

## HOUSE OF ASSEMBLY

Tuesday 17 February 2009

The **SPEAKER (Hon. J.J. Snelling)** took the chair at 11:00 and read prayers.

### PUBLIC SECTOR BILL

Adjourned debate on second reading.

(Continued from 26 November 2008. Page 1143.)

**Mr GRIFFITHS (Goyder) (11:02):** It is my pleasure to confirm that I am the lead speaker for the opposition on this bill, but I am not the sole speaker. I know that many members of the opposition intend to speak to the bill and, indeed, to talk about the consultation we have had with the Public Service Association, which I see is ably represented in the gallery today, and to acknowledge that there are some areas where there is support for the government's bill but that there are areas where we have concerns. I will begin by reflecting on a few personal things. I came to this place from a bureaucratic-style career, working within local government.

*Mr Williams interjecting:*

**Mr GRIFFITHS:** That's true. It is interesting that some of my more senior colleagues on this side of the house have told me that I need to change my thought processes and to recognise that I am no longer a bureaucrat but someone who determines policy and is involved in the legislative process.

I can understand the thinking behind that but, because I have worked within the bureaucracy and understand how the structures work, I am strongly of the belief that the greatest asset any organisation has is the staff working for it. I believe my experience within local government has given me a good background to consider not only this bill but also many other matters that come before the house.

When I began my local government career, I worked on the front counter. So, I had the most menial of positions. As with anyone who works in any role, I strove to move up the ranks. This involved study and challenging myself and, importantly, it involved people within the organisations for which I worked providing me with opportunities to improve myself. I know that within the public sector that is a very strong focus, too.

I believe there are 79,000 full-time equivalent staff working within the public sector, as well as something like 98,000 additional workers. There are approximately 780,000 people in work in South Australia, and close to one in every eight people employed in this state work within the public sector and are providing a service to the community at large. So, not only are they a very important single employment block but they are obviously a very important group of people who, in many cases, devote their life to trying to serve the needs of the wider community and the very wide range of interests of South Australians.

In my three years in parliament, I have had the opportunity to meet with many public servants as part of ministerial briefings, attending functions or listening to presentations about legislation. There is no doubt that, on each of those occasions, the information that they have provided has been fair, and I note that the intention of the bill is to encourage the Public Service to act fairly and in the interests of the wider community at all times.

I am very impressed by the knowledge that these people possess. It is obvious to me that many within the Public Service are in very challenging roles, not just intellectually or physically but, in many cases, emotionally. It is easy for us to think that every person who works within the Public Service sits behind a desk and is not necessarily exposed to public contact and public scrutiny whereas, in fact, many who work within the Public Service are the face of an organisation.

They are the people on the ground who provide services often in remote localities, at people's homes or in the remote communities that make up South Australia, and these people are challenged every day. I wish, in my opening remarks, to say that I have the greatest respect for the Public Service. I trust that the Public Service will continue to be a career of choice and, certainly, the bill espouses this. All of us within this chamber acknowledge that it is important for that to occur.

There is no doubt that the global economic crisis is placing some pressure upon employment opportunities within the state, and unemployment figures are increasing, but the long-term trend within South Australia is certainly that, within 10 years, there will be a lack of available staff to fill positions. Therefore, for the Public Service to be seen as a career of choice, it is important that it is modernised in some ways.

It is important that those in middle management and senior roles encourage people because it is pretty clear to everybody that, if you start in a role where the environment around you is not supportive, you very soon begin to reconsider whether you want to be a part of that organisation. The Public Service has to focus on the positives. We in the opposition—and, I am confident, the government also—encourage good outcomes and, importantly, positive circumstances within the work environment.

I do quite happily put on the public record that, as a matter of principle, it is important that any organisation, no matter what it is, tries to provide the best possible quality of service but at a price that every customer is able to pay. In this case, it is the community at large, through the tax base, that actually pays, so I understand that efficiencies need to be created. However, I understand that, in addition to efficiencies, there is a need to ensure also that the quality of the service being provided is maintained. Budgetary pressures sometimes put that at risk.

We know now that the financial position of the state is very different from that of 12 months ago and that there is enormous pressure on public servants from CEOs downwards to actually create financial efficiencies. Efficiency dividends have existed in previous budgets, and that was a percentage of expenditure. Now, as I understand it, there is a dollar figure in mind. The decreasing financial position in the longer term for South Australia and the deficit we face, announced by the Treasurer in the recent Mid-Year Budget Review, will put enormous pressure on the Public Service overall to deliver some efficiencies.

The popular media report that it could be up to 6 per cent. That is an extreme figure that would make it very difficult to balance things out. It is obvious that not only will ministers face a lot of pressures when it comes to budgetary talks for next financial year but also everybody who works in the Public Service will be challenged to ensure that they can stimulate efficiencies that will still ensure the quality of the service while meeting financial requirements. We will focus on quality as we talk through the issue before us.

The house and the minister should be aware that amendments have been filed in the name of the opposition, and I believe that the member for Mitchell has also flagged amendments, so I hope they are in the hands of the minister. It is interesting that the amendments proposed by the opposition and many of those proposed by the member for Mitchell are nearly identical; that reflects an area of consultation that has occurred in consideration of the bill.

Those amendments will no doubt ensure healthy debate in the House of Assembly, but it will presumably be in Legislative Council that the real debate about them will occur, because that is where the balance is very different. We are realistic enough to understand that what we propose here will have some difficulty getting through, if indeed it all. It is in the Legislative Council, where the numbers are far more evenly split, that the real debate will occur on the specific issues. That is where the opinions of a far greater number of people can be actively canvassed and votes achieved, and where we hope that change occurs.

This bill has been flagged for some time. I note that, in November 2007, the minister released a position paper on the Public Sector Bill 2008. Consultation was open, I think, until 26 January 2008. I am not aware of the number of submissions that were received on that position paper, but I was grateful for the fact that very soon after that closing date the minister's chief of staff afforded me a briefing on the bill, and we had quite a good discussion.

Since that time, I have wondered what was happening to the Public Sector Bill, given its importance to South Australia. Answers to my questions of the minister, whenever an opportunity arose (certainly, the last one was in October), were that it would be soon. Well, it was soon; it was on the last Wednesday of November when this house sat, which has allowed us the period between late November and now to consult and consider the proposals in the bill and the areas in which amendments may be sought.

I must admit, from my preliminary reading of the draft bill—and I have certainly conveyed this to my colleagues on this side of the house—there are many aspects that we would have proposed if we were on the other side of the chamber; there is no doubt about that. However, there are some areas where we feel the government has gone a little bit too far, and that relates, in many

ways, to the opportunity for staff in the executive service to ensure that not only is their tenure continued, which we will talk about later, but, importantly, that their rights and privileges are protected.

It might be that some members on the government side of the house question why an opposition wants to support the rights and privileges of staff members, but we are very serious about this. It comes, I suppose, from my administrative background, where I have tried to consider everybody I had any involvement with as equal. Certainly, in a previous role as a local government CEO, my attitude was to engage people, to promote debate from within them, to promote ideas to come from within, and to ensure that the team approach created the best decision. It worked, I hope, in the organisations of which I was a part, and I am sure that it works within the public service agencies in which it is strongly encouraged; so, we hope to stimulate debate.

I want to put some information on the public record. There was much concern amongst public sector employees prior to the 2006 state election about a Liberal policy in regard to a reduction of 4,000 public servants. My clear understanding of that is that it was intended to be through attrition and arose from the need to put some financial responsibility into the budget. It was never a criticism directly upon the Public Service. We saw that as a need at that time. That policy, which was taken to an election, was very unpopular. All of these policies are open to review; there is no doubt. Accusations made by the government at the time that the Liberal Party wanted to sack people were not the case.

There is an enormous movement of staff in and out of organisations. It seemed to us that there was an opportunity, through negotiation, for discussion to take place to consider the total number of employees required for the Public Service. There is no doubt they provide key services. The dilemma for me, coming into this house relatively new and after this period, is that if you look plainly at the figures (and figures do distort information; there is no doubt) it is obvious that, in the period since 2002, based on what the Commissioner for Public Sector Employment reports, some 17,000 more people will now work within the Public Service.

My understanding of the budget figures supplied since 2002 is that they have provided for an increase of 3,000. So, at that time, there was a desire within government to stimulate and promote programs which required the employment of an additional 3,000. Other figures supplied to the opposition by the Treasurer indicate that the total increase in that time may have been more in the range of 14,000, and it was that difference which concerned us. It is certainly not an accusation directed against the people who have benefited from that employment. We understand that they put up their hand, and they are the people who offered themselves to take on roles identified by the government as being important.

The concern we have is that the budgetary requirements were not actively fulfilled by ministers who have direct responsibility and who are provided with budgets which allow for the employment of a certain number of people. To go beyond those budgetary requirements and to employ additional people—again, there are no concerns about the people who have been employed—relates back to government controls. It is these government controls that have let us down somewhat and added to the recurrent cost of employment of staff within the public sector. I wanted to put that position on the public record, not to reflect on it any more, but to state that the Liberal Party, certainly in my view, has not declared war on the public sector. If anything, I am sure that comments made in relation to this bill will indicate Liberal Party support for the public sector, recognising that, as a collective group of some 98,000 people, it wishes to operate in the absolute best interests of South Australians.

There have been recent media releases about job cut requirements, and the Mid-Year Budget Review talked about 1,600 over the forward estimates: 1,200 within the next 18 months or so, and then smaller numbers in following years. That is going to be a hard target for the government to meet and a great challenge. More recent media statements have indicated that departmental CEOs are refusing to make the final decision, and it is going to become a minister's responsibility to put some pressure upon them. I hope that the interests of the individual are considered, and that is an important aspect of the debate that will occur about specific amendments that we are proposing. Everybody we represent is an important South Australian, and Public Service employees are no less important, so let us make sure we work hard on this measure.

I want to comment on some frustrations I have experienced since coming into this place. I respect enormously the public sector, but I would like to refer to an instance, which I do not think is going to breach any confidences. I refer to a recent visit to the Riverland where I requested an

opportunity to meet with a person who had been appointed to undertake part of the support, reconstruction and revitalisation of the Riverland. I have had a personal relationship with this person over many years; in fact, he was a deputy beneath me at a council where we worked. This person did the right thing: being only nine days into his role, he forwarded to the government department concerned my email request for an opportunity to meet with him. The response was that a briefing would be provided but that, although not necessarily being held in a different location, in this case the minister had to be involved, whereas, normally, it would be departmental staff.

The purpose of my request to meet with this officer was not to discuss state secrets but to gain from him an understanding of the scope of the project that he would be involved in and what good it would achieve for the community at large. That is where the spirit of bipartisanship needs to apply more often. Members of parliament on this side of the house respect the Public Service, and we appreciate that people will not divulge state secrets. However, we understand that they possess immense knowledge and, if there is an opportunity in future years for people to sit down and have candid discussions (whilst preserving confidences) with members on both sides of the chamber, it would certainly be a positive step forward. I hope that we can make this happen in the future.

When discussing this bill with the Public Service Association (and I acknowledge the enormous assistance it has been to me) one of the concerns clearly expressed was about the ability of CEOs within departments to terminate the employment of officers. That is an area where we will put amendments. We feel, without discussing it at length at this stage, that it is important to have a review provision here. Our suggestion to the minister will be that, where the bill provides for termination to occur, then, instead of a CEO having that delegated authority, it actually has to be part of a submission made to the Commissioner for Public Employment, who will make that judgment call. However, I will talk about that in depth later.

The bill aims to ensure that the public sector delivers a high-quality service to the community across departments that can attract and retain talented staff, with the ability to provide open and impartial advice to government without fear of repercussion. That is an obvious requirement, and there will be no debate from the opposition on that, as we recognise its importance and the need to progress that opportunity.

The bill also requires public sector agencies to have in place an effective performance management system, and I would like to take up this point for a moment. From discussions I have had, it seems to me that some departments within government do have very effective performance management systems, while some have quite ineffective systems in place and others do not have any at all. The only way for an organisation or individual to improve themselves is to provide for some critique of their performance to occur.

In my local government sphere I saw this as an important opportunity and a chance for all staff to understand where they stood, where there were areas for improvement, or indeed if there were areas in which training was required. So, in the five years that I spent in my previous role, I ensured that reviews were undertaken each year. It is a lengthy process and I acknowledge that time has to be devoted to it but, importantly, it creates a stimulus for improvement to occur. If we do not have improvement then we as a state will suffer in the long term, bearing in mind that the Public Service delivers such a wide range of services.

We need to ensure that that opportunity is there. It is not a process to be feared: I believe it is a process to be encouraged, and it is important that people have the opportunity to express themselves candidly. Quite often only two or three people are involved in each review, but it does work well. So, in terms of those departments that may not have pursued it in the past, I am encouraged by the fact that this bill will require it to be a commonality across all departments. I hope that everyone within senior and middle management takes it up in the spirit in which it is intended, because it can create significant improvements.

It may be that a performance review involving a staff member, no matter on what level they operate, will identify that a critical lack of training is occurring in some areas. If that works its way up the line and becomes a recommendation, obviously funding must be allocated for it and time devoted to it. As it can only create improvements, it is important that this measure works well in the future.

I have spoken briefly about this matter before but, again, it is important that the bill promotes and enhances the attractiveness of a career within the public sector. From my remote observations prior to being elected in 2006, it appeared to me that the public sector faced

enormous challenges in the past. Many years ago it seemed that people who were appointed to the public sector had jobs for life—and certainly, other than the case involving people within the executive service, there is no suggestion of removing the tenure that exists for public servants. However, we must ensure that the attractiveness of the career is there, as well as the opportunity to grow in the career.

It seems to me that appointments and promotions must always be based upon the ability and skill of the individual, and not necessarily on any other factor that might come into it. We need the absolutely best people, and if we have that attitude all the time it will encourage people to become members of the Public Service. I know that in the harsh reality of the commercial world there are opportunities for people who currently work within the Public Service to accept roles that offer greater levels of remuneration. That is the challenge that faces the state now and going into the future, and it is also a risk.

