchard and Kathy Arthurson provide a critique in relation to housing and, in particular, the government's involvement in housing. I wish to just quote a little bit from their report. It is quite extensive, but they say this:

> This year, 2006, has seen some major housing policy and program changes which will finally see some of the foundations of the unique South Australian housing model abandoned, in particular the independent role of the South Australian Housing Trust. The pressure to fundamentally change and curtail the role of the Trust in South Australia's housing system has taken 30 years to bear fruit.

There is some commentary then on this shift against public housing, through the South Australian Housing Trust, which has its origins back in 1938. This shift away from this model started in Don Dunstan's era—who was Premier, of course, in the 1970s. It was people in his administration who actually started the move away. It is fair to say, through subsequent administrations, that that has continued. The commentators then go on to say:

> In recent years, the Trust has faced major problems in managing higher service demands, declining income and financial strictures. Its role has been curtailed and wound back. The Trust has been under siege for some time and the Rann government has given up the task

of trying to retain its traditionally wide role in the South Australian housing system and to place it on a firmer economic and social footing. Indeed, in mid-2005 the State Minister of Housing Jay Weatherill sought to defend the Trust by reference mainly to its recent activities in redevelopment of its old estates—worthy and necessary to be sure but only one aspect of the Trust's original mission and purpose.

Now in 2006, we have finally reached the point where the unique balance between public and private housing investment and administration associated with the Trust will be officially abandoned. As Gary Storkey, CEO of HomeStart and a central adviser to government on the recent reforms has noted, 'I think the Housing Trust as we know it is coming to an end. The idea of state-based institutions is dying. Communities in the future will be stronger and more cohesive and empowered.'

They go on to highlight a number of trends and then say, in relation to policy issues of the Housing Trust reforms:

First, it is proposed to bring to an end the role of independent statutory authorities in public, community and Aboriginal housing in South Australia.

It has some further commentary and then, interestingly, includes a summary of views of Peter Smith, a Department of Family and Community Services officer responsible for the reforms. He refers to their likely impact and says:

We think that we have to do several things. Reduce public stock to a level we can sustain without selling all properties (and) reduc(e) outcomes in public housing. The minister said he wants to re-configure the stock. (Retain) 15 000-20 000 properties in public housing (rough ballpark figure) (and create new) growth in community housing.

That is what comes from someone in the inner sanctum. This has been a very public issue over the past few months, but the minister now has conceded that there is a plan to sell. There is good reason for that, he advocates; however, we now have 10 000 that are going to go. I am told at the federal level that, under the Commonwealth-State Housing Agreement, there is actually some requirement to get permission at the other end. Irrespective of that, the state government's clear objective is to seriously deplete the amount of stock available, as reported in the commentary made by Mr Orchard and Ms Arthurson.

They go on to make a number of comments derisive of the government's direction in this regard, and say:

On the other hand, critics argue that the changes give little hope to those on the public housing waiting list to gain access to the housing they need. . . while the policies have 'effectively outsourced responsibility for providing low-cost housing to the private sector'.

So when we say that the government's announcement on restructuring is, essentially, a privatisation of public housing in this state not only are we right, we also have the commentators confirming that, as well as their scathing assessment that they believe the government is going in the wrong direction in this regard. Interestingly, they make this observation:

One might have expected that a self-styled reformist Labor government might have paused before further undermining a great South Australian innovation. It might need updating and modernising but the case for a stronger, direct public role in new housing investment for lower income South Australians remains as strong as ever. We will come to rue the Rann government's lack of attention to that case. Meanwhile, we face a brave new managerialist world in South Australian housing policy in which the SASP [that is, the South Australian Strategic Plan] targets for achieving more affordable housing and reducing housing stress will be more difficult to achieve.

That is the independent assessment by the people who are doing the state of South Australia's update—a document which, in its first publication, has been oft quoted in this house by the ministers of the South Australian government as being supportive of their position and, indeed, of endorsing the direction in which they are taking the state.

Well, here we are five years in and there has been somewhat of a turnaround. In the area of public housing they have made it absolutely clear what direction it is taking, and they are quite shocked. They have clearly adjudicated that it is the wrong direction and that one day this state will rue this undermining of the public housing structure. Fix it up if you like, fix its defects, but gutting it is really unacceptable.

The current Housing Trust situation needs to be placed on the record. Published data is only available to 30 June 2006 (so it is six or seven months old, and I accept that there may be some change), but information provided by Mr Malcolm Downey, the General Manager of the South Australian Housing Trust (soon to take some new position in Asset Services, I understand), reveals that all the rental properties of all of the housing programs at present number 45 455. The number of new tenancies over the period 1996 to 2006 (so, over the last 10 years) has significantly dropped—in fact, it has halved from over 6 000 to under 3 000.

As at 30 June, private rental assistance provided by the state government to tenants over the same 10-year period slightly increased in the first few years (I might mention, of course, that it was a Liberal government at that stage), but from 2001-02, it consistently reduced. We have moved from a peak under the previous government of up to over 20 000 down to just over 16 500. The trust rental stock as at 30 June (in this case, from 1997 to 2006) has moved from a stock of about 58 000, which was all public housing as distinct from specific housing programs, down to the 45 455 I indicated, of which a proportion was specific housing programs.

Now we have a situation where that total stock is made up of Housing Trust and specific programs, which I will detail shortly. That does not include community housing; it is all trust assets, some of which are for specific housing programs but most of which are to be approved under categories 1, 2 or 3. When I talk about specific programs here, I am not referring to community housing; I am referring to homes that have been dedicated specifically for someone who is homeless, in a crisis situation, in a domestic violence situation, or in other such categories. Certain homes within the stock of Housing Trust are available only for people with some cross to bear. It may be that they are new migrants who are poor and they are entitled to a three-month stay. Some of the housing stock, for example, is made available for their use.