However, the environment in which people work is a large determining factor as to whether or not they stay. If someone is comfortable within their environment but also challenged to do their job well, they will tend to stay within that environment. The public sector needs to promote that, because there will be many young people looking for a career and it may not be seen as being 'sexy' (a term commonly used out there in terms of career opportunities). This is especially so in the case of younger people who, from what I have read, have the potential for not just five jobs within their working life but actually five separate careers. It is important that the public sector is seen as one of those attractive careers. So, it is not just the circumstances in which you work, it is not just the remuneration, and it is not just the attitude; it is the total package that will make the public sector an important career option for people.

In the past, good people have been lost to the public sector for a variety of reasons, some of them where separation packages have been offered and they have gone on to what they have seen as other opportunities, but in many cases we have lost the absolute best because those people have been seen as attractive to all. Let us ensure that we encourage all of our public sector employees to achieve the best that they can, because that is the important thing for the state. Hopefully, with the attractiveness of a career in the public sector, that will flow through.

I note that new principles have been developed and new governance arrangements are in place. Certainly, there is an enhanced role for CEOs. Much of the authority currently held by the Commissioner for Public Employment, and indeed the Governor, for the hiring or firing of staff is being assigned to the Premier and, by delegation, to departmental chief executives. My role prior to coming to this place has given me a reasonable level of acceptance for that, other than where it relates to the termination provisions within the bill. I think it is important that people on the ground have the ability to react, but that ability to react needs to be seen with some consistency.

There has been some concern with some people that I have spoken to about the bill that there is a wide variety of opinions and a wide variety of how decisions are formed which, in effect, creates a very wide variety of consistency of decisions that have been made. While it is impossible for us all to be clones of each other and to ensure that we all act in the same way, it is important that there is some recognition of how decisions need to be made, the appropriateness of those decisions, and the opportunity for review—we will talk about that later when we get to the amendments—but also, importantly, that there is an opportunity to move forward.

I note the creation of the South Australian executive service. My understanding is that this will involve approximately 500 senior staff members. My understanding is that in the future every person appointed to the executive service will be appointed on a contract basis, whereas at the moment—and the minister might like to clarify this in his comments—there is a transitional period where contract provisions are being offered to those people identified as being required to operate within the executive service. Some have already (for whatever number of reasons) chosen to take up that opportunity.

There has been some concern expressed to me about doing that and having a contract which includes a provision for tenure as the fallback position. I would like to get some clarification of this from the minister, if that tenure is lost through the implementation of this bill if it goes through in its current form. This is a key issue for me to ensure that, in those cases, those people do not suffer any disadvantage.

I have discussed this at length with the Public Service Association. In number, it is actually a relatively small percentage of people employed by the Public Service. I know that across the wider community there is relatively little sympathy provided for people in the higher earning

brackets, but the people in those roles do possess a very high degree of skill and expertise and it is important to me to ensure that their interests have some level of protection. Some of those people have voluntarily gone into contracts on the basis that, if the contract is not renewed at the end of the contract period, then the position terminates, but for those who have gone into it on the basis that tenure is a fallback position, I am sure that the minister will clarify the government's position as outlined in the bill.

There is a provision to facilitate greater mobility of public sector employees across the sector to allow the required skills to be placed where necessary. That is an issue that I support quite strongly. It is important that, where a skill level is identified that exists for a need that may be beyond the area of responsibility of a particular department or section within which a public sector employee works, that person (subject to mutual consent, of course) has the opportunity to be appointed to a different role, which may be on an interim basis or it may be on an ongoing basis, but it is important that we provide that.

I think that the government has certainly made a positive step in this area. There may be people who have concerns with it, but I think it presents a tremendous opportunity. It is an opportunity for people to upskill themselves constantly, with the knowledge that, where an opportunity exists for them to fully utilise that skill—whereas in their current role they might not have that to the fullest degree—that skill will actually have the flexibility to be identified. Again, it will take positive and responsive senior and middle management to identify that. Importantly, that skill will be identified and that person—again, the fact that it has to be by mutual consent will have to be enforced—will have the chance to move to another opportunity. They will not lose tenure and they will keep their fallback chances but, importantly, their skills will be used.

It is on the basis that the state will actually face some very challenging issues in the future that we support this. As outlined in the house previously, financial implications are going to put immense pressure upon the state. It is important that, as part of the overall government response to the issues, the public sector has the ability to be flexible. I think this is a good step forward, and I commend the government on this.

Another issue that we have identified is that the bill, as is my understanding, brings together the Public Service and the broader public sector. The minister might like to clarify this, but I assume that it includes authorities such as SA Water and some people who may have worked within the health department, who are aligned to government but independently managed and who are now brought in under the one scope. This is an issue for which I have reasonable support.

I understand that the executive service will be identified as starting at a level within the award structure. People are required to go on five-year contracts. I think there is an acceptance of the fact that, if you are in a contract—and especially for newer people signing up for roles that do not offer the fallback opportunities of tenure—there should be some level of greater remuneration to reflect that. So, I would be interested in hearing from the minister whether some level or reasonable standard figure is attached to that or whether it depends on individual negotiations. I understand and enforce the fact that all future executive service members will be employed via a contract.

I have already spoken about performance management, and I enforce the fact that I think it provides some great training opportunities for people. It should have been in place many years ago, and it is disappointing to find out that it has not been in place. I would have hoped that the government would have been a leader in this area—without being an innovator—when it was identified that it was a great way to actually improve the provision of services, and it is a shame that it has not been.

I note the honesty and accountability provisions which will become part of the only provisions of the Public Sector Management Act as a result of the consequential bill that we are to consider after this one. As I understand it, that was previously handled via a code of conduct.

I have some questions about the attached office. When I read through the initial consultation paper put out by the minister in November 2007, I must admit that I was confused. I thought: what level of office is this? Is it some group which sits at the side of the minister and which has a greater liaison with staff directly and does not actually involve the CEOs of departments? Briefings that I have had with the minister's chief of staff indicate that this is based primarily around policy needs and emerging demands. I suppose that is where my understanding was: that demands will constantly emerge; there is no doubt about that. Departments and governments need to have some flexibility.

My recollection is that, in some cases, attached offices may only be with sole departments and, in some cases, they may exist to serve across several departments. Some clarification on that would be very helpful. The explanation that has been provided to me seems quite reasonable. I know that CEOs are focused on the management of the department and the immense demands that come with that, to ensure not only the provision of quality services but also that the financial demands are being met. Where additional dollars may be provided as part of some cabinet decision to invigorate it or start a new program, the attached office may have the focus on that. If it is about policy, I am supportive of it, but I just seek clarification.

I had a question during the briefings about productivity improvements. The comment was made to me that it was expected to happen but that it would not be measured. We have already noted that there will be greater flexibility to put people where their skills are required. We know now that, from the budget documents across the forward estimates and the media, greater efficiencies in percentage and dollar terms will be required from all departments. I am interested to get clarification from the minister about whether it is expected that productivity improvements will be measured in some way. The term 'key performance indicators' has been around for a while now, so I would be interested to see whether the intention is to try to measure that. I have never been a true believer in that one, I must admit; but I am interested in what the minister's attitude to that might be.

In considering the bill, and in the discussions I have had with various people, I note that the bill does not refer to a reduction or expansion of the Public Service but that it does provide an opportunity to get rid of staff deemed to be excess to requirements. I use the word 'excess' loosely. However, I note that the department is required to make every effort to find alternative work in another department and/or to retrain identified excess staff first.

The matter of excess staff is very difficult and emotional. For many people who have dedicated their life, or at least many years of work, to the Public Service suddenly to be told that their position is excess will be a very difficult situation to handle. I understand that necessity creates this sometimes. It is a necessity beyond the control of individuals which results from decisions made very high up the line. It is important that we have some empathy for how this works because we are dealing with far more than just numbers. As a member of parliament, when I look at the numbers, I think that, yes, that tells a story, but you must also ask yourself: who are the people behind the numbers?

You consider it in those terms when it comes to unemployment figures, when you expect cost reductions in government services and when you make decisions about whether you can improve an employment opportunity for somebody or at least an employment retention opportunity. The federal government's stimulus package, which was subject to robust debate, uses the words 'to create or maintain' employment numbers. We need to ensure that the debate on this one is healthy because excess numbers are an issue which will be talked about by many people.

I posed a question about the government's position on no forced redundancies. The minister's chief of staff said that government policy has not changed and, as I understand it, the provisions are contained within the enterprise bargaining agreements to which parties of both political persuasions have agreed in the past. It is easy to make a political point-scoring opportunity and just say that a change of policy by either government could alter that, but we will see. These times of financial hardship will make it even more difficult.

I have reflected on the fact that, as part of the Mid-Year Budget Review presented by the Treasurer in December, from his point of view, 1,600 people are required to be removed from the Public Service over the next three years. It will be interesting to see the method whereby that occurs and what the impact will be.

We have also made some consideration of the involvement of the Industrial Relations Commission, as it relates to this bill. I note from my experience of a previous shadow portfolio, when considering the training and skills development bill with minister Caica some six months ago, that the Industrial Relations Commission is now also involved in grievance disputes, as it relates to trainees and apprentices. From my exposure to that bill and to this current bill, it seems to me that the trend is that the use of the Industrial Relations Commission is becoming far more widespread by the government. It is a matter of policy for the Liberal opposition that we do not support that option. We propose (as will be evidenced by the amendments we will put forward) that the provisions of the Public Sector Management Act 1995 be returned to this bill because we feel that the collective use of the existing processes has worked quite well.

It is not that I have any issue against the Industrial Relations Commission, but we would prefer the current provisions of the 1995 act to continue. In its consideration of this bill, the opposition has spoken to a variety of people. Certainly, I put on record my appreciation for the assistance provided to me at very short notice on many occasions by the Public Service Association. That association has informed me from a wealth of experience that it collectively possesses about the real issues that are involved in this bill. It has reinforced the fact that, of the approximately 30,000 people who work within the Public Service who are potential members of its association, it has some 18,000 members, and I therefore recognise that it represents a very large group of people.

The people with whom I have spoken within the PSA have not only been quite candid but also quite rational in their comments, and certainly they support improvement of the bill to ensure that not only are opportunities created to improve the way in which the public sector is managed but also and importantly that the needs and desires of the staff who work within the Public Service are protected. I cannot dispute that and I would never try to. There is the wider issue of what the PSA intends to do in the future in its support of the Legislative Council, but importantly the opposition believes that the amendments proposed by the PSA are quite valid.

We have had some debate about that; and I apologise for the fact that it was so late, in that only this morning a party position was formed on the amendments that I have put forward in my name. Importantly, we think that the PSA has done a good job on this, and we commend the role that it takes not only on behalf of its members but also on behalf of the other people who work within the public sector. Primary concerns expressed by the PSA have focused around a few areas, and I might take a few minutes to elaborate on them. The first and most important one relates to clause 53 and the opportunity for termination to occur.

When the bill was first introduced in the house in November, this clause grabbed my immediate attention. We thought, 'Wow, okay, what is the government trying to do here?' A little more scrutiny into it tempered my thoughts a little, but I must admit that it has not tempered the thoughts of the PSA. An example given to me was where a public sector agency may terminate the employment of an employee. Clause 53 provides:

A public sector agency may terminate the employment of an employee of the agency on any of the following grounds:

- (a) the employee is excess to the requirements of the agency;
- (b) the employee's physical or mental incapacity to perform his or her duties satisfactorily;
- (c) the employee's unsatisfactory performance of his or her duties;
- (d) the employee's misconduct;
- (e) the employee's lack of an essential qualification for performing his or her duties;
- (d) any other ground prescribed by the regulations.

The important provision is paragraph (d), with which I have a lot of frustration. A lot of information seems to be contained within regulations that are not open to parliamentary scrutiny. It seems to me that those very broad terms do provide an opportunity for some terrible decisions to be made and for people to be terminated when justification might not exist.

I know that there is an opportunity within the processes proposed by the government—and certainly in the amendments that we are proposing—for review to occur. However, the opposition felt (as put to us by the PSA) that, in terms of a decision being made for a termination to occur, there needs to be an opportunity for review instead of a decision being made by one person and supported potentially by another; and the amendments about which we will talk later provide for that.

A submission must be provided to the Commissioner for Public Sector Employment to consider the issues contained within the request for a review, and then the commissioner has the power to either support or deny the request. It is this area that we want to take up with quite some vigour. In the broad sense I certainly have a lot of respect for the people who work in senior roles in the public sector, but it has been put to me by others that some people could be seen as not possessing the right attitude to staff management and may make some rather rash decisions which would have terrible consequences.

The review provisions proposed by the government are included in the bill, but our concern is that the process would be quite time-intensive and could take far longer than what might be



otherwise needed. If someone's employment were terminated on the grounds provided in clause 53, that person could lodge a request for a review to be undertaken and go through the process available under the bill, but that would take some time which would therefore put that person under some enormous pressure, especially in this time of global financial crisis—there is no doubt about that. The preservation of one's employment is going to be the primary focus for a lot of people in South Australia and the nation—and, indeed, the world—over the next two or three years until economic recovery occurs. People are becoming very conservative in their spending. They are ensuring that they make quite a definite decision about their expenditure.

Under this legislation, a person suddenly can have their employment in the public sector taken away because a senior person has made a decision. An example quoted to me was, 'They don't like the colour of their jeans.' It seems silly and irrational, and I understand that, but that was one example given to me. It is important that we have the opportunity for a review before that decision may be made. If, as is currently provided, someone's employment is terminated and they go through the review process and it is found that the termination was not appropriate and they return to duty within a quick time frame, that person will suffer pain and it will have been an annoyance. However, if it takes a long time for a determination to be made, it places the employee in the very difficult position of having to decide whether to continue with the appeal on the ground that they believe they are correct, or whether the financial pressure is so great that they have to seek alternative employment and therefore the career opportunity is lost.

Our suggestion is that the Commissioner for Public Employment has an important role to play. A decision may be made by a senior manager or a CEO of a department to terminate an arrangement on whatever grounds that are included in this clause but, because it has to go to the Commissioner for Public Employment, it creates that opportunity for a review and a decision to be made in the fullness of time and taking into account all the required information, which allows not only the department but also the employee to see an outcome that everyone can appreciate and understand.

It is interesting also that clauses 60 and 61 are the review of employment decisions and the creation of a proposed public sector grievance review commission which, as I understand it, and the minister might like to clarify, is made up of a single commissioner. It is our suggestion that existing section 61 of the Public Sector Management Act 1995—which provides for a review tribunal made up of a presiding officer, an agency nominee and, in this case, potentially, a union nominee—should be used. I think it should be taken out of the hands of a single commissioner because it would be impossible to possess all the knowledge involved in the issue, and that person would have to seek submissions and extract information to allow them to make a judgment.

Expanding that role to the three people as contained in the current provisions of the 1995 act is an improvement because, surely, the people who would be involved would have the knowledge that would allow not only the right questions to be asked when submissions are received but, also, importantly, for the right decisions to be made—and it provides greater scope and an opportunity for a better decision to be made. So we hope that is supported by the government.

We also will be proposing that existing section 32 of the Public Sector Management Act is used to ensure that the review tribunal can consider reclassification appeals. We are also proposing, and noting, that the bill as it related to probationary periods talked about a period of not greater than 12 months. I must admit I was surprised that probationary periods potentially could be that length of time. In my portfolio community debate on that matter this was identified as an issue. It seems that three months is more of an industry standard, but I note that there will be occasions when that could be extended. We will move amendments on that soon.

We also note the provisions of clauses 54 and 56, in relation to suspension from duty. Representatives of the Public Service Association in their discussions with me and others were very concerned that the bill provided only for suspension without pay. I note that the clause includes the word 'may', but we will seek to tidy that up a little and obtain some clarification by way of consideration of an amendment.

I also note clause 14, which relates to the public sector code of conduct. While I do not think there would be any concern about the fact that a code of conduct is produced, the bill does not define what the code will be, and that uncertainty has created some concerns. So, in our consideration of this matter we will propose an amendment in recognition of the fact that, if a public sector employee who obviously has interests outside their professional role has sought and been granted the opportunity, if something were to occur during the day, to take part in a rally for a

particular cause in which they might have an interest, it could never come back and be detrimental to their career within the Public Service.

Various examples have been given to me. One was an example (and I hope I am not breaking that person's confidence) of a person who might have a particular interest in the disability sector because they, an immediate family member, a friend or relative might have a disability.

The disability sector has been quite outspoken in recent times about the need for the provision of funding improvements. If a Public Service employee has sought and been provided with an opportunity to have time off and then takes part in a rally (which might even occur on the steps of Parliament House) in support of the need for the provision of additional resources and was observed in that role by a person who may have taken some offence who works in a senior role within the department in which they are an employee, it could have repercussions for their employment. That is a concern.

I understand that it is probably an extreme version and it would be a very rare occurrence. However, because the bill does not define what the code of conduct will be, we think it is an important area in which to engage in some debate and an amendment has been prepared with respect to that matter.

I have discussed at length the issue relating to clause 41 and the executive service and the need for fallback tenure to still be available for those members who have already signed contracts with respect to which fallback tenure is a provision. So, I will not go into any more detail on that subject.

We had some concerns about the roles and responsibilities of the Commissioner for Public Employment as proposed in the bill. We note that Mr McCann is now in that position. It was previously Mr Walsh, and before that I am not sure. We thought that potentially there would be instances in which the commissioner would seek an opportunity of their own initiative to undertake a field of work.

From our review of the bill, it does not appear that that is an option available to the commissioner. So, we will submit for consideration an amendment with respect to clauses 13(1)(e), (f) and (g) to have the words 'or on the commissioner's own initiative' added at the end of each clause. I think it is a positive step forward. It is important for the Commissioner for Public Employment to be a proactive person who does as much as they can for all public sector employees by the inclusion of these words. I would be interested to hear whether this was an innocent miss or a deliberate decision by the government. We think that support for the amendments we intend to move will create an improvement to the system as it currently is.

Representatives of the Public Service have said a lot of things to me. One comment was that these are the key areas in which they see amendments as being required and, following my review of amendments proposed by the member for Mitchell, I believe that there is a commonality in many of the areas; there is no doubt about that. They have stated that, while they are the key areas in which they would like to see improvements, they have concerns with other areas of the bill. Contact that occurred even as late as last night indicated that the minister wrote to the PSA yesterday, quite late in the afternoon, talking about a spirit of cooperation, ongoing dialogue, and so on—all very commendable. The feedback provided to me was that the PSA, as part of its response to the minister, has suggested that there would be ongoing dialogue and ability to improve aspects of the bill if the minister chose to withdraw the bill from consideration today. I note that that brings a smile to the minister's face, and no doubt he will provide—

*The Hon. J.W. Weatherill interjecting:*

**Mr GRIFFITHS:** Yes, but I have not been in charge of the negotiations about it. That is for the minister to comment on. That was the information provided to me. We have consulted with other groups. Business SA was approached and it provided a copy to us of its November 2007 report, entitled 'The South Australian Public Sector—a Program for Reform'—

**Mr Hanna:** Reform or abolition?

**Mr GRIFFITHS:** I am only repeating the title of the publication—and the member for Mitchell may want to comment on that. I am grateful for the comment made to us. Certainly Business SA has a position on tenure being removed. I have been observing the situation long enough to understand that that was one of the recommendations of the Economic Development Board submitted to the government and, I understand, the only recommendation not supported. That is an issue, and I put on the record here support for the tenure where it exists for staff.

SA Unions were also contacted. I am advised that in this role the PSA has taken primary responsibility for it. SA Unions provided me with comments in early February, expressing concern about chief executives having the power to terminate, matters involving suspension without pay, the appeals process, power shifts to chief executives, redeployment concerns (including reduction of pay by chief executives) and a greater emphasis on the regulations. Again, that is an issue we have concerns with, in that it removes the opportunity for real parliamentary scrutiny to take place.

Furthermore, they have noted that a meeting held of the involved unions endorses the following principles as a basis of an approach to negotiations on amendments to the bill, involving all public sector workers: maintaining job security; no loss of current entitlements; independent non-legalistic appeals (and in that area I certainly offer my support); a public sector-wide approach to issues, not by individual chief executives—and I talked previously about the need for consistency of decisions; and, the principles of no disadvantage, including any loss of current entitlements and the equity to be applicable to all public sector workers. It is interesting that people across South Australia have quite a varied opinion of the public sector, depending on their individual contact with it. It is easy to criticise and that occurs far too often, but I try to focus on the positives and what the opportunities might be. I understand that many people within the public sector have difficult roles, which they perform as best they can with the resources provided to them. Let us look at what the opportunities might be.

I am happy to put on the public record that my initial view of the draft bill was that many of the principles are areas of support, but in the time I have spent on this matter in the chamber today I have outlined the areas of concern that we have. There will be a healthy debate on that aspect. Members on this side of the chamber will talk about the areas of concern to them. It will be interesting to see what occurs when the bill gets to the other place, but let us hope that ultimately the bill will result in progressing the public sector and recognising its importance in terms of making our state a great one.

**The Hon. J.W. Weatherill:** Do you support the bill?

**Mr GRIFFITHS:** The general principles of it, with amendments to be considered.

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (11.59):** I commend to the house the comments of the shadow minister. I want to speak personally on this bill in order to signal the support of the state Liberals for the excellent work done by our Public Service. I want to assure those who serve the people of South Australia that this side of the house believes in a professional Public Service, a Public Service where people choose a career, not just a job, and a Public Service within which frank and fearless advice is provided to ministers and to government without the Damocles sword of instant sacking or removal hanging above their head.

There are a number of aspects to this bill with which we have difficulty and we will be moving amendments to it. I think that, over time, the nature of the relationship of the government with its Public Service has changed, and I am not sure that all those changes have been for the better. I have had some experience of this at the commonwealth level within defence, and lessons can be transposed from the commonwealth to the state. There are considerable difficulties when governments change, come in and sort of pull the levers in regard to how the Public Service is managed, in dramatic ways that sometimes cause quite a lot of collateral damage to the long-term sustainability of the Public Service. I am talking here about sudden decisions to either grow or reduce the size of the Public Service without considering the effect it might have on people's careers.

I know that there is a problem in the commonwealth Public Service when someone comes in and says, 'We will not hire anyone for the next two years because we are on an efficiency drive and we want to cut costs.' There is then the effect of a huge black hole moving its way through the Public Service for the next 20 years where, when people need to be promoted 10 years later to a senior level, because they were not recruited 10 years earlier, a huge bubble flows through the career structure of the Public Service, creating problems that continue well beyond the decision not to hire for those two or three years. Similarly, if that cut is followed by an explosive growth two or three years later, it can have the reverse effect where there is an oversupply of people moving through the career system, creating enormous difficulties for managing people's careers.

A world in which people step forward to join the Public Service, knowing that it is a 20-year commitment to a meaningful career and that there are genuine prospects for advancement and that they have every opportunity to advance, if possible, to CEO level and to head their department, is one which we should encourage and promote. If public servants know that they can never make it

to the top because the government of the day will always parachute in people from outside in almost every case, often with agendas that are not necessarily designed to deliver a better Public Service, then why continue on? Why choose it as a career? Governments need to discipline themselves in order to encourage and expect that we will grow a Public Service in which people can have a long-term sustainable career, where they can reach top levels within the Public Service towards the end of their period in that service.

I know that governments of all political persuasions have done this in the past, so I am not trying to pretend that Liberal governments have not in the past sought to impose people into the management structure of the Public Service—I am sure they have—but I think it has gone to new heights in recent years, and I have to say that some of the appointments that have been made have bemused many on this side of the house. As elected governments we need to be a little more professional in managing the Public Service in order to make sure that, whilst we keep a flow of people moving to and from the private sector into and out of the public sector, and we keep that freshness and intellectual energy alive by cross-fertilisation, we do not, in effect, in the fullness of time, nobble careers within the Public Service to the detriment of all South Australians.

We need a long-term approach to the way we develop the Public Service, not one that just reflects the short-term priorities of the particular government of the day. In this respect, there needs to be a bit of bipartisanship and cooperation—

*The Hon. J.W. Weatherill interjecting:*

**Mr HAMILTON-SMITH:** That is why we have carefully considered the bill—

*The Hon. J.W. Weatherill interjecting:*

**Mr HAMILTON-SMITH:** The minister has had his chance to have his say; if he will just listen. If he wants to ask questions, I welcome him to the opposition benches—and I hope that that is not too far away! In the meantime, I would suggest that he leave us to ask the questions and he can confine himself to the answers.

There does need to be some bipartisanship, some cooperation and some long-term thinking in the way we govern the Public Service, because the real concern is that, if we make it unattractive by limiting career prospects and threatening people's ongoing employment unnecessarily, and if in the interests of streamlining we make it unattractive by introducing unfair work practices into the arrangements we have for the Public Service, we will just lose good people. They will go off to the private sector or select other career opportunities, or, as importantly, we will not be able to attract them from the private sector to join the public sector so we will not get that benefit and cross-fertilisation of people moving in both directions.

The shadow minister has flagged intended amendments in the way agency chief executives will be able to operate under these new laws, and we will be moving amendments in that regard. We have flagged review of employment decisions as a concern. Suspension of duty is an area upon which we have focused and to which we will be moving amendments. We have referred to the Public Sector Code of Conduct. We want to ensure that the devil is not in the detail of a code of conduct or subsequent regulations that then go beyond the intent and limitations of the act itself.

I know that the shadow minister has already flagged a range of other issues on which we intend to focus. We have talked to Business SA, the union and other stakeholders, and we have arrived at this position because what we want out of this legislation is a better, stronger, harder working Public Service that is better equipped to cope with the challenges of the future—and there are plenty of them. I conclude by dispensing with this perception that some people try to promote that somehow or other Labor governments are closer to unions, closer to public servants and better for them than Liberal governments.

I can tell you that, if that was once the case, it is not any more. I can tell you that our view—and we have discussed this at length—is one of enormous respect and support for the Public Service. Since I have been in this place, I have never been in the business of Public Service bashing, which some people like to get into. I think it does a fantastic job and, having served 24 years in the defence department, I suppose, in one way or another, I probably could have been categorised as a public servant.

I have seen the work that people do, often in dangerous and very difficult conditions, in everything from fighting fires to dealing with the tragic issues of families and communities, to dealing with our prisoners, to dealing with angry customers; and, I can tell you, I do not know how

some of them manage to do it. Occasionally, the odd public servant must feel like leaping across the counter and throttling the odd person who comes into see them. I know how frustrating that can be. How they manage to keep their cool in the difficult circumstances that we, the elected members, put them in deserves a great deal of recognition and respect, and they will always have that from this side of the house.

All public servants understand that government budgets have to be met, that expenses have to be matched by revenues and that governments have to be efficient. Any government is going to seek efficiencies, and there are no exceptions. Governments will always be asking, 'Can we move people out of head office to service delivery?', or 'Do we need this number of people to do that particular job or can we do it with fewer people?' Any government that did not do that on behalf of the taxpayer would be negligent. So, we will always do that.

The sort of Public Service a state Liberal government wants to see is one that provides career prospects and longevity, one that people feel proud to be part of and one that is able to serve the people of South Australia admirably and well. In that regard, we could learn some of the lessons of the past and maybe correct some of the errors of the past and go forward a little more securely and sensibly. So, that is what we will be looking to provide with this bill.

**The Hon. R.B. SUCH (Fisher) (12:11):** I will be brief. I thank my colleagues for their courtesy in allowing me to speak at this stage. Like the Leader of the Opposition, I believe that we in South Australia are blessed with a dedicated Public Service. People, including some politicians, often want to criticise the Public Service. However, if you look at the history of this state, we have been well served by dedicated, honest and committed public servants. I find that in my dealings with them they are very responsive, easy to deal with and most helpful.

I will not get into a lot of the technical aspects of this bill, but I will make some general observations. I think it is important that we do not allow bureaucracies, whether they be private or public, to become, in effect, self-serving and self-perpetuating so that the focus is on the bureaucracy itself rather than its core business and that we ensure that its staff are able to perform to the highest possible level.