I should perhaps list all the special needs so as not to eliminate them by referring to only a few. They are: those with a disability (excluding mental health) or a culturally and linguistically diverse background; homelessness; mental health; indigenous; and domestic violence. Of course, as I am sure the minister and many members would be aware, very often persons we attempt to service in this area come within a number of these categories. They do not usually attend with just one pure area of disability. It may be that they have a physical disability and they are poor and they are culturally and linguistically challenged. So, they come with multiple needs, and we have plenty of those. In fact, of the 24 016 on the waiting list, over 2 000 have mental health issues alone and are pure mental health patients as distinct from those with multiple needs. Alarmingly, I think, 1 016 of those 24 016 are persons who have suffered domestic violence. We have a profile of people with multiple needs, but there are certainly lots of categories of new need.

The services are provided to an age group and a demographic that I think is also important. Just under 32.9 per cent of the people who are Housing Trust customers are over the age of 65. So, our aged, who often have very limited income, are very big customers of the Housing Trust; 20 per cent are in the 45 to 54 age group, and 17.2 per cent are in the 55 to 64 age group. So, about 70 per cent of the profile are over the age of 45.

Another important thing that has not always been a dynamic since 1938 is that the household type being sought by 57.2 per cent of the applicants is for a single person. Another 19.3 per cent is for a single parent (obviously, one adult with children). Then there is a reduction in numbers for couples and couples with children seeking accommodation. A huge population of Housing Trust customers either currently using the service or seeking to use the service are in the profile of single and mature aged. They may be very mature people in our community, but they are often poor or they are without qualification, frail, aged, or unskilled for the purposes of obtaining employment to supplement their income. As the committee would be very well aware, this group is only going to increase as the population ages.

In respect of the stock available, we started a program (as I have conceded, well before the current minister's time), which seems to have been hastened somewhat, for a large sell-off of the stockpile. Last year alone, the revenue from sales was $132.4 million, which is a massive amount. The previous year it was $101.3 million, and before that $105.9 million. That is not to say that some of the proceeds of the sell-off did not see their way back into the development of other projects but, in sell-off terms, the graph is going up, the numbers are going up, and a lot of money is involved.

From my own observations when I read *The Advertiser* section every Saturday there are 20 or so South Australian Housing Trust properties advertised (and they are rarely ever advertised twice), which seem to be picked up pretty quickly. I suppose I find it a little puzzling as to why these properties are selected for sale. For example, a property at 9 Alexander Crescent, Hackham was advertised for sale on 27 January this year. The advertisement read:

> First home or investment opportunity. Freshly painted throughout. Three spacious bedrooms, separate lounge and dining room, functional electric kitchen, carport on good size allotment. A great starter. Auction available [etc.] Price guide: $168 000 plus.

What followed was all the other details they put in such advertisements. It sounds to me like a modest home in an area of relatively high need that would be suitable for the profile of all those people waiting for a home. If the Housing Trust was advertising land it did not need or properties that were outside the scope of what we need for the profile of the people we are attempting to serve, or the government needed to be attempting to serve, one could understand it. Another advertisement in *The Advertiser* was as follows:

> Neat and affordable at Osborne, 6 Northolt Road. Three bedroom maisonette with separate lounge and quality timber floors, updated kitchen and wet areas, good offstreet parking, room for a large shed, very close to marina, shops, schools and an easy stroll to the beach.

The price guide for that property is $210 000.

Why is the Housing Trust selling off properties which seem to me to fit ideally in that category? I do not know the answer to that, and it is puzzling to me that we have what appear to be neat, renovated, freshly painted properties, yet they are being flogged off. Recently, I made an assessment of what Housing Trust stock I had within my own electorate. When I came into the house 4½ years ago, I met with the local regional Housing Trust officer. I had I think approximately 390 Housing Trust homes of which I needed to be aware.

I have to say that, in the past 4½ years, I have had an excellent relationship with many of the occupants of the Housing Trust homes in my electorate. They have been little trouble. They have been very informative and kept up with their obligations, and they have been very good tenants. What I found alarming was the amount of Housing Trust assets which have been flogged off in my area. As at 30 June last year, I was down to only 205. From memory, just in Hazelwood Park they have gone from 11 to one. Why is this so important just because it is my area? I will come to that point in due course. However, the government's new project is to have an affordable housing plan. It proposes that every development will be made up of 15 per cent of affordable housing—I think over 20 houses. I will go back to the detail shortly.

This proposal will solve this affordable housing problem and housing shortage for the people in high need and who are the poorer people in our community. They want them to live in built-up areas such as the eastern suburbs, the southern suburbs, the electorate of Waite, Mitcham and the like. They want them to live in built-up areas to ensure that there is a social mix and that people have access to areas to which they ordinarily would not. It is fair to say that, given the current prices in Unley, Mitcham or Leabrook, it would be very difficult for most people on a low income to buy into those suburbs. Why on earth is the Housing Trust flogging off houses in these areas? I am down to two-thirds at best, probably nearer to half the stock than I had four years ago. This is the very area in which the government is professing it is necessary to have affordable housing so as to provide a fair mix of people across the state.

I am completely puzzled about what merit could be gained from flogging off these homes when you are wanting to introduce a policy to have a mix of people living in the community and to stop them living on the outskirts, or in ghettoes or remote towns. Yet, quicker than you can think, they are flogging them off. There is one possible answer; that is, they are worth a lot of money. That sounds to me to be a pretty good reason—flog off the valuable ones. I have not seen them advertised in *The Advertiser*. I do not look every week—they may have been in there. It may be that they do not advertise it. Maybe they get sold so quickly that they never hit the paper. The truth is that they have been flogging off the properties in these valuable areas, the very areas to which they say poorer people should have access. Why? Because these properties are worth a lot of money and it is a lot of money in the pocket of the South Australian Housing Trust which, after all, is a wholly-owned subsidiary of the South Australian government.

It absolutely staggers me that the government should pretend to have some social conscience and then flog off houses in the very areas in which it says there should be some social inclusion. It just bewilders me, but there it is in black and white—in four years I am down to 205 at best. In the Kensington area, which I think I share with the member for Hartley—

Ms Portolesi: Norwood now.

Ms CHAPMAN: Kensington now—in 2010.