It is important that people in senior positions and, indeed, all positions, within the Public Service are held accountable. One of the great problems of today is that no-one seems to be accountable for anything, whether it be a mix-up in the federal sphere in relation to dealing with illegal immigrants or refugees or whatever. Whatever area of government it might be—and likewise in the private sector—no-one seems to be held accountable. Not only do we need a system where there is accountability but also we need to have trust in the people making decisions. In that regard, bureaucracies should be, in my view, as decentralised as possible but still able to carry out their functions. I think we need bureaucracies in smaller units at what I would call the local level. We have that in some aspects of our state Public Service but not in all.

In the related area of education, which is a hobbyhorse of mine, we find increasingly that we are getting the message that in respect of state schools, for example, the decision-making occurs in Flinders Street, and I was at three school council meetings last night. You have to give authority, trust and responsibility to the people out in the field. I guess that is why a lot of country members become annoyed and upset when things tend to be centralised in the city. We need to give local people in the Public Service the authority to make decisions and to relate to the local community, obviously within a general framework of the law and the requirements that are set by the parliament and through Executive Council.

It is important that we attract talented young people to the Public Service. I am a great believer in the traineeship scheme, and I am sure that other members have found the scheme to be great in terms of their own office. Many of the young people I have been associated with have gone on to very significant positions in the Public Service.

I would make a plea to the Treasurer and other ministers that they not cut back on the traineeship scheme as it relates to the public sector. We need to encourage young people, whether they be graduates or non-graduates, to enter the Public Service. We also need to make sure that people of mature age who wish to continue working in the Public Service can do so.

I have argued for a long time that, just as people who work part-time can access part of their super, people who work full-time and have reached a qualifying age should be able to access part—not all—of their superannuation entitlement. It is their entitlement, and there is no reason why we should force out talented people even before the age of 60 when we could use their talent.

Not only do we need to attract bright, talented, young people but also we need to keep those mature age people who are willing to stay on, who are capable and who are able to deliver. We need to allow them to stay in the Public Service and make a contribution.

It concerns me that, whenever there is talk of cuts to the Public Service, they normally take place at the coalface where the interface with the public occurs and, therefore, across-the-board percentage cuts to the Public Service are often counter-productive and not in the interests of the community at large. I make the plea to the government—because I know we are facing tougher times—that we do not have these silly across-the-board cuts that mean, ultimately, that staff at the coalface are cut.

I am pleased to see that there is reference in the bill to the public sector meeting the objectives of the government of the day. That was an issue that I raised years ago with the now Premier. If the public sector does not meet the objectives of the government of the day, you have to ask: what are they meant to be doing? I am pleased to see that that is spelt out in this bill.

There are a couple of areas that concern me. I think it is time that the provision for sick leave was reassessed. We know that there is a small minority that abuses it, misuses it or regards it as a form of annual leave, but I think that that provision—and I notice that there is reference here to some changes—needs to be organised in a way that genuinely caters for those who are sick but does not pander to the minority that abuses it.

Likewise, long service leave should be reassessed, and this is an issue that I will raise at another time in this parliament. One has to question whether or not it is really desirable, in this day and age with changing employment, and whether or not it is fair and reasonable, to have a system of long service leave for which some people qualify and which, in some ways, hinders the creation of a dynamic economy.

You could reward people in other ways rather than just reward someone who has stuck it out for a long time. It may have been better if that person had moved on or moved into a different field. I have written to the Deputy Prime Minister asking her to have a look at this issue of long service leave as well as sick leave, which I raised earlier.

Finally, flexitime sounds good in practice. Once again, I think there is a small minority that abuses it. I hear stories of people who go to work, clock on and then go out and have their breakfast and read the paper and so on. I do not know how widespread that misuse is, but all of these things ultimately come back to having trust in your employees and giving them responsibility. If you put trust in them and give them responsibility, that is a good thing. If they do not deliver on it, you should come down on them like a ton of bricks.

They are the points that I want to make in relation to this bill. I think it is important that the public sector be revitalised on a continuous basis but, as the Leader of the Opposition said, we should avoid making the public sector the whipping-boy of the community—which is what often happens to us as politicians—because not only is it unfair but also it is unproductive and unhelpful.

**Mr HANNA (Mitchell) (12:20):** I am speaking to the Public Sector Bill brought in by the Labor government. I will express some concerns about it. I have some amendments which address a couple of the key issues. My amendments unashamedly pull the proposed legislation back towards the current legislation in a couple of areas.

To start, one reflects on the Public Service as the means by which a government implements its policy decisions. The parliament passes the laws, the executive manages that, and the Public Service implements what we say what should happen in terms of the way services are delivered to South Australians.

The diversity of the Public Service always needs to be borne in mind when we talk about it. Some people think of people in the Public Service as pen pushers or, these days, people behind computers in desks in big office buildings in the city. But, of course, we need to remember our firefighters, teachers, nurses, and so on—people who work in specialised fields, people who often have face-to-face contact with some of the most difficult customers you can imagine.

I want to make a brief observation about the member for Fisher's comments about long service leave. I think it is missing the point to think that long service leave is about giving someone a bonus of some kind because they have stuck it out for a certain length of time. I actually think it is about people being refreshed after a long period during which they might burn out. That is certainly the case for those people who work in the most difficult areas. For example, I think of the local mental health team in my area and the Flinders emergency ward, where there is a very high risk of

burnout. For people to stick it out years on end I think warrants a period of reflection, rest and recreation of several months, and that is what long service leave is all about.

One of the general concerns that I have had about trends in the Public Service over the last generation has been their politicisation, especially at senior levels. The Hon. Rob Lucas, in another place, has made a meal of Labor government appointments to senior Public Service positions, with allegations of mates being appointed, and so on. I am sure somewhere in the past there has been some Labor heavy who has made a similar speech in parliament about the various Liberal appointments to the Public Service. It has been an unfortunate trend over the last 20 years or so.

I do not see the government reform, on this occasion, as being helpful in relation to that process. If anything, it tends to give greater power to the top of the tree, the top of the hierarchy. There is an even greater risk that, with the greater power of the executive and chief executive officers, there could be even greater political influence forced into the upper echelons of the Public Service.

The main concerns I have about the legislation are probably in respect of termination and transfer. These issues in turn relate to this question of politicisation. If there is a stick hanging over people and it becomes easier to get rid of them, either geographically or in terms of their employment, it is then easier to keep people in line, and I think this government is very interested in keeping people in line, particularly in the Public Service.

Probably one of the practical concerns here is about the flow of information out of the Public Service on an informal basis to media, agencies such as the Anti-Corruption Branch of the police, and to members of parliament. If this legislation is intended to increase the pressure on people who might want to speak outside of their day-to-day roles in the Public Service about what they see as wrong in their workplace, that would be a retrograde step.

One also cannot refer to the Public Service without making reference to that long-running and popular television series *Yes Minister*. Some people think it is a documentary! I must say that I was reminded of it when I received a letter from the minister handling this legislation, the Hon. Jay Weatherill. I wondered if some of his description of the legislation echoed some of the concepts that were featured in that television series. The minister referred to 'new public sector principles' being set out in the bill. I wondered if that actually meant that private sector principles are now being applied to the public sector to a greater extent than ever. The minister referred to a 'greater emphasis on one government'. I wondered if that referred to a greater degree of executive control, more than ever, in respect of the upper levels of the Public Service especially.

The minister referred to 'an enhanced role for chief executives'. Again, if chief executives have a greater flexibility in hiring and firing and transferring public servants, they therefore have a stick with which to keep public servants in line. If chief executives are chosen with a political eye, then the will of the executive has another avenue to be laid down through the upper echelons of the Public Service. The minister has also described this legislation as having 'provisions to facilitate greater mobility of public sector employers across the public sector'. Of course, that could be a good thing but, if one is faced with a transfer to become desk manager at Oodnadatta because of one's public airing of grievances in the media, for example, then that would be a retrograde step.

The minister claims that there is also 'greater emphasis on performance management and development processes'. Again, that sounds good and we should have monitoring of performance in the public sector, as we have in every other sphere of life. However, I wonder if the emphasis on performance management also has an eye to greater emphasis on media management. Again, there is that concept of controlling and limiting public servants who might seek to comment on what they see as wrong in their workplace. Finally, the minister also described the legislation as having 'streamlined rights of review'. I think that probably means more limited rights of review.

When it comes to my amendments, they focus on restoring greater power to the Commissioner for Public Employment, who has a very important role—as close as we can get to an independent umpire—when dealing with the various grievances that come up in the Public Service. Secondly, I think the area of appeals needs to be revisited. I was very pleased to see that the Liberal Party has placed a number of amendments on the file. Many of them are in common with what I am suggesting, as well. No doubt, we are both inspired by the discussions we have had with the Public Service Association, which has done a sterling job in representing the interests of its members.

I was heartened by the speech made by the Leader of the Opposition (the Hon. Martin Hamilton-Smith) because it did seem to be a case of an old dog learning a new trick in terms of the Liberal Party acknowledging the value of the Public Service and turning its back on a history of denigrating the Public Service and the work it does. That was really heartening. In conjunction with the thoughtful speech made by the honourable member for Goyder, I think that if not in this place then in the upper house we might see some improvements to the legislation.

**Dr McFETRIDGE (Morphett) (12:29):** Before I came into this place I ran a successful veterinarian practice. When I was out doorknocking during the 2000 election campaign, a lady said to me, 'You're the vet, aren't you?' I said yes, and she replied, 'Oh, you'll be right; you're just going from one lot of mongrels to the next.' I think she was being disparaging about my patients and I certainly think she was being very disparaging about my colleagues. I, for one, am absolutely fed up with the way politicians are maligned in this place, in the press and in public. I do not think there is anybody here who does not work very hard, and we are all here for honourable purposes. The Public Service is continually maligned in just the same way.

I saw a bumper sticker once that stated, 'Do the world a favour; run over a public servant.' What an atrocious attitude that is! The Public Service—whether it is the South Australian Public Service, the national body, or even those existing around the world—does its very best to serve the public, and to be continually maligned like that is as much of an injustice for those officers (if not more so) as it is for members of parliament. At least we can stand up and have a go back in this place and in the media.

It is an atrocious attitude and that is why, when we introduce legislation in this place to change the way public servants are employed, we need to ensure that we do not in any way reinforce the misconception held out there that public servants need to be whipped into line or put on notice all the time. That is not the case. I do not believe this legislation aims to do that per se, but we need to make sure that there is no opportunity for people to come out and say, 'It's about time the Public Service got its comeuppance.' It does not need that.

My relationship with the Public Service Association has been an excellent one. Obviously with WorkCover we disagreed on a number of things, and we are still working with issues there, as well as with issues on industrial relations. However, I have met on this issue with Peter Christopher and Janet a number of times. In fact, Peter Christopher and I are on a committee outside of this place and of the Public Service Association that is involved in saving the clipper ship *City of Adelaide*. I have come to know Peter through that committee—obviously he does a lot more work on it than I do—and he is an honourable person who is representing people who have a genuine belief in what they are doing and a genuine desire to do a good job. That is why it is very important that we examine this legislation to look for ways of improving the outcomes not only for the people of South Australia but also for those who serve the people of South Australia, the public servants.

We need a strong Public Service. If I get the chance to be a minister in this place, I want to get full and frank advice from public servants; I do not want the *Yes, Minister* syndrome. We live in fear of that, because there is nothing worse than having people around you who are just making sure their backsides are covered: if you do okay that is good for them as well, and it is probably in their interests to make that happen. A strong Public Service is needed, and I encourage all members in this place to make sure that we do not inadvertently, or with misguided intent, do anything that would in any way jeopardise the strength of our Public Service.

I hear stories in this place about some public servants who are misinformed, or who are doing something they have been asked to do but with which they may not agree, and perhaps their attitudes need some adjustment, but in my case, without exception, I have had no problem with public servants; they have been fantastic. Every time you make a phone call or have any interaction with people in, say, the motor vehicle registry or any other area of the Public Service, it has been a pleasure to deal with them. They always get back to you and do the right thing, so I am happy to stand here and talk about this legislation and make sure that public servants get a fair deal. That is all they want; they really just want a fair deal. I have found that all people want in life is a fair deal, and I hope this legislation will preserve that by the time it has been amended.

I understood that there were to be some amendments considered by the government and that the bill may have been postponed, but that has not happened. We have it here today and so we are dealing with it today. The draft bill was released in November 2007 and was to be introduced nearly a year ago in April 2008. The aims of the bill are all highly commendable. It aims to ensure that the public sector delivers high-quality service to the community across departments,



attracts and retains talented staff, and ensures the ability to provide open, impartial advice to government without fear of repercussion. Well, I think the public sector is doing that already.

The bill also highlights the requirement for public sector agencies to have in place an effective performance management system, and of course you need to make sure that everyone is able to do their job. My mother was a grade 3 schoolteacher and she used to say, 'A failure to learn is a failure to teach.' If you train people and provide them with opportunities for professional development, they will take advantage of those opportunities—and I suspect that in 99.9 per cent of cases the people involved in that training or development will then carry out their job to the best of their ability. If they do not have that ability, then fair processes should be in place to retrain or counsel those people.

The shadow minister has spoken quite clearly about the concerns put up by SA Unions. The need to make sure that there is a right of review—I will have a look at some of the amendments in a moment—is there with the role of the Commissioner for Public Employment. SA Unions has also had some input on this.

I did not hear the shadow minister speaking about that—he may have; I may have missed it—but the main concerns were: maintaining job security, no loss of current entitlements, an independent non-legalistic appeals process to be put in place, that the public sector-wide approach to issues was not by individual chief executives, concerns about the appeals process, and suspension without pay.

The thing that we are seeing a lot of in government nowadays, and this government in particular, is the reliance on regulations. The devil is always in the detail and it is always in the regulations. We have just seen the introduction of some regulations for country taxis. To my knowledge, there was no consultation on that, and the feedback that I have had from the country taxi people is that they are outraged at that. Let us hope that this emphasis on regulations is not going to flow through to this particular piece of legislation.

Amendments have been put up by the shadow minister and the member for Mitchell, Mr Hanna. There are some very similar amendments there. Certainly, they are fairly straightforward amendments and, I would have thought, common-sense amendments.

The need to be able to speak out on issues in your own community, I think, is something that is a part of natural justice. For public servants to feel that their jobs are in jeopardy is wrong. If they want to stand up and speak on issues that are of concern and that are dear to them, they should be able to do that. Obviously, if there is a conflict of interest with their role as a public servant, that needs to be taken into account, and that is taken care of in the member for Goyder's amendment:

The code of conduct may not restrict participation by public sector employees in community activities unrelated to their employment except so as to ensure that public sector employees conduct themselves in public in a manner that will not reflect adversely on the public sector.

That is common sense, and I think it is a bit of natural justice. The need to make sure that public servants are treated fairly is in another amendment that has been put up by the shadow minister, and that is the right of review of pay rates. I think there should be some right of review.

If you are going to have your pay, your livelihood, your whole lifestyle threatened by having your income changed, particularly if it is being reduced, then it should be able to be reviewed. There needs to be a commission with teeth, in this particular case the Public Sector Grievance Review Commission, with the ability to say, 'This is what needs to be happening, this is what needs to be put in place', so that people get a fair go.

Along those same lines, the right to fire public servants needs to be not taken lightly by a person in power because of some personal grievance or personal agenda. That must not happen. I note that the new Commissioner for Public Employment, Mr Warren McCann, is a very experienced public servant. He is aware of these changes, and I would be interested to know what his views are on this.

Obviously, he cannot speak out, but I would be very surprised if the Commissioner for Public Employment was not concerned about him or her being sidelined in the ability to fire public servants. I think there needs to be a review process and that the commissioner should have the opportunity to review, if not delegate, the ability to fire.

If the government does not want to give the commissioner this power, it needs to give him some right to oversee this power, even if he does not use it, or perhaps the ability to intervene at certain times if there is a disagreement. That is something that I think we need to look at.

The amendments put up by the shadow minister and also the member for Mitchell are pretty much common sense. They do not really take much out of this bill, but what they do provide is more natural justice.

We move on from firing public servants to just suspending them. The need to make sure that, once again, there is some natural justice is included in the 14<sup>th</sup> amendment by the shadow minister. We want to provide:

Suspend an employee of the agency from duty for a specified period (which may be or include an antecedent period) with or without remuneration or accrual of leave rights,

I think that, when you suspend someone without pay, it needs to be really well thought out and well examined. We really need to include that subclause, because remuneration is a very important issue.

The other amendments will obviously be discussed in more detail in committee, but I do want to mention the grievance panel. If we are to have a grievance panel, a panel of one does not really suit the job. We really need to have—as has been suggested by the Public Service Association—a panel of three, comprising the commissioner, a union rep and an agency rep. I think that is a very fair arrangement and that, if these amendments are supported by the government, it will be a significant improvement to this piece of legislation.

As I have said at the start, this legislation should be all about making sure that the Public Service is able to do what it wants to do, that is, getting on and being servants of the public, doing it as well as they do now and, if possible, improving it through both a secure employment structure and a definite line of promotion. Also, financial rewards to suit people's efforts and results are also important.

We must all remember that the Public Service is a huge part of South Australia. It is a vital and integral part of our everyday life, so this legislation should not be dealt with lightly or rushed through this place. I understand that there will be some discussion in committee about these amendments. I hope that the government sees sense. I understood that it was going to sit on this bill for a while and discuss it further with the PSA. That has not happened, but I know that those discussions will take place across the chamber in committee. With those words, I conclude my remarks.

**Mr PEDERICK (Hammond) (12:42):** I rise today to support the Liberal Party and the shadow minister, the member for Goyder. I support the bill as well as the amendments that the shadow minister will move. The primary portion of the bill is to make provision for employment, management and governance matters relating to the public sector of this state, to repeal the Public Sector Management Act 1995 and for other purposes. I note that the public sector involves the employment of some 79,000 full-time equivalent people, with total numbers coming close to 100,000 and clocking in at about 98,000 people.

A review of the bill highlights that the aim is to ensure that the public sector delivers high-quality services to the community across departments, to attract and retain talented staff and ensure the ability to provide open, impartial advice to government without fear or repercussion. I think this is absolutely vital when, obviously, as time goes on, governments change. It also highlights that it requires public sector agencies to have in place an effective performance management system, and I think that is equally important.

Also, there is a need to attempt to enhance the attractiveness of a career in the public sector. In this state, I think one in eight people in employment works in the Public Service. So, obviously, if profitable, enjoyable careers can be pursued, it benefits not only the individuals but the community as a whole.

Key policy propositions in the draft bill include new public sector principles and new public sector governance arrangements. Also, an enhanced role for chief executives—which is where much of the authority is currently held by the Commissioner for Public Employment and the Governor for the hiring and firing of staff—will be assigned to the Premier and, by delegation, to departmental chief executives. A South Australian executive service, comprising approximately 500 people, will be created. Provisions will also be made to facilitate greater mobility of public sector employees across the sector to allow for required skills to be placed where necessary.

In consultation on the bill, many issues were identified for discussion, including that it will bring together the Public Service and the broader public sector. Authorities in health and SA Water, for example, where some people have been employed by government but managed independently of government, will be more aligned. As I mentioned, the South Australian executive service will have an award structure, and these people will be required to go on five year contracts; no doubt, people will be considering their position as to whether they go into these contracts and give up permanent tenure. Obviously, it looks like there will be remuneration benefit increases by approximately 10 per cent for going on contract. All future executive service members will be employed via contract.

As I mentioned, regarding performance management, formal structures will be put in place in departments, and CEOs will be reviewed against this structure. These performance reviews will identify training plan requirements for individual staff, and it has been noted that perhaps this should have been in place years ago. Another issue identified is that the honesty and accountability provisions will become the only provisions remaining in the Public Service Management Act 1995, previously handled via a code of conduct.

Productivity improvements are expected, although, as the shadow minister mentioned earlier, these will not be measured, but it will give greater flexibility to put people where their skills are required. The bill does not refer to reduction or expansion of the Public Service but does provide an opportunity for CEOs to get rid of staff deemed to be excess; however, the department is required to make every effort to find alternative work and/or retrain identified excess staff.

I also note that the government has a policy position of no forced redundancies, but it has said that it wishes to get rid of 1,600 staff over three years. I think there are also revenue issues with lower GST receipts in this time of global financial difficulty; obviously, less money is being spent everywhere. An important point made here is that the right of review of decisions affecting employees still exists, with the Industrial Relations Commission involved.

Consultations have occurred with the PSA, SA Unions, Business SA and individuals regarding this bill. The shadow minister made a very good speech on this. I also acknowledge that the PSA, through Peter Christopher and others, is very keen to express its point of view. When I have talked to various people about the changes occurring through shared services, where hundreds of jobs are being forced to leave regional areas, I have learnt that people are unable or too scared to speak out against the government for fear it will affect not only their employment but that of others whom they know and work with.

It would be just impossible for a couple who live in, say, Mount Gambier, and one of them gets transferred to Adelaide. That is disgraceful in terms of family life. Obviously some decisions must be made by the family as to what they do, because in that situation I would not be surprised if one member of the partnership gives up their job. I represent the seat of Hammond, with Murray Bridge being the largest town in that electorate. Many public sector staff work in Murray Bridge, and there is nothing more enjoyable than being able to have a relationship with staff on a one-on-one basis.

I know that some staff follow the protocols and say that if you have an issue go directly to the minister. They end up writing the ministerial, anyway, when it comes back to them. Some staff are very good to get on with when you ring up. I do not believe that I am an ogre. I may be big, but I think I am—

**Dr McFetridge:** Big and cuddly!

**Mr PEDERICK:** 'Big and cuddly', says the member for Morphett.

*Mr Kenyon interjecting:*

**Mr PEDERICK:** And I thank the member for Newland for his advice. I believe that you can cut off a lot of issues at the chase if you do have relationships with people in departments. Perhaps either the protocols need to be relaxed a little or people need to be given the opportunity for a bit of flexibility. I can understand the protocols, especially if you have a government paranoid about control. Another big issue bubbling along in my electorate is the proposed expansion of the Mobilong prison, and I do note—

**Mrs Redmond:** Maybe not.

**Mr PEDERICK:** Yes, maybe not. It may or may not happen. I must admit that I have an open view on this topic. If the prisons do go ahead at Mobilong, near Murray Bridge, that will supply

plenty of work for local contractors in the area—obviously in the construction phase—and then hundreds of jobs down the track. The problem will occur if you cannot get people to staff the prisons in the longer term. I also note that, if we do not get professional staff for the proposed James Nash House replacement (which has probably been put further down the track), in terms of people working in the mental health field, etc., how will we get on?

I think that the government does need to talk more with the PSA on matters such as this. As I said, I am open-minded to it and welcome any discussions personally with PSA representatives. I do note that, when I have attended consultancy meetings with the rural city of Murray Bridge, the PSA certainly attended and certainly put its points of view, so you can never deny that it does act for its members. With those few words, I support the Liberal Party's position in supporting this bill with amendments. I support the bill.

**Mrs REDMOND (Heysen) (12:53):** Last Saturday was not just St Valentine's Day and not just the 43<sup>rd</sup> anniversary of the introduction of decimal currency—it was the 37<sup>th</sup> anniversary of the day I began work as a public servant. It was my first full-time job after finishing high school. I was 18. And for those members who are trying to figure it out, that makes me 55 currently, coming up to 56. I finished high school and I began work in the Public Service. I know, because of the years that I spent as a public servant, how hard and often how silently and uncomplainingly the Public Service works, whether it be in this or other states. As the member for Hammond mentioned, some one in eight people in this state are Public Service employees, and they number nearly 100,000 of the people who live in this state.

Personally, I have found that not only are they hard working, industrious, largely uncomplaining and certainly very good at dealing with somewhat difficult customers at times but I have always had the view that I prefer the old-fashioned view of public servants in that they should be there without fear or favour, able to provide honest and vigorous advice to whichever party happens to be in government.

So, at a personal level, I rue the fact somewhat that we have now moved to a situation where people are frequently employed on a contract basis and need to beware lest they make a mistake. Indeed, I have found this government, in particular, rather difficult to comprehend in its attitude and resistance to those fundamental ideas of having a public service which is able to operate without fear or favour.

It seems to me that on a number of occasions ministerial responsibility has been forgotten in favour of hanging out some poor public servant to be whipped by the public because something has gone wrong. We need to bear in mind how much of our community relies upon public service of various sorts—for transport, registration and licences, provision of roads, whatever it might be, and police, nurses and numerous occupations. I would be hard pressed to think of a day in my life that I do not at some part of the day come into contact with something supplied to me by the Public Service in some form or another.

As I said, I take the view that they should be there and able to operate without fear or favour, and, although I do not blame the public servants for this, it saddens me that we have reached the position that I think the member for Morphett mentioned, that is, this idea that we want to blame someone and some poor public servant gets the blame, and therefore we create a public service of people who are sometimes focused on covering their backsides, and I cannot blame them for that. It used to be that you got security of tenure in the Public Service and the trade-off might be that you had somewhat less in terms of monetary return than you would if you were a talented individual—and, largely, they are talented individuals in the Public Service. You might get less money, but you would have that security of employment—and, oftentimes, you would have very interesting work.

When talking to people I used to work with in the Crown Solicitor's Office they have said that over their career they did much more interesting work as public servants than they would inevitably have faced doing fairly dreary conveyancing day after day in a suburban solicitor's practice. So, often it was interesting and challenging work. My own experience is that I got to read advisings on the interpretation of Norman Lindsay's will, and I got to do research about who owns the continental shelf that surrounds Australia—is it the states or the commonwealth, and so on? I did some really interesting things as a public servant. I am saddened that we have reached a situation in which, I think, at times, instead of being focused on how we assist the public to achieve things, public servants (as I said, through no fault of their own) are forced into a situation where they have to be covering their backsides, and I hold this government to account for a lot of what happens.

I do not intend to go through the detail of the bill, which has been more than adequately covered by the member for Goyder, but there are a couple of things I want to comment on. There are two things that one might consider highlights of the bill. One is an attempt to enhance the attractiveness of a career in the public sector, and I think that is important. I have not looked at the figures for a while, but my understanding the last time I looked was that we do have something of a top-heavy Public Service in terms of the ageing of our public servants. I think we need a consistent approach to getting new young blood into the Public Service and making it a career which people are happy to stay in and not go off into private enterprise, because we need those good brains, good minds and good hearts to be our public servants in this state. I think we should aim to have the best Public Service in the country in terms of the quality of the applicants that we attract and our ability to retain them. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

*[Sitting suspended from 13:00 to 14:00]*

#### **DEVELOPMENT (PLANNING AND DEVELOPMENT REVIEW) AMENDMENT BILL**

His Excellency the Governor assented to the bill.

#### **PLANT HEALTH BILL**

His Excellency the Governor assented to the bill.

#### **SOUTH AUSTRALIAN COUNTRY ARTS TRUST (CONSTITUTION OF TRUST) AMENDMENT BILL**

His Excellency the Governor assented to the bill.

#### **SUPPLY BILL**

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

#### **VICTORIAN BUSHFIRES**

**The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:03):** I move:

That this house expresses its sadness at the tragic bushfires that devastated Victoria on 7 February 2009; extends its deepest sympathies to the families and friends of those who died or who are still missing; sends its condolences to all those affected by the fires; and commends the selfless and heroic efforts of all emergency services personnel and others who have responded to the crisis. This house pledges its moral and practical support to everyone involved in the rescue and recovery effort, and to the rebuilding of lives and communities. As a mark of respect to the memory of those who perished, the sitting of the house will be suspended until the ringing of the bells.

It is 10 days since the worst natural disaster that Australia has endured destroyed entire communities and devastated countless lives, and our nation remains in shock at the scale and scope of this tragedy. We are also mindful of the fact that the federal government has announced that next Sunday will be a national day of mourning for the bushfire victims (and I think that is very appropriate) and that, indeed, there will be a national service at the Rod Laver Arena on Sunday morning to commemorate this terrible tragedy. I think that is an important part of the healing process.

With South Australia enduring searing heat in the week leading up to the Victorian fires, we have an acute understanding of the deadly weather conditions that conspired to create the firestorm, but the speed and ferocity of the blazes that engulfed those quiet rural towns remains beyond comprehension. The death toll currently stands at 189, with many more people still missing or badly injured. More than 1,800 homes have been razed and 7,000 people are homeless.