Ms Portolesi: Kensington Park, Kensington Gardens.

Ms CHAPMAN: Kensington.

Ms Portolesi: No, I have Kensington Park.

Ms CHAPMAN: I have a bit of it at the moment. I share with the member for Hartley at the moment. As the member for Hartley rightly points outs, there will be a change of boundaries (as proposed by Justice Perry) in 2010, but at present we share. I am not quite sure how many we share in that group in that suburb. It could be even fewer. I could have been ripped off by a few more; a few more could have been flogged off. I suggest the member check her electorate, and I also suggest that the member for Norwood check her electorate as well as the member for Waite and the member for Unley and any other areas where we have a high concentration of properties rapidly increasingly in value in which, historically, we have had Housing Trust homes available which have been flogged off for profit by this government.

With reference to the public housing and subsidised housing that I have identified, I ask the question: who is responsible? I think it is important that we have on the record in this debate the significance of the funding arrangements. There is one other matter I want to raise on the rental stock. In my electorate there is a proposal by the government, on property owned by the Land Management Corporation, to build a 21 unit 3 storey block of Housing Trust accommodation. I have seen the plans for it and I do not have any personal view about the structure—it seems to be sound and probably in keeping with accommodation for single persons in particular. Obviously you would not propose putting big families in high storey places, but this is the proposal that is in place. There has been a major groundswell of discontent about this.

The Burnside Council is unhappy because there are real transport problems. In fact, previously, it rejected a proposal for the development of an aged care facility on the same site because of the traffic that would be going out onto a busy intersection at Fullarton and Greenhill roads. That was one of the main reasons. So the council had those issues. There are aged people living next door who say the structure has real problems, as far as they are concerned. It is high rise. The government says there is the old ETSA building down the road and what is behind that is high rise, so you can put up with high rise and so forth, but they have their objections.

It is important to appreciate that this site is adjacent to the Glenside Hospital site which abuts Fullarton Road and bits of it have been transferred off over the years. I note the Premier's commitment to keep this site, and we are looking forward to seeing Commissioner Cappo's recommendations in his mental health report as to what is going to be done with this site. The Premier has, at the very least, indicated that it will not be sold off and that it will be kept for mental health facilities, and we are yet to see how that will be done. A piece of it is known as the Heritage Orchard, which is part of the Glenside Hospital site. It still has all the old trees there—what is left of them. I think there are 25 significant trees under the significant trees PAR. But, in any event, this is a site on which the minister has announced he wants to put 21 units.

It is also, I should say, abutting a stormwater drain. This is a stormwater drain which, according to the Brownhill Creek stormwater study, is in a one in 100 year flood zone. How clever of the government to think of putting a block of flats right next to a stormwater drain. Anyway, that is something that, no doubt, he has taken into consideration—I have raised it in the house a few times. In fact, I remember the former minister for planning came out in some haste—I think, in a valiant attempt to try to help the people who were drowning in Unley—and produced an interim PAR to try to protect people from the flooding problem out there. This report highlighted what an at-risk area the corner site of the Glenside Hospital is. Nevertheless, the minister wants to build a 21-unit facility there.

I am happy to say this in the house: I am very happy to accommodate 21 extra Housing Trust tenants in my electorate. I am devastated that I have lost nearly half of those I already had. However, this is not the right site. This would have to be the most stupid place in which to put a Housing Trust development—next to a mental health facility, which will now accommodate (and, as we know, it has already been announced in the budget) a drug and alcohol unit facility, all around the three structures that are to be consolidated on this site. There are aged care people living there, and there is a water hazard on the other side. How stupid it is to try to place further Housing Trust tenants and squash them into this little area.

Let me say one other thing for the record. I have been quite vocal on the question of stormwater management and the use of the thousands of gigalitres a year which flow from my electorate and which usually go down and drown the poor old people in the West Torrens electorate, some in Unley on the way and even some in Waite. The proposal that is under consideration to help secure all this water, which I ask the government to seriously consider in trying to capture and retain the massive amount of stormwater that comes out, involves the extension of the culvert under the Fullarton Road and Greenhill Road intersection. It is about a $2.6 million project. Work has been under way to provide all the costings for this project, with a view to South Parklands extension and retention facilities. It is lunacy to proceed with a project such as this when there are so many other issues at stake.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

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

Motion carried.

Ms CHAPMAN: The other matter I want to mention in relation to the stock and its disposal is that, at the end of January (I do not have the exact date), in the tender section of the Monday edition of *The Advertiser*, the Department for Families and Communities Housing Asset Services tender details were published. The article states as follows:

Purchasing Agent Services (Residential Properties) Housing Asset Services Division is looking to appoint a qualified independent purchasing agent (s) to provide advice and assistance in locating and purchasing targeted properties.

Of course, we are not allowed to obtain a copy of the tender document off the website any more. They have all these new rules about secrecy and what we are not allowed to have, because we must have a licence number. I have complained in the house before about the lack of information and what we are even allowed to look at on the public record in respect of how our money is being spent in the very significant area of real estate and real property and major projects with respect to this government. Anyway, that is another story.

This is consistent with the direction that the government is taking with respect to its intention to sell off property. What is concerning about it is that the publication of this information raises concerns even amongst the ordinary people who are out there living in Housing Trust properties. Not surprisingly, I received a letter from a member of the Housing Trust community who has been a resident at Fullarton for

some time. She lives on her own and is of quite a mature age. In a question to me in her letter, she said:

> What exactly is meant by 'targeted properties'? Does the Housing Trust have a list of addresses of properties it wishes to dispose of? If so, I would like to have a copy of this list.

I am sorry, madam, you have probably got a snowball's chance in hell of actually ever getting a copy of the list, let alone be told whether your property is under consideration for sale, renovation, disposal, bulldozing or whatever else. She lives in a facility of 106 dwellings on 5½ acres in Fullarton. It is one of the very popular and valuable suburbs for real estate, particularly being a residential zone. She was told that there was to be an upgrade starting about six years ago. It still has about three years to go. A whole section of this facility abutting the Fullarton Road end has not been done at all.