These are numbing statistics, but they cannot begin to convey the suffering and loss that this disaster has inflicted. There are people who for years to come will reach for photos and heirlooms that are not there, who will look out windows for landscapes, beloved in childhood, which are blackened wreckage now, and who will mourn dead horses, pet dogs, cultivated gardens, the schoolhouses and corner stores that once were the fabric of their life and the hinterland of their very being. People must now go on without them.

Of course, there is much worse. There are those who have lost their fathers, sisters, cousins, schoolyard playmates, grandmothers and best friends. For them, like those who outlived the Bali bombing, no words of comfort are sufficient. They will relive this dreadful day down to the last day that they will see, wishing the warning had come or the wind had changed or their family plans had been otherwise that weekend.

Today we mourn the unfulfilled dreams and honour the memory of all those who perished and we extend our deepest sympathy to the family and friends they have left behind. The task of recovering and rebuilding will be slow and painful, and for too many the scars will never heal. Here in South Australia we had similar weather conditions, but we were spared the horror we have witnessed in Churchill, Marysville, Kinglake and Flowerdale.

Those days of extreme fire risk forever stir memories of our own worst bushfire disaster: the 1983 Ash Wednesday blazes that claimed 28 South Australians in the Adelaide Hills and in our state's South-East. The enduring memory of those who faced the fury of Ash Wednesday, like those who survived the Victorian infernos, remains the deafening noise as the fiery orange thunderhead approached. The sound of birds and insects, and even the distant hum of traffic, was drowned out and replaced by an unearthly roar. The sky became virtually invisible, hidden by the suffocating fog of embers, ash and dust. Those who have not witnessed the horror of such an apocalyptic firestorm find these images difficult to imagine; those who have find them impossible to forget.

The morning after the Ash Wednesday bushfires, I visited the area around Greenhill Road with the then premier of our state, John Bannon. What struck me most was the eerie silence left in the fire's wake. It was as if no living creature had survived its fury. The landscape was littered with burned out cars, twisted iron and still smouldering remnants of family homes.

Here in South Australia, where we recall with chilling clarity the destruction wrought by Ash Wednesday and the Eyre Peninsula fires in 2005, the response to the Victorian catastrophe has been heartfelt and immediate. I telephoned Victorian premier John Brumby on the Sunday morning after the firestorms and offered his government and the people of Victoria whatever assistance we could provide. This is, after all, a national tragedy and Victoria, along with other states, has lent its support and worked with us during our time of need—most recently in the horrific Kangaroo Island bushfires of 2007.

On behalf of the people of South Australia, the state government pledged \$1 million to the Victorian Bushfire Appeal administered by the Red Cross. Donations of money, blood, household items, food and clothing have also poured in from our business and sporting communities, charity organisations, church groups, families and individuals. On the weekend, the Leader of the Opposition and I heard that the Lebanese Maronite community was collecting through its churches; that the Greek Orthodox archdiocese was collecting through its churches—and from those who dug deep even though they could not afford to. Schools across our state are raising funds to help Victorian children who have lost everything.

I am pleased that our CFS fire chief, Euan Ferguson, is with us in the house today, because more than 160 South Australian CFS, MFS and SES officers have been deployed in Victoria, as well as 40 St John Ambulance volunteers, a team of specialist forest firefighters and a range of forensic experts. We sent our Erikson air crane and 19 firefighting vehicles. Currently, more than 100 South Australian firefighters and field command personnel are on the ground, with another team leaving from Adelaide today to relieve our weary heroes. I acknowledge the heroic and selfless actions of all the emergency services personnel, both staff and volunteers who have put their own lives at risk to help save others.

Can I say that, when the fire chiefs and I met with the returning CFS and MFS volunteers the other day, they were exhausted but really pleased to have helped. They saw things that no-one should see, but all of them to whom I spoke talked about the camaraderie that existed and also how they wanted to continue to help. In particular, I acknowledge those who lost their own homes to the fires as they fought to save the lives and livelihoods of their neighbours. These are acts not merely of bravery and dedication but of humanity, compassion and exemplary citizenship. As I said before, there is a camaraderie amongst firefighters and emergency services personnel and they unite to fight the common enemy during times of crisis.

Last week, I also spoke with Victoria's Deputy Premier, Rob Hulls. There have been direct discussions between ministers in our respective states about the lessons that emerged from our devastating Eyre Peninsula fires of 2005 in the recovery efforts, in particular the significance of

appointing a special minister. In the case of the Eyre Peninsula fires, the Minister for Transport (in his capacity as the then minister for emergency services) was based in the affected area and invested with the powers of the entire cabinet, which meant that he could cut through bureaucracy by countermanding any government decision or departmental regulation. The role of the duty minister was rotated with other ministers, including the minister for agriculture taking on the important task and also, I think, the Minister for Education.

While we grieve for our collective loss, we must also learn that, with severe drought conditions continuing and more hot weather forecast, South Australia remains at risk of a similar bushfire tragedy. Our changing weather patterns mean that fire seasons are becoming longer, that there will be more frequent days of extreme fire danger and total fire bans. We as a community (governments, oppositions, parliaments, businesses, local councils and citizens of communities) must be vigilant, and we must be prepared. People in bushfire-prone areas must ensure that they have a written bushfire action plan and know exactly what to do in the event of a fire. Anyone who believes that a catastrophic bushfire cannot happen here is seriously mistaken.

In order to reduce the risk, the state government has introduced a number of measures. Following the Premier's Bushfire Summit that followed the tragic Canberra fires of 2003, the government conducted a major review throughout the state to identify and rate the areas at risk of bushfires. It was a massive undertaking and, among other initiatives, it led to a change in our planning laws and regulations whereby the Country Fire Service was granted the right to veto proposed developments in higher fire risk areas.

The next round of major planning reforms, currently contained in a draft ministers' code, outlines measures to make South Australia the first jurisdiction in Australia—and probably the world—to take into account the effects of climate change when decisions are made on development in areas deemed to be at risk of bushfires. There will be more said about that over the next day or so.

In addition, our Operation Nomad bushfire initiative, which specifically targets potential arsonists and known pyromaniacs, is playing an important role in tackling the fire threat. I am pressing to have a briefing on the details and impact of Operation Nomad included on the agenda of the next Council of Australian Governments meeting in March. I have written to the Prime Minister asking that South Australia be allowed—and we will invite our Police Commissioner or his representative to come along—to brief other premiers, federal officials and territory ministers on how Operation Nomad works.

Operation Nomad was recognised as best practice in the 2004 COAG report on bushfire mitigation in Australia, but I understand that we remain the only state that operates such a comprehensive system that is specifically designed to prevent arsonists from plying their deadly trade. On the hellish day of the Victorian fires, when South Australia was also experiencing weather conditions that posed the worst possible bushfire risk, 120 officers were deployed on Operation Nomad across our state.

Police visited and revisited 40 declared persons of interest in their homes to let them know that they were under surveillance; under watch; on notice. An automatic numberplate recognition system is also utilised in areas that are considered a high fire risk. Under this initiative, the vehicle numberplates of persons of interest are uploaded, and police are immediately alerted if those persons' vehicles pass police cameras located in bushfire-prone areas.

Since the start of this summer's fire danger season, 35 people have been arrested or reported by police for offences related to bushfires including the most serious offence of deliberately lighting a bushfire which carries a gaol term of up to 20 years. Another 40 have been issued with on-the-spot fines for negligence.

I urge everyone to remain alert, particularly on days of extreme fire hazard. All our fire and emergency services say how helpful it is to have Operation Nomad, thereby being proactive rather than reactive in trying to prevent fires from being lit. A few years ago, about 50 per cent of the bushfires in the Adelaide Hills were deliberately lit and we can keep reducing that. It still does not eliminate every one, and that is why we need the public to be our eyes and ears and to report anything and anyone suspicious.

South Australia is incredibly fortunate not to have suffered a similar bushfire tragedy so far this summer given the recent extreme heat and our tinder-dry landscape, but the danger remains real and it remains high. The Minister for Emergency Services and the Minister for Environment

and Conservation will later update the house on important initiatives in their portfolio areas to help protect our communities in bushfire-prone areas.

In particular, the government, the Native Vegetation Council and the CFS have developed a Code of Practice for the Management of Native Vegetation to Reduce the Impact of Bushfire. The code will facilitate and streamline the arrangements for clearing vegetation for bushfire protection.

The minister will provide further details to the house. The Minister for Urban Development and Planning will outline today, in the Legislative Council, measures included in the draft minister's code: Undertaking Development in Bushfire Protection Areas. The code, which will be given legal force soon, will enshrine prescriptive bushfire control requirements throughout the state. Importantly, it will provide for uniform building and development standards across 39 local councils that now contain bushfire protection areas within their boundaries.

Tragedies such as Ash Wednesday, the Bali bombing, the Japanese air attack on Darwin, the sinking of the HMAS *Sydney*, and even going back to the ANZAC campaign at Gallipoli, all help to define us as a nation. As a nation we have been so often defined by how we have dealt with tragedies, including, of course, the Gallipoli landings, which have helped tell the Australian story, and shape the Australian story of mateship—standing by your mate in a fight.

Our identity is forged in the way that we as individuals and Australians deal with calamity and heartbreak of such magnitude. A time of national tragedy is a time to reach out, not to lash out; it is a time to heal rather than a time to blame.

By speaking to and passing this motion today, the house extends its sincere condolences to everyone affected by the Victorian bushfires. The date of 7 February 2009 now marks one of the saddest chapters of our nation's history, and it will stir sombre memories for generations to come. It has cast a pall over Australia and torn apart families, neighbourhoods and communities.

To all those who suffered a loss of some kind, you remain in our thoughts and prayers. On behalf of the people of South Australia, we pledge our continuing support to help the survivors rebuild their homes, their hopes, and their lives.

**Honourable members:** Hear, hear!

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:22):** Last Saturday week began as any other Saturday afternoon in an Australian summer. In hot conditions, volunteer and professional firefighters battled fires that had sprung up in the beautiful wooded countryside that sits between Melbourne and Victoria's Alpine National Park. On Saturday evening, TV news bulletins in South Australia warned that some houses and community facilities were in danger.

By that time, a cool change had already embraced our state and given relief from our prolonged heat wave. As we went to bed that night we did not know that dozens were already dead. On Sunday morning we awoke to discover that more than 40 people had died; then it became 80, then 100, then 150. For the more than 180 deceased—and it is still rising—the 7,000 homeless and the tens of thousands of traumatised Australians this had all come with a fury, speed and intensity not seen in our lifetime.

For our nation the reality of disasters past would be recalled, as we battled to understand what had happened. Cyclone Tracy in 1974, Ash Wednesday in 1983, and Canberra's fires in 2003 were all events in which many South Australians were either involved or had family and friends who were involved. Each disaster brings its own pain, its own stories, and its own legacy.

Cyclone Tracy showed us how a nation can respond when the first-ever deployment of the National Disasters Organisation, under Major-General Alan Stretton, occurred. Ash Wednesday led to significant changes in fire prevention and firefighting in South Australia. Canberra's fires showed us how some of these lessons can so easily be forgotten.

Today, let us reflect on the extent of this latest tragedy and how we can help its victims today, tomorrow and in the future. First, our condolences go to the families and friends of the more than 180 who perished. Many of the dead were children. Many died protecting others. The image of a group of adults' bodies found huddled around a baby, all dead, fires an arrow of compassion and pain into the heart of every mother, every father, every grandparent, every aunt and uncle, and every brother and sister.

Secondly, our best thoughts go to those who are still battling very severe injuries. For many of those people the health battle goes hand in hand with the knowledge that they are among more than 7,000 homeless. Their struggle and their story has only just begun. For the homeless there is



the emptiness and the uncertainty that has become their daily routine. Many of those people have lost more than a home; they have lost an entire community. Residents of Marysville returned last weekend to discover the whole town gone.

In Australia we often refer to ourselves as living in the 'lucky country'. We see pictures from war-torn parts of the world and try to imagine the plight of refugees with no family, no town and no city left to call their own. Well, that is the reality we see in Victoria today. Many of these fires' victims have become refugees. They live in a tent or a caravan; their eyes show the deep, emotional impact of an experience that means that their life will never be the same again.

This is where we can all play our part. A massive relief effort to rebuild and reconstruct this part of our precious country is underway. We must note the requests of organisers to channel our contributions through key agencies. As the Red Cross has said, it is too costly to collect and distribute items so it would prefer donations of money that will go straight to victims. It has also been suggested that if you have goods that you wish to donate you might instead sell them and donate the funds to the appeal. This is not to underplay the wonderful effort being put in at Wayville right now by many volunteers, who are sorting belongings and things to be sent over to Victoria—they are doing a wonderful job.

On that point, I also congratulate and thank the South Australian volunteers who have assisted the national cause in these last two weeks. To the CFS members, the ambulance officers, the forensic and other South Australians who went to Victoria and who provided relief to their already exhausted colleagues, people who drove caravans, people who sent bales of hay, people who battled the blazes that still cause concern, I say thank you. To the service groups and welfare organisations who went into action to provide immediate assistance, thank you. To every South Australian who has donated to the various appeals in these difficult and uncertain times, I say thank you.

My Liberal colleague the federal member for McEwen, whose electorate covers the bushfire areas, issued a statement last week that bears repeating, in part, as it sums up the feelings of her community and her thanks for a nation's help. She said:

The confronting extent of devastation in our communities has dealt our people challenges never before faced by us as a region, a state, and a nation. The tragic loss of life in the Black Saturday fires last weekend has left no one person untouched—families, our friends, entire communities are grieving...The devastation of homes and businesses has brought us heartbreak straight from hell. Yet the outpouring of comfort and support for survivors of the firestorm has provided the first rays of hope for new life in each of our affected communities.

The wonderful spirit that was brought to the fore last Saturday and has continued since from our fabulous volunteer firefighters and local residents determined to beat the menace of fire has transcended into the relief and recovery efforts. Our communities and our nation have rallied like never before in providing clothing, food, where possible temporary accommodation and, most importantly, every ounce of assistance that has been within the means of organisations like Red Cross and the Salvation Army...our local councils and community groups and people across Australia who, until a week ago, were to us total strangers. Today they are our friends.

The need for understanding and assistance will last long after the final flames have been doused and the smoke clears from our valleys. In the coming months, and probably years, there is much to be done in rebuilding our communities. We must also be mindful of children, who have experienced horrors totally unexpected for their young years, as they return to schools, sometimes a new school.

And there will be the massive clean-up task that our communities must face, an important step towards rebuilding townships properly planned to maximise the safety of our people and with improved facilities and resources. The utter devastation across our communities will require not only the spirit of the last week but considerable ongoing financial support from all levels of government as we rebuild entire towns.

Thoughts echoed by every member of this house, particularly every country member or member whose constituency includes bushfire-prone zones. Our task is to remember this community well beyond the fading lights of TV news bulletins.

Finally, let us dwell momentarily on the lesson that we can learn from this most recent natural disaster. In a word, it is preparation. Governments must do all they can to be prepared. Communities must be prepared. Residents must be prepared. Another dark day will come and we must all be prepared to respond in the best possible way. Not to remember that lesson will be to ignore the legacy of those whose lives have been lost.

There is another lesson, the most important of all. It is a simple lesson. No matter what problem we face, no matter what disasters have befallen us, in a heartbeat it can all be gone. Cherish and hold loved ones while you can, when you can and wherever you can, for nothing lasts forever. I commend the motion.

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:32):** I, too, join the Premier and the Leader of the Opposition. I do not intend to speak for long, just to say this: 7 February is a horrible day. It is a day that I remember as a young boy wondering why my mother was in hysterics. I was seven when she got the phone call that her father had died in the Tasmanian bushfires in 1967. Ironically, that was also 7 February 1967, and 62 Tasmanians died and 1,300 homes were destroyed.

When you put Tasmania in 1967 into the context of what we have witnessed in Victoria, with 125 fires raging around Tasmania, there are very similar comparisons. That is not why I speak. What I want to put on the record is that long after this is but a memory there will be the survivors who will have to live with the tragedy of death from fire.

My late mother never got over the loss of her father, and whenever there was a bushfire shown on television mum would go into a depression and a horrible state. It would always be a terrifying moment in our house, even 10, 15, 20 or 25 years later, whenever there was a bushfire shown on television. She was not there, she was in Adelaide, and felt a great loss that she was not there to protect her father.

There are many tragic ways to die, but spare a thought for those who remain, because the scars of a bushfire can last a lifetime for those still living. In many ways I am glad my mum was not around this weekend—she died some years ago—because she probably would not have survived the last week. Her mental state was such that she never recovered from the loss of her father. My thoughts are, obviously, for those who have passed, but just as importantly for those who have survived.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:35):** I join with the Premier and the Leader of the Opposition in expressing my condolences to the families and communities left bereft in Victoria after two weeks of carnage and catastrophe, not unmatched in Australia's history but which is certainly at a level which deserves our consideration and compassion. For those in South Australia who have given their blood, money, counsel, compassion or assistance, I thank them.

I want to remember especially the children. I wish to convey to those families in Victoria who have lost either direct family or people within the community—whether it be from the school community or the general community and towns—that our thoughts are with the children who have lost their lives and with those who have lost friends, family and community mentors, leaving very significant scars for them.

We must remember that children do not decide whether they live in bushland or in any fire-prone area of country Australia; children do not decide whether to stay or leave; children do not decide whether to get into a car or a bus and possibly face either an escape or incineration; children do not decide whether they are allowed to go back and collect a pet or personal property—they are just victims in these situations, and I think it is timely that we remember them.

We must remind ourselves of the annual event of carnage from bushfire in this country. It is true, as the Premier has said, that South Australia has escaped most recently—in the beginning of our bushfire season—but the worst is yet to come. If anyone needs a reminder of this, let them read the story of Colin Thiele's *February Dragon*, which was published nearly 50 years ago. The story tells us, through the eyes of children, of the ravages and horrors of bushfire in this state. I commend it to all members of the house who have not read it. One can see history repeated year after year after year in the description of what occurs.

The late Colin Thiele tells us about the importance of not discarding cigarette butts and the danger of matches, which he describes as chained-up dragons. I will place on record the statements which are ever true today of bushfires, as follows:

A smudge as big as a mountain was spreading across the sky. It was the colour of dirty sulphur and growing with terrible speed. They knew what that meant. The fire was already in the big scrub, with a wind like a blast furnace behind it. For fifty miles it had endless food to feed on. The country was rough, with no fire-breaks and few good roads. The men knew what was happening. From miles around they came streaming in to give help, long before the special calls went out over the radios and telephones asking for volunteers. It was going to be the bitterest fight for years.

Colin Thiele goes on to describe the carnage after the fire and the desecration of the houses, homes and townships. He also says the following:

Meanwhile the others had made their own tragic discoveries. In a corner of the house paddock there was a great pile of smoking carcasses, more than a hundred of them. They were the dead bodies of sheep. Panic-stricken, crazy with pain and fear, the flock had stampeded into the fences and died there slowly and horribly with their wool on fire. Now they were nothing but bloated and blackened lumps, noisome and horrible, lying heaped together, the stumps of their legs sticking up grotesquely. And the stinking smoke, the stench of death and burnt flesh, rose over everything.

Nothing has changed. I have witnessed this. I know that there are other members of the house who have witnessed this. It is, tragically, the same now in Victoria as it was 50 years ago in the scene described by Colin Thiele. I think there are many important lessons from this that we need not only to learn but also to act on, and that will take place another day.

Secondly, I wish to recognise the volunteer efforts of the members of our Country Fire Service, many of whom have travelled from South Australia to contribute to the efforts in Victoria. I recognise them particularly, as was done last night by the Mount Lofty Fire Tower CFS Brigade, which recognised in its roll of honour in an annual memorial those volunteer CFS members who have made the ultimate sacrifice of death in a fire.

I would like to read those names to the house: Barry O'Loughlin from the Athelstone Brigade, 15 February 1979; Brian Nosworthy from the Callendale Brigade, 16 February 1983; Peter Mathies from the Summertown Brigade, 16 February 1983; Andrew Lemke from the Lucindale Brigade, 16 February 1983; Dean Dennis from the Yeelana Brigade, 16 February 1983; Brian Fox from the Lobethal Brigade, 22 January 1986; Peter Stacy from the Burnside Brigade, 23 March 1990; Robert Jones from the Yahl Brigade, 30 April 1990; Howard Kruse from the Waterloo Brigade, 1 February 1991; Leslie Peek from the Strathalbyn Brigade, 21 August 1993; Peter Aird from the Moorook Brigade, 10 March 1994; Trent Murnane from the Cummins Brigade, 11 January 2005; and Neil Richardson from the Ungarra Brigade, 11 January 2005.

These are the people who were fighting someone else's fire for no compensation other than their commitment to their fellow man to assist them in a time of great need and died in the effort. To all those who have lost someone very important to them in the Victorian fires and for those who have made an outstanding contribution to help save the lives of others I express my condolences for the enormous pain and suffering that you are still to endure, which I hope will diminish in the years ahead.

**The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:42):** I rise to support the condolence motion moved by the Premier. Nature in its fiercest form and the wrath it unleashes on human life is well documented throughout Australian history. It is for this reason, when the threat of fire storms is at its annual peak, that we do as many before us have done: brace ourselves for the potentially callous and cruel impact generated by untamed forces of nature.

As Australians we are and have always been resilient, but at times like this we can struggle to fathom such extensive physical and emotional loss and the heart-wrenching destruction of communities, property and livestock. On 13 January 1939, Black Friday, our nation mourned. As a result of a long and severe drought, fires swept across large areas of Victoria, causing widespread devastation. Flames leapt from treetop to treetop, with fierce winds sweeping burning embers for kilometres. Over 1,000 homes were burnt and townships were destroyed. Sawmills were reduced to ash and thousands of horses, sheep and cattle perished in the intense heat and flames. Some 71 people lost their lives and an area of almost 2 million hectares was burnt.

On 16 February 1983, Ash Wednesday, we entered another bleak chapter in our history. A staggering 180 bushfires broke out, roaring across South Australia and through parts of Victoria. Some 208,000 hectares were razed in the Adelaide Hills and in the South-East of the state and an additional 21,000 hectares of pine plantations were destroyed. A total of 383 South Australian families lost their homes, and in Victoria infernos wiped out an area twice the size of metropolitan Melbourne. Some 2,000 homes were destroyed. The Ash Wednesday fires claimed the lives of 75 people: 28 in South Australia and 47 in Victoria.

The weekend before last, nature again reared its ugly and terrifying face: 7 February 2009, Black Saturday, was a tragic day, the likes of which this nation has never seen and we pray will never see again. As a nation we have never witnessed such immense human loss and suffering. Black Saturday will officially be the worst natural disaster we have encountered. Sadly, the full magnitude of this horror is not yet known.

The official death toll continues to rise as bodies are discovered in homes, cars and places where people sought refuge as the inferno swept through their town. No news item can truly

capture or convey the horror, the grief and the loss that our neighbours have endured and continue to endure.

I am personally filled with pride and admiration for South Australia's willingness to commit to this disaster. We have pulled together to help support people in Victoria in every way possible. Donation buckets are doing the rounds in workplaces, schools and shopping centres, and South Australians are continuing to dig deep. The unwavering courage and commitment of the firefighters, emergency workers and police battling the Victorian bushfires is inspirational.

I also express my gratitude for the efforts of our own emergency services personnel, community members and volunteers who have graciously offered their time and effort to help our fellow Australians in their time of need. More than 160 South Australian CFS, MFS and SES officers have been deployed in Victoria, along with the Ericsson air-crane.

On Sunday 8 February I farewelled a team of firefighters from our fire services who generously offered their assistance and expertise to help in this tragedy. Last Thursday these 50 firefighters from the CFS and MFS returned home exhausted after five full days on the front line. On the same day an interstate liaison team of three and an incident management team of 10 departed.

Mr Leon Bentley, one of four firefighters from the North West Country Fire Service who returned home after helping to control fires around Churchill, said that the impact of this disaster was horrific. Mr Bentley, a Stirling North firefighter, said:

There's nothing but devastation. It's some of the hottest fires I've ever seen and there is nothing left standing—valleys of houses just wiped out—and the ferocity of the flames and the heat, trees just pushed over, and not a thing on the ground. There is nothing left and that's something we've never seen before.

Mr Hitch, a Wilmington firefighter who assisted on the same fire front, said:

I've never seen anything quite that bad. I've been away for a lot of other fires but I've never seen so many houses burnt. I don't think I've seen it burn as hot. There's not even a twig or a leaf on the ground that's not burnt. It's just ash and sticks sticking up in the air of what's left of the trees.

Last Wednesday I saw off an additional 54 firefighters and a field command team of four to replace the first contingent. Over the weekend South Australian fire services continued their support, with the deployment of a third group of 44 CFS and MFS members to Victoria; and today—about 3.30pm I think—another 53 dedicated CFS and MFS members will depart from Adelaide Airport.

Mr Brenton Eden, the CFS Deputy State Coordinator, said that neither CFS nor MFS has expressed any difficulty in sourcing crew to support Victoria, with current CFS volunteer numbers standing at 10,746 statewide. Deputy Chief Officer, Mick Smith, of the MFS said that his firefighters are seeing the tragedy unfolding in Victoria and are eager to help. In fact, in relation to the MFS firefighters, Mr Smith said:

Many of them are lining up to go over to Victoria to help on the ground...[The] Shake the Boot campaign is another effective way that the MFS are helping support their fellow Australians in this shocking time. Helping your mate...That is what it means to be Australian.

We grieve for loved ones lost and we salute the courage of the victims and survivors of Black Saturday—the worst bushfire disaster in our country's history. We say to those who have lost children, family, friends, neighbours and their homes: you are in our thoughts and prayers in this period of overwhelming grief, pain and suffering.

We are thankful and forever indebted to all those who have so generously come forward to assist in this horrific national tragedy. Obviously, I place on record my thanks to all the South Australians who have got behind this tragedy. We wish them well and urge them to stay safe and strong until they return home.

**Mr WILLIAMS (MacKillop) (14:49):** I rise to support this motion moved by the Premier and seconded by the leader. That 180, maybe 200, maybe more Australians perished 10 days ago is lamentable. It is something that, as the Deputy Premier said of his mother, brings terrible memories to me as someone who experienced not dissimilar circumstances 26 years ago. Eighteen hundred families have lost their homes, 7,000 Australians (I am sure that is a rounded out figure) are today homeless and countless thousands of Australians are suffering. It is incredibly difficult to imagine the sort of anguish that is facing those people. It is incredibly difficult for us from afar to imagine the sort of thoughts that are plaguing those people today and, indeed, as the Deputy Premier said, probably will plague them for the rest of their lives.

The outpouring of sentiment and the help and support is commendable. It is something which will help those people move forward. It will not solve their anguish, it will not take away the memories, it will not bring back their loved ones, but it will help. It is incredibly important that we offer our condolences and our support in any material way we can. A great number of South Australians recognise that and are supporting them.

A great number of Victorians much closer to the scene are putting aside their daily lives to support those who are victims. Unfortunately, in a matter of weeks and maybe months, the vast majority of us will move on, but those thousands of Victorians and other Australians—because I am sure they have relatives and friends right across this nation—will be directly impacted by this for weeks, months and years. They will endeavour to rebuild their lives.

Every time you see in a newspaper or a television news program, current affairs program the effect of the next natural disaster—and it will occur—those memories come rushing back. They flood back and you relive the moments, you relive the anxieties; and I know that, more than 20 years later, you still ask yourself questions, questions to which there are no answers. I add my voice to this motion and that of my constituents, many of whom, as I say, have close experience. I can only wish those survivors—survivors who lost their loved ones, survivors who lost their homes, their livelihoods—all the best for the future.

**The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (14:53):** I am humbled to rise after the member for MacKillop and to reflect on the words of the Deputy Premier because both of them have just shared in this house the personal pain they have suffered from fire. There is no fear in a rural community greater than the fear of fire, and there is no full recovery. We might pause today to reflect on the past and to share other stories of the past, but, more importantly, we must steel ourselves to be part of a team for the recovery. This is part of our community that will now have a very difficult journey in recovering. Yes, we can add to that journey from our experiences on Eyre Peninsula. We made many mistakes, we learnt a lot.