I ask the minister: is the Housing Trust intending to sell part of this property or that section? Why does the trust not at least advise the tenants about what is going on? Why can the tenants not be kept informed? I address that question directly to the minister because when this bill gets through parliament—of course, the government has the numbers here, but it has to get through the other house—the minister is going to be absolutely in control of the Housing Trust. The board is going; it is getting sacked—'Don't come Monday.' The minister and/or his successor and his CEO and/or his or her successor will be in charge and will have absolute control. I ask the minister: why can he not tell Housing Trust tenants, firstly, if there is going to be a major renovation and what is going on?

I received another query recently about major vacancy periods. That is where properties are not going to be redeveloped because, as the minister has explained to the house before, sometimes they have to wait until there is a number of them to redo the whole lot, so some of them are sitting vacant before they bulldoze the lot, or whatever they do for redevelopment. I understand that, and that is reasonable, but what is unreasonable is that the existing tenants are not told. If we cannot look at the tender documents, if we cannot know what is going to be sold from the land management website any more, at the very least let the people know who are living in these places (and for some of them it has been their long-term home for many years) what on earth is going on.

I turn now to the funding, which I commented on briefly. There is a commonwealth-state funding agreement essentially covering the cost of public housing. Whilst the South Australian government and state governments around the country have jurisdiction and a responsibility for the provision of public housing (a service delivery which is a responsibility of state governments), obviously it is also the responsibility of commonwealth governments to provide money—and they do it for all sorts of things. It is all our money, I might say. It is money that taxpayers pay into the coffers of Canberra which then gets distributed out in all sorts of ways.

The bottom line is that, as in many service provisions whether it is in health or housing (as in this instance), there are commonwealth-state agreements. We are, I think next year, to come to the end of our current agreement, the 2003-08 agreement, which was born in the time of this government and, of course, given election timing, inevitably will be signed again by this government. It is one which is often used as the excuse or explanation as to why development of public housing is skint; is under pressure. It is because the commonwealth is not doing its job and it has reduced its commitment under the Commonwealth-State Housing Agreement. It puzzles me why that should be a complaint of the government when it is this government, along with all Labor governments around the country, that has signed up to the current agreement.

However, it is fair to place on the table—and I think this is an important acknowledgment of where the minister is right—that there has been a reduction in support at the commonwealth level. In 1996 under the new federal Liberal government, there had been a reduction all around the country to every state of the base amount paid by the commonwealth to the states. In our case it was about a $50 million drop. It is credible and appropriate when the minister says that the commonwealth has let us down in reducing the money available to us as a state. I accept that. It is right and it is of concern.

However, it is frustrating that, when we hear the complaint about this, we do not hear the other side of the equation about what extra provision has been made in other areas. For the record, let me say that, although there was a base drop in 1996, the records clearly show that there has been a continued increase since, and I suppose if we did not have the original drop it would be sitting up at a higher level—that is a reasonable argument. From 1997 to 2006, let alone the 2006-07 year, we have actually had an increase of $33.6 million into the state from rent assistance expenditure. So, it is not acceptable for the government to say, 'Those very bad, naughty commonwealth people have left us in the lurch here. They have taken out money and they have not explained that on the flipside there has been a significant amount.' There are two years (on either end of that) for which I do not have the data, and it may well be that it surpasses that.

The minister is right when he complains of a change of funding by the agreement, but he did sign up to this one and he did not achieve any remedy of that. It is only fair that, if you talk about money being taken out of one pool, you cover from another. We now have a situation where the minister says, 'We have actually increased our share. We have put more money than the agreement proposes.' That is good because a couple of one-off payments have come in allowing this government to increase it. The reality is that the commonwealth now provides 72 per cent of the funding under the agreement with South Australia; so, in essence, in the 2003-08 period, by way of comparison, the government will contribute $135.674 million and the commonwealth will contribute $361.545 million.

The other aspect of this in keeping everything on the table is that since 1996, and several years after that, there has been a massive increase in money that has come into this state from goods and services tax—far more than was ever budgeted for—yet the minister gives no credit for that funding being available. There is also no credit being given for the state tax revenue that is received, particularly from property taxes, to which I will refer shortly. There has been a massive increase in money available, primarily from stamp duty on real estate and transactions, that has bolstered the funding that has been created from real estate and housing. It is certainly in the Treasury accounts and, to that extent, it has profited out of the housing of this state. I will have something to say about what moneys should be reallocated towards the public housing, as we have known it—towards the affordable housing, as the government calls it and subsidised housing, as I have defined it.

In respect of the clients, I have indicated a profile of clients (or customers) of the Housing Trust and in public housing. I want to identify, though, some new areas where we anticipate some increase which are going to increase the pool

of demand. One is the area of the homeless, that is, those who are defined as not having any available accommodation and who, as we know, are sleeping in cars; sometimes they are sleeping out in the open. We see our homeless sleeping in parklands. I was disturbed to read under a social welfare investigation by *The City Messenger* a published article on 25 January this year, where an Anglicare worker claimed that children and families are sleeping rough in the city Parklands, and particularly described a situation where babywear had been slung between apparatus, I think, in the East Parklands where horse jumping events are undertaken. It is really disturbing to think that little babies, with nappies and so forth, are on parade and living out in the open in a parkland. The story claimed that the mother and child had been sleeping in a car, but had set up camp, so to speak, in the Parklands.

I hasten to add that it is not a new issue. Members could read excerpts from our published daily newspapers in this state, particularly in the latter part of the 19th century when laws and ordinances were passed to prohibit homeless persons sleeping overnight in the Parklands, because of the large number of homeless and destitute. Tragically, back in those times there was enormous financial pressure in this state, and there was a high level of suicide in the River Torrens. We will not go through and traverse all of that; that was a problem well over a century ago, but I make the point that it is not new issue. We have had governments before who say that it is shameful and we need to do something about it. We have had this government, ministers and Commissioner Cappo conducting inquiries and say how terrible it is, but in five years we have not made a scrap of difference.

It may be that we have changed some of the numbers; it may be that some different people are in that profile, but some 800 people every night sleep without shelter in housing form. I think that is an indictment. I am not saying that those who work in this area are not trying hard, but it is very concerning. One of the government's recent announcements was to have the residents who are otherwise homeless taking up the facilities at Acton House, which is in the south-east corner of the City of Adelaide, and all relocated into Kent Town while the property was renovated. Now, no one would criticise the government for renovating the property. Obviously, they have to be accommodated somewhere, but I thought it was rather lunatic—the best way to describe it—that to relocate them they pushed out a whole lot of students who were living in accommodation with their claim to have only a few weeks notice.

Not only were they up in arms about that, but local residents were also up in arms about the issue of a whole lot of other persons coming into the neighbourhood. I just found it puzzling that a government would say, 'We're going to move one set of homeless people into a facility and discharge them and create another set of homeless.' It just seemed to be very peculiar, especially when they are obviously mostly overseas students who are paying good money to be here and who had spent their year in study last year, only to come back to find that they have an eviction notice and have to find other accommodation. They are clearly not in the category of people who could do so. I did find it rather odd to think that we would just displace one lot with another.

I was also interested to note that, because of rental prices in the Adelaide city area—and Lord Mayor Harbison has made some comment about this—lower paid employees, that is, low income people who are in the workforce, can no longer afford to live in the city. Some of it is house prices, obviously, and some of it is available resource, but it is alarming to think that it has now become a chronic situation. So, people on a low income, who may work in the city but live away from their work, have a reduced capacity to be able to get to work at a low cost, obviously because they have increased transport costs. Having said that, I assume that those people can find accommodation or move to an area that is on a bus or tram route, or the like.

In his published comments on 1 February 2007, Lord Mayor Harbison expressed his concern that a proposed $8 million plan to build 28 low-cost rental apartments in Whitmore Square had been left in limbo for two years. So, again, we are big on announcements but not on actually getting on with it. The article states:

> Adelaide City Council suggested the project in June 2005 but is yet to finalise a funding agreement with the state government. . . The council allocated $3.9 million to the apartments from its 2006-07 budget, but the state government is yet to fully commit to the project.

I think it is really a shame that we have a project that has been put up, with money on the table from one party, and yet the state government is dragging the chain. There may be other projects that the minister could identify where their money is on the table and others are dragging the chain. We have a situation where we have very limited opportunities for low-income workers working in the city but living outside of the city, and we have a project that has been on the boil but is now sitting there simmering on the backburner for a couple of years, even though there is a whole lot of money sitting on the table for this project. That is very concerning because rent and vacancy rates in rental accommodation and values of properties are nowhere near being relieved. From the point of view of a person seeking accommodation as distinct from a landowner, that situation is not going to improve.

We have the homeless, we have students, we have displaced people, we have people who are made poorer by having to live some distance away from their work, and we have another couple of categories: immigrants and refugees. We have 13 000 refugees, for example, who come to Australia every year. We take our share and we welcome them here. We make provision through the Housing Trust for accommodation for up to three months, and there are some dedicated houses for them. People in a refugee situation, by their very nature, are people who are in a fairly difficult situation and finance issues are usually at the forefront. They may have health issues, they may have language issues, and they may not arrive with the necessary skills or education to immediately take up employment. So, they come with a whole lot of extra burden to carry than the average residents.

I have a young tenant in my area—who I will call Z for the purpose of this exercise—who came here and remains here from Afghanistan. She is going back to complete her education with the support of the local community and, in particular, a refugee support group in my area keen to assist people in this plight. She lives in a flat owned by the Housing Trust. She is at school and a number of her family members have since come out. She has been back to Pakistan to have some family members brought out. She has sisters-in-law and I think there are three babies in the household. This young woman has saved up to bring out her family, and that is terrific. Until recently she had up to 13 people living in her flat. So we are looking at a new category of people—another new level of demand on our housing structure. This support group went to the Housing Trust with her and found some facilities, not through the Housing Trust but through St Vincent de Paul, for at least the grandmother, her mother,

husband and two sisters, but she still has some of the other family still living in her house. So we have this extra load.

There are a number of examples of refugees, but rather than delay the debate on that aspect I will place on the record another growing area of concern: namely, people who require accommodation (usually mature aged) because they find themselves, through no fault of their own, taking on the responsibility of grandchildren. We hear of some fairly sad cases in this category. Sometimes it is because parents die. Forty years ago if children were left as orphans or in need of care—sometimes even children from intact families—they went into orphanages. That is how we dealt with it 40 years ago. However, relatives and families often take on the responsibility for children because one or other of their parents have parted, usually in circumstances where there is a major health factor involved. Tragically, now there is a high incidence of young people who have children but who also have drug and alcohol addictions, and then there are those who are in prison and the like. The demand for grandparents to come in and take over the responsibility for their grandchild or grandchildren is at an alarming level.

The problem in relation to housing is that quite often they have downsized into smaller accommodation for their mature years and it is not big enough for the grandchildren. There are difficulties when they have already moved into a retirement village and find that, when the grandchildren come to live with them, they have to move out because the rules do not allow for children. Those facilities are for a dedicated purpose—grouping ageing people together to provide the services they need. That is to be supported, but suddenly they have two or three children, the facility is not suitable and they have to buy or rent in the private market or move into the public housing area. Often when they resell out of the residential facility they have moved into, having paid a lot of money to do so, the penalty rates for withdrawing are horrific. Members would appreciate what I am saying as they have heard these stories in their own electorates.

We have a new group emerging and ever growing that often needs access to public housing, sometimes on a temporary basis, sometimes only for a year or two as they can move into the temporary accommodation and rent out their own house and may need supplementary or full support to go into public housing. It may be only for a year or so while their son or daughter is able to have treatment, serve a prison term or something else. I refer to situations where the parents of a child are in a health situation related to drug or alcohol abuse, and it is fairly cyclic. Many would appreciate that a few weeks of treatment in hospital will not solve their problems. It is ongoing and there often needs to be a support base provided by the grandparents, even if the children no longer reside with them permanently. They need a regular respite facility for grandchildren during episodic lapses into use of the drug.

It is a problem, and we know that that is going to escalate on the demand side of the population, which would increase the 30 per cent total pool that we need to be thinking about here, as to how we give them accessible housing. We have the higher need, we have the poor and we have these other groups that are emerging and growing, and that is putting pressure on the number of people we have to provide for. The other big pressure on subsidised housing is what we do in policy direction, particularly what governments do in implementing legislation that comes through here. We have to think carefully about what we do to make sure that the 70 per cent or so who are currently able to access the private rental or purchase market do not get tipped out of that group and into the group that needs support.

In other words, we need to make sure that those who can afford it now keep on being able to afford it and that their children can keep on affording it because, if we start creating problems there and we do not have policies in place to ensure that that is contained, they will just add to the burden. They will move out of the list of being able to look after themselves in housing over into the list that needs the support of the government. Essentially, that is all of us, in the sense of the funding that is put in there. I do to make some comments in relation to where we are going with that, because I think we are in a dangerous situation. That is a group that is under pressure, and one of the proposals under this legislation will make it worse. Let us look at the current level of housing affordability in Australia.

Whilst this fluctuates from time to time, housing affordability is becoming chronic. I learned only this morning that on the affordability scale it is less affordable to buy a property in Sydney. That is a scale that compares the value of an asset relative to the median income of a household, and that what is considered to be okay is about a three ratio factor, that is, the value of the house versus the total of the median income of the household. In South Australia we are at about 6.6, and affordability on that scale is dangerously high because it is very exclusionary. Sydney is actually, on that scale, in world terms more expensive than New York. It is cold comfort, to some degree. It is not something exclusive to South Australia or to Australia, but we need to understand that at the moment in Australia families on average require 33.8 per cent of their income to pay the average home loan.

If we go from value of house to median income to the monthly repayments to income, the home loan affordability report tells us that Australian families on average require one-third of their income to pay their home loan. Among the OECD countries only New Zealand and the Netherlands have a higher proportion of mortgage debt, and in the Netherlands there is a new policy whereby owner/occupiers can negative gear against their interest rates, which essentially makes Australia the second least affordable against New Zealand in the world. South Australia is in that boat. It goes up and down a bit but, at the moment, while it is slightly more affordable than the national average, South Australian families pay an average of 29.8 per cent of their income to pay the average loan. The alarming bit is that this has increased from 28.1 per cent in September 2005.

All states are facing unaffordability. Real estate prices in Australia have increased 70 per cent in the decade to 2003. I do not have the figures past that but, obviously, it is spiralling up. In South Australia the median house price has risen from $275 000 in September 2005 to $285 000 in September 2006. Some one million Australian families (one in seven families) are experiencing house stress. This is very important because we have a South Australian Strategic Plan target on this issue. Some one million Australian families are paying 30 per cent of their income on housing, and 500 000 Australians are in housing crisis paying more than 50 per cent of their income on housing. It is not difficult to see that with 70 per cent in the private market some of them will be flipped over very quickly into the higher need department for help by the government if we do not contain this issue for them.

It is my view that this bill, in particular the proposed housing affordability initiatives in it, will only exacerbate the situation. Any proposal to increase the cost of buying a home—which is what this bill will do—will make it much

harder for first home buyers and people who can just afford it to enter the market. They will be forced to join the pool of people who rely on subsidised housing. First home buyers are among the first affected, and for many members of this chamber it is our children. I have children—one is recently married and in the market and another one is trying to get into the market. I have experienced first hand what is happening; and I am sure other members may have as well.

Some younger members going into the market for the first time may be experiencing it; their parents may be selling their property or moving out of rental accommodation into what they would see as smaller accommodation and they are not getting any change for their exchange or they have a deficit. In every age group we are seeing the consequences and legacy of this situation. Nowhere is it more stark and more destructive in the long term than amongst first home buyers, where they are tossed out of the 'can do themselves' area and put into the supported area. The share of first home buyers in the market has fallen to 17.4 per cent from the usual average of 21.8 per cent.

I was interested to read the financial accounts that the government published in mid December last year. The actual income and expenditure on government departments disclosed a $15 million shortfall in the Families and Communities housing division—$15 million! How could that possibly happen? How is it there is a desperate need for housing and there is a $15 million deficit in budget versus actual for 2006? There could be reasons such as slippage, projects being started and not being finished and projects being delayed, or they have not yet got a contractor or tenderer. We are used to all those excuses, some of which are quite valid.

Interestingly, the Treasurer's report—I call it the 'Treasurer's report' because his department publishes it and adds to the commentary—refers to the reduction in first home owner grants. What does that tell us? It tells us exactly this figure: there is a fall in the number of people who are applying for the first home owner grant—some of which is commonwealth benefit and some of which is a state benefit—to which money has been allocated on the basis they will be in the market; and now they are not. That has dropped from the usual average of 21.8 per cent of all those buying property down to 17.4 per cent. There is a reduction in first home owners out there for obvious reasons. They have been whacked out of the market by high prices, and for a number of other reasons that I want to run through briefly.

The average first home loan repayment in Adelaide is $17 000 to 18 000 per annum which means that you need a wage of $71 000 and which, clearly, is unaffordable for many first home buyers. What are the other impediments for this group? We have the government charges, and that is a real question as to whether governments can contain them, whether they can cut them or whether they can give some rebate or relief. Quite clearly, they are already too high. I will give members some brief information on this.

With respect to stamp duty for first home buyers, and taking into account first home buyer concessions, South Australia is the worst of all states for stamp duty on properties for first home buyers. In buying a $300 000 home, first home buyers in South Australia pay $11 330 in stamp duty. In Queensland they pay $1 000. That is a $10 000 reason for first home buyers to live in Queensland. So, does it surprise us that there is a population shift of our young people from this and, in fact, some of other states to Queensland? We have a net 3 500 loss of people out of this state every year.

Queensland has an 18 000 net plus influx of people, and it is picking up our young people, which has some real consequences for our state. There is a $10 000 good reason why, if you were a first home buyer and comparing nothing else, you would buy a house in Queensland. You have the surf, the sun and all those other things that might be attractive to young people, but there is a $10 000 reason why you would pick up your bags, pack up your computer and your mobile phone and choof off to Queensland. That is a very attractive deal.

South Australia and Victoria consistently charge much higher stamp duty on all property price bands. Members may have seen some of the publications on this but, essentially, if you are paying in that $200 000 and $300 000 bracket and you are paying $8 000 to $10 000 in stamp duty (which bears no comparison to interstate), why would you stay? The Real Estate Institute of South Australia, the Property Council of South Australia and the Housing Industry Association have called on government to give tax relief and not add more cost to housing.

Clearly, we need a review of all the property-related taxes, including stamp duty, property transfers, mortgages, land tax, council rates, property-based levies and charges, emergency services, stormwater, water and sewerage charges, development levies and the list goes on. The final outcome budget for 2005-06 (this is the document to which I referred and which the Treasurer published mid December last year) is that property-based taxes amounted to 10 per cent of total revenue—$1.119 billion raised through property taxes of a total revenue of $11.242 billion.

I did have a breakdown of those property taxes but, if my memory serves me correctly, out of that $1.119 billion about $120 million came straight from stamp duty, and a major portion of that has not been budgeted for, but I will refer to that later. Those organisations recently made the point to the state government select committee on property taxes in a submission on 19 January 2007 that investors are selling their property investments because of ever-increasing government charges and taxes and not buying into the market for the same reason.

Over the past four years, land tax (which is particularly relevant here) on all property has gone up by 148 per cent while average rents increased by 20 per cent. This is making investment in residential housing extremely unattractive. I want to make one comment on land tax. Previous governments have had land tax. This government has maintained it. I recall that the Treasurer announced some moderate relief, which was soon swallowed up within a few months on the value of properties, so that was a bit of a snap in the dark. We got a sort of bleating relief. I remember—being one of the 90 000 land tax payers in South Australia—getting a nice little letter from the Premier with a bit of a refund, and then a huge bill, and just being absolutely gobsmacked at the audacity of sending them out almost contemporaneously. I made the inquiry, 'Can I actually offset one against the other?' 'Oh, no, madam, you have to pay this one now and you will get your actual cheque'—having got the notice of what I was going to get back, and it came in a few months later. So, wonderful world, government. Land tax payers, to that extent, are at the mercy of governments and, arguably, previous governments have been as keen to call in that revenue as anyone else. We have had a massive increase in property, we have had no shift in threshold—I think a marginal announcement in the last budget—but essentially no relief.

I put this to one of the ministers who sit on the front bench of this house. I will not even name him because it would be so embarrassing to have it out there. I put it to him, on an issue in relation to land tax, 'Do you not understand that a high land tax actually hurts the very people you profess to be supporting? That is, the person who is a tenant in a private rental situation.' He said, 'How does that work?' I said, 'Well, because of the high level of land tax that is going on to these properties. Most of these land owners are actually small people, they are not some very rich property owners. They may own one or two other properties, it is their income, etc.' He said, 'No, no, no, that cannot happen, that cannot happen, because the landlord, by law, has to pay the land tax. They cannot hand the bill over to the tenant.'

I walked away from him thinking to myself, 'I cannot believe I just heard that as the explanation.' He did not understand that if you are the landlord and you have to pay water, maintenance, land tax or repairs to the property, of course you are going to accommodate that in the rental that is set to be charged and paid for by the tenant. You do not have to be a mental greyhound to understand basic maths. Saying, 'No, no, no, the tenant is protected because the landlord, by law, has to pay the land tax,' is just so nonsensical, it is just so stupid, that I could hardly believe my ears.

Some landlords have told me that they have got tenants in properties that they own that just cannot afford an increase, and to some degree they have absorbed the extra land tax, but most of them, when it comes to the rent review, have had no other choice but to pass that on in the review of the value of the rent they charge. That is a fact of life. To hide behind the concept that there is some kind of immunity of obligation of payment by a tenant arising out of a tax liability that is only payable by the person who owns the property is naive and stupid. If that is the sort of understanding that is sitting in the cabinet when it makes decisions about whether we apply land tax and continue to apply it to the 90 000 land tax payers in this state, then I shudder to think of what other decisions are being made.

I heard another statement, which was, 'They cannot pay the land tax—sell the property.' That is an option, that is true. Who is going to buy it? We have just heard of the massive reduction of investment, and the new committee has heard of the massive reduction of investment into real estate arising out of this sort of tax burden. So, it does not help if it is then on-sold—even owned by someone else—because, again, you reduce the available vacancy rate and rental properties available in the rental market to facilitate access to a place to live. It is just absolutely mind-boggling to think that governments are making decisions about tax—and it is a senior member in the cabinet who is making a contribution, I assume, when it comes to making these decisions in the cabinet. In any event, that is the situation they are in. The inquiry (the select committee) on property taxes is continuing. We look forward to their report, but it is quite clear from the Real Estate Institute, they have made their submission and they have made it loud and clear: the private rental vacancy rate in Adelaide is already at the alarming rate of 0.05 per cent. This bill will make investment even less attractive with passing on the costs. I seek leave to continue my remarks.

Leave granted; debate adjourned.

NATURAL RESOURCES MANAGEMENT (EXTENSION OF TERMS OF OFFICE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J.D. HILL (Minister for Health): I move:

That this bill be now read a second time.

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

Leave granted.

The *Natural Resources Management Act 2004* has effectively been in full operation since July 2005 and has led to significant improvements in the way South Australia's natural resources are viewed and managed.

There have certainly been improvements in developing and implementing natural resources management and a key to this change has been the integrated approach taken by the Natural Resources Management Council and the eight regional natural resources management boards.

The Governor appoints members to both the Council and to the boards for a term not exceeding three years.

Administratively, a policy has been adopted whereby approximately half the members of each body are appointed for a term of two years and the remainder for a term of the full three years. This negates the possibility that all members could potentially complete their first term on the same date but is particularly important at the completion of their second term – a member of the Natural Resources Management Council or a regional natural resources management board cannot serve as a member for more than six consecutive years.

Members of the Natural Resources Management Council were appointed for terms ranging from two years to three years from 30 April 2005. For each of the eight regional natural resources management boards members were also appointed for terms ranging from two years to three years from 14 April 2005.

This minor amendment provides that where the Governor has appointed a person as a member of the Natural Resources Management Council or a regional natural resources management board for a term that is less than the maximum three years under the Act, then the Governor can extend the term of appointment up to the maximum three year term, without having to go through the statutory appointment process.

Members of the Council and the boards are in their first term and both the Council and the boards are still in the process of completing their establishment. In addition, the boards will be reaching a critical phase in the development of their first comprehensive regional natural resources management plans during the middle of 2007.

The procedures set out in the *Natural Resources Management Act 2004* for the appointment of members to the NRM Council and the regional NRM boards require significant periods to elapse in relation to the nomination of certain members. Due to the ongoing nature of the establishment process, along with the importance of the continued smooth implementation of the Act during 2007, it is felt that this continuity of Council and board membership is in the interest of all stakeholders.

The amendment provides for the membership to be extended only through this critical period without the potential for changed membership, while ensuring that the intent of the legislation is upheld. The policy of providing a staggered term for membership will be implemented during the terms of appointment commencing from 2008.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Natural Resources Management Act 2004*

3—Insertion of Schedule 4 clause 57

This clause inserts a new clause 57 to Schedule 4 of the *Natural Resources Management Act 2004*, enabling the Governor to extend the term of office of certain members of the NRM Council or regional NRM boards (but not so the

total term of office of the member exceeds 3 years) and makes related administrative provisions.

Ms CHAPMAN secured the adjournment of the debate.

SUMMARY OFFENCES (GATECRASHERS AT PARTIES) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Page 5, line 5 (clause 5)—Before 'by' insert:
on premises (other than residential premises)

No. 2. Page 5, line 8 (clause 5)—After '1997' insert:
(other than a limited licence granted under that act for a term of not more than 24 hours)

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

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

A quorum having been formed:

Mrs REDMOND: Because I do not have my bookwork with me, can I clarify with the Attorney that these are the ones which I have already communicated to your office as being acceptable to the opposition. I am withdrawing the amendments I had on file in relation to this bill and accept the Attorney's proposal.

The Hon. M.J. ATKINSON: During debate on this bill in the house, the member for Heysen, on behalf of the Liberal opposition, made suggestions on how the bill could be improved. I took them to the policy and legislation section of my department, and we came up with a formula for satisfying the member for Heysen. My understanding was that she was indeed satisfied with our proposal. The amendments were moved in another place and, I am informed, opposed by the Hon. Robert Lawson. They were then moved by the Hon. Ann Bressington, they prevailed and now here they are.

Mrs REDMOND: I think that the Attorney's last comments relate to the other bill.

The Hon. M.J. ATKINSON: I am willing to accept the member for Heysen's advice on that. If indeed the sequence of events was that Mr Lawson opposed the agreed amendments to the drink spiking bill, I am willing to accept her word for it.

Mrs REDMOND: In order to clarify the situation, we are dealing with the gatecrashers bill at the moment. My understanding is that I raised certain issues over the definition of who was covered by that legislation. The Attorney undertook to look at those things. I proposed a couple of amendments deleting certain parts of the definition. During the break, the Attorney looked at those things and proposed the two amendments, which appear as Nos 1 and 2. In discussions with his office, it has been agreed that I will remove my proposed amendments, and we will not be pressing them. We have agreed to these amendments.

The Hon. M.J. ATKINSON: I have contacted my office and, indeed, my first version was correct. Mr Lawson did oppose the gatecrashing amendments agreed between the member for Heysen and me.

Motion carried.

CRIMINAL LAW CONSOLIDATION (DRINK SPIKING) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1—Clause 4, page 2, after line 21—
Insert:

(1a) A person is guilty of an offence if, between the hours of 9 pm on any day and 5 am on the following day, the person enters or remains in licensed premises while in possession of a prescription drug or controlled drug that—

(a) is such as to be capable of producing a state of intoxication in a person who consumes the drug; and

(b) is not contained in packaging on which is affixed a prescribed label indicating that the drug was lawfully prescribed for or supplied to the person.

Maximum penalty: Imprisonment for 30 months.

(1b) It is a defence to a charge of an offence against subsection (1a) to prove that the prescription drug or controlled drug was lawfully prescribed for or supplied to the person or that the person had some other lawful reason for being in possession of the prescription drug or controlled drug.

No. 2—Clause 4, page 3, after line 1—
Insert:

controlled drug has the same meaning as in the *Controlled Substances Act* 1984;

No. 3—Clause 4, page 3, after line 3—
Insert:

licensed premises means—

(a) licensed premises within the meaning of the *Liquor Licensing Act* 1997, other than premises in respect of which only a restaurant licence or residential licence is in force; and

(b) the premises defined in the casino licence, within the meaning of the *Casino Act* 1997, as the premises to which the licence relates;

prescribed label means a label required by law to be affixed to a prescription drug or controlled drug and specifying—

(a) the name (or business name) of the person by whom the drug is sold or supplied; and

(b) the name of the person for whose use the drug is sold or supplied; and

(c) the trade name or the approved name of the drug or, if it does not have either a trade or approved name, its ingredients;

prescription drug has the same meaning as in the *Controlled Substances Act* 1984.

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

Mrs REDMOND: The opposition agrees with the amendments. We still think that the bill could possibly be improved in the sense that the first of the amendments puts a restriction on the hours (between 9 p.m. and 5 a.m.). Indeed, the Hon. Ann Bressington moved the government's amendment. One of the government members in the other place suggested that it was pretty crazy for it to apply between 9 p.m. and 5 a.m. Nevertheless, it is an improvement on what was there before, and the opposition supports the amendments.

Motion carried.

ADJOURNMENT

At 5.57 p.m. the house adjourned until Tuesday 20 February at 2 p.m.