We have offered our Victorian colleagues those learnings and that support. Yes, we may be able to ease the pain; yes, we may be able to assist in the recovery, but this is a recovery for the long haul. As part of that recovery, we must now compartmentalise the process. We must now make sure that our spheres of expertise here are matched with the spheres of expertise in Victoria. So, we stand together, team by team, as we focus on the value that we can add.

Our vets are there now. Our rural communities, in a bipartisan way with the support of politicians in this state, have already begun to marry with their colleagues in Victoria. They know, as part of that—and we have to tell them—that we are with them today, we are with them tomorrow and—and this is the challenge—we are with them next year and the year after that. We must be part of the long haul for this recovery. It will not be the same again. We can make a difference; we must make a difference.

Today is the starting point of a long journey. We must say to everybody who can contribute: do not necessarily contribute today; contribute in a timely manner. Do not overwhelm that community today and forget them tomorrow. Work with them, build with them, individual to individual, family to family, business to business, community to community.

Would it not be lovely, in 12 months' or five years' time—having built a bridge now, business to business, family to family, community to community—to be welcomed as part of that recovery. That is our responsibility; that is our challenge.

**Dr McFETRIDGE (Morphett) (14:56):** I was at our property at Meadows on Saturday 7 February, and the wind was gusting from the north about 20 knots. It was a day that was described by some of those in the Kangarilla CFS as 'a prick of a day for a fire'. Fortunately for us, it did not come; it did come for those in Victoria.

I have spoken to a number of people in Victoria about their experiences and the unimaginable horror that they have witnessed. This really was a national tragedy. It is being felt by all Australians and all South Australians. We give our deepest sympathies and condolences to all Victorians who have been affected by this fire.

My constituents in Morphett have spoken to me about the fires, and many of them have been in tears. The trauma is not just in Victoria; the whole country has been traumatised. That this country could have to put up with that again and again is something that we really need to look at.

It has happened in the past, and it happened in Victoria on 7 February; let us just hope that it does not happen here again, but it probably will.

The CFS volunteers who have been over to Victoria have been here as well. They have been on standby. They have been wanting to help, and they have been ready to help. The CFA in Victoria have been the front-line heroes, and they really have been working above and beyond. They ask nothing from the communities; they ask just that they can serve their communities.

We in South Australia are doing everything we can to support not just Victorians but Victorian Australians, because that is what we are: we are all Australians. The CFS, the MFS and the SES in our state have all been helpful. In my particular case, I have been involved with the Veterinary Association and also the farriers association both here in South Australia and in Victoria.

I have had the opportunity to facilitate, with the help of a number of people, the passage of thousands of tonnes of hay and horse equipment to Victoria. It has been a pleasure to do that, but as minister McEwen has said, this will be an ongoing project. I would like to thank the minister for his cooperation and that of his department. Premier Brumby's office has been really helpful. There have been no political barriers here; it has been something that has been ongoing.

It makes you proud to be an Australian. It makes you proud to be a member of parliament and to be able to facilitate these sorts of things, but that does not for one moment detract from the enormous terror and the horror that people have witnessed in Victoria. We send our deepest sympathies to all those people. We will not forget them, not today, not tomorrow, not in a month's time or in 12 months' time, because the tragedy will continue. The memories will scar, and we will all need to be part of a continuing recovery. I send my sympathies to those in Victoria.

**The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:59):** I rise to support the condolence motion moved by the Premier, and I offer my condolences, and those of the people within my electorate, to the families and friends of the victims of what is, and remains, a terrible tragedy. It was 26 years ago to this day that I, like the Premier, was up at Greenhill and Yarrabee roads as an 11-day serving recruit firefighter along with my colleagues. I will certainly never forget the devastation that I saw up there. Twenty six years later, it is almost incomprehensible the damage and destruction that we have seen in Victoria—the damage that occurred at Yarrabee Road replicated in hundreds of towns and hamlets across the Victorian countryside.

In a general sense, there are certain patterns that occur after such a fire. These include immediate sorrow and a feeling of helplessness. The sorrow does not go away and, in some instances, as we have heard, it never leaves those people who have experienced it first-hand. This is followed quickly by reflection and great public support such as we are seeing across Australia. I thank those people who are giving support in the sense of immediate relief and recovery. This is then followed quickly by recriminations and the inevitable inquiry, a royal commission in this case.

As the Premier mentioned, now is not the time for any backlash (that is, if there is ever a time for recrimination). Nothing should hold up or deflect from the support that is required to help the families of the victims to rebuild the lives of those who remain, to rebuild their communities, and to reconstruct their towns and their infrastructure.

A lot of debate is occurring already. How did this happen? Who got what right? Who did not get what right? What went wrong? That should be left for the inevitable inquiry. There is no doubt that there will be a focus on procedures (and quite rightly so), a focus on the proximity of homes to vegetation, a focus on the policy of leave or stay, and a focus on building codes. That is appropriate. The Premier is right but we were lucky last Saturday.

There are a lot of preventative measures that, through experience, we have put in place that help mitigate fires, but, as with the member for Morphet, at 9 o'clock on the morning of 7 February I could sense it was going to be a bad day. By 10 o'clock it was 40° and there was a howling wind from the north. The Hills were not visible at that stage and, quite frankly, it was a stinker of a day. It seemed inevitable that something was going to happen in our Hills. I think we were lucky despite very active planning and preventative measures that have been put in place coupled with the heightened awareness of people living in the Hills. Such measures would have had an impact on safety and care, but, nonetheless, we were lucky and Victoria was not.

Looking at footage on TV, absolutely nothing within anyone's powers was going to prevent the spread of that fire or save anything that was in the line of that fire. By necessity, the inquiry will

quite rightly come up with recommendations in a variety of areas. As was mentioned earlier, we need not only to learn from what has occurred but to act upon those recommendations.

It is my view that we will never be able to fireproof the rural areas, certainly in South Australia and Victoria. We will never be able to fireproof our peri-urban areas. I do not think that will be the case, but we can, through the measures mentioned by the Premier and by acting upon recommendations, certainly reduce the loss of life through future fires that will inevitably occur.

The member for Reynell has asked me to thank the Reynell Business and Tourism Association, which held a sausage sizzle last Saturday, raising \$3,000, and to give special thanks to businesses that donated goods. I think that this house can collectively thank not just the Reynell business and tourism centre, but the many thousands of businesses and individuals around this state and nation that are helping with the relief effort and, as the member for Mount Gambier said, the extended recovery processes that need to be put in place.

I thank all who have donated their time, goods and money. I thank the many thousands of volunteers from South Australia and across this nation who volunteered at the height of the fires, and who continue to donate and volunteer their time. I again offer my condolences to the families and friends of the many hundreds of victims, and, of course, of those who are still missing. It is a tragedy that has impacted upon all Australians.

**Mrs REDMOND (Heysen) (15:05):** I, too, rise to support this motion, and express my condolences to the victims of the Victorian fires on 7 February. In doing so I note, in following the member for Colton, that I, too, was on Greenhill Road this day 26 years ago cleaning up in the aftermath of Ash Wednesday 2.

The enormity of the loss is almost beyond my comprehension—and I say that as someone who has lived virtually all her life in bushfire areas. I have been lucky. I was in the Adelaide hills for both Ash Wednesday 1 and 2 and I was one of the lucky ones who did not lose anything. However, but for a small wind change on Ash Wednesday 2, when I was at home with a young baby, I may well have lost everything. But I live in the hills, and many people I represent, my constituents, have certainly known the devastation of bushfire.

In Victoria we now have thousands of people who have lost loved ones, family members or friends, hundreds who have lost their homes, their pets and all their possessions. Many will be scarred for life by the burns they received and many more will bear forever the mental scars of the harrowing events they have endured; many may only just be starting to realise and feel the enormity of their loss, and their emotions will be complicated.

Those who lost their home but escaped with their life will understandably be grateful that they are alive and so much better off than those who did not survive—and I have seen many of them on television expressing as much—but we must remember that they too will need to grieve for their loss. To lose all your possessions, especially the sentimental things that simply cannot be replaced, is a tremendous loss in itself, and their recognition of that loss will go on for years.

Just as surely some who survived with their life and home intact will suffer from 'survivor syndrome'; they will feel guilt that they lost nothing when others lost so much. But they did lose something; they were part of a community and now that community is gone. As I said, I cannot begin to imagine the sense of bewilderment, emptiness and heartache which those caught up in these terrible events must feel.

It is also important that we recognise and commend all those volunteers—from both Victoria and South Australia, as well as elsewhere—who stepped up to the mark on behalf of us all to provide the on-the-ground support that is so much needed at the time. First and foremost, of course, are the CFA volunteers in Victoria and the CFS and other volunteers from around the country who put their own lives at risk and sometimes lost their own homes whilst trying to save those of others, but there are also those who work tirelessly in the aftermath providing food, shelter and all the practical assistance necessary.

I do know that those who have been devastated by these events will need our ongoing support for many years to come. In many ways our words of condolence are an inadequate response but, in an important way, just saying that we know and feel for you, that we recognise your pain, is the most important thing we can do. I commend the motion to the house.

**Ms SIMMONS (Morialta) (15:08):** I will speak for only a short time, but I want to add my sincere condolences to the people of Victoria. I have been fortunate to holiday with my children in the Marysville and Healesville regions, and it was a truly beautiful, natural Australian forest with

gums and ferns, stunning houses and pretty townships, where tourism was the main livelihood. Now it is all gone. To the families of those who have lost lives, we pray for you. For those who have lost property, livestock, crops, shops, businesses, homes or livelihoods, we pray for you too. To the CFA, SES, police and other volunteers and workers on the ground, we thank you all for being on the spot so quickly and risking life, limb and mental health to help others at this traumatic time.

Those initial volunteers are now tired beyond our understanding. I know that many South Australian volunteers, both Country Fire Service and SES, have already flown over to relieve their colleagues in this fight for life and country, and I would like to particularly acknowledge volunteers from the Norton Summit CFS (of which I am an honorary member) in my electorate of Morialta, who last week went to Victoria to help.

In the course of business, I was very fortunate to meet an amazing young man called Daniel Phillips who works in Newton and who told me that he was preparing to leave on Friday of last week. He was very keen to tell me about, and for me to acknowledge, his employer, Newtons Building and Landscape Supplies, where he is the purchasing manager, for allowing him to volunteer without even having to think twice about putting his hand up for fear of losing his job.

I think it is timely to remember all those employers and all those who are self-employed who give without thinking twice so that they or their staff can help those in such difficulties. I acknowledge the presence in the house of Mr Euan Ferguson, who has had the onerous job of coordinating the South Australian CFS operation. I ask him to take our thanks back to all his members.

I conclude by endorsing the comments of others, that Australians are truly generous and unselfish people who stand beside their countrymen on so many levels in times of need. Thank you.

**Mr GRIFFITHS (Goyder) (15:11):** In rising to support the motion, I do not in any way feel qualified to reflect upon the tragedy. All of us here have read the newspapers and seen the television reports and we have tried to understand how it might have impacted on us if we had lived within those circumstances.

The leader, in his contribution, reflected upon the tragedy of the eight adults surrounding a child. I cried when I read that. Emotions build up now when thinking of the instinct of the human species to protect its next generation at any cost. It is truly inspiring and it is something that we should all reflect upon.

Taking up the words of the member for Mount Gambier about the need for South Australia to focus on the future, I was inspired by a letter that I received from a constituent, which I want to put on the record. It is from Joy Woodroofe, and she states:

Recently I emailed [the local newspaper] in Balaklava, my idea of 'Adopting a Town' in Victoria after the devastating and life-crippling bushfires which has ravished their state.

Terry was excited by the concept and gave me front page coverage. I do not presume to have the answers to this horrifying tragedy that has shocked the whole of Australia, and I do not feel in any way capable of tackling this idea on my own.

I understand the concept is huge and will only come together, as we, as community groups, unite as one for the benefit and rebuilding of our fellow Australians who are suffering in a most horrendous way from an unforgiving force of nature.

Their plight at this time is hard for us to comprehend. So many lives lost, so many homeless, so many without businesses, so many in despair, not knowing what lies before them. We have always been removed from this sort of trauma as it normally happens overseas. But this is on our own doorstep. Thankfully, we were spared this time, we may not be so fortunate next time. All of us feel so helpless in knowing how to help—but we all have a need to help.

I have only planted a seed in my suggestion of the Wakefield Regional Council area adopting a town, and in doing so, hope that your group will help me water that seed and watch it grow. As individuals we can do a little—as a community, united by one purpose, we can do so much more.

It is easy for us to donate what we can for the cause, but it is another thing altogether to have an ongoing commitment to love, support, nurture and be there physically to help them rebuild their lives and community. There are many and varied gifts, talents, skills and expertise which you all have to make this happen.

What I am proposing initially is for a representative from all community groups [within the Wakefield Regional Council area, be they] service, church, school, sporting, arts...from each town...to come to an Adopt a Town meeting where we can brainstorm together to come up with a plan of attack.



I realise the crisis has only just finished and the clean up has only just begun. They face a massive task ahead. Before a community like ours can physically be there for them we can do things from a distance. We can start planning, fundraising, pooling our resources, gifts and skills and be ready when they need us.

I know your heart breaks with mine as we try to understand what has happened. As a community who is able to help our fellow Australians, let's unite, put our differences aside, and do what we need to, to get our Victorian neighbours back on their feet and growing as a community again.

There is no doubt that communities all across South Australia have that same emotion and desire to come forward and help our fellow Australians. We must all pray that the tragedy of the Victorian bushfires never befalls our nation again.

**Mr BIGNELL (Mawson) (15:15):** I, too, rise in support of this motion and to pass on my condolences and the condolences of everyone in the electorate of Mawson to those Victorians who have lost so much—in many cases, they have lost everything. What these people do have in endless supply, though, is the love, generosity and support of a nation. I would just like to highlight—because sometimes the message does not actually get through—how much people here are hurting and feeling for our neighbours across the border.

I want to give some examples of the practical things being done in the seat of Mawson. Well beyond the tens of thousands of dollars that have been given to the Red Cross and other appeals by people in the electorate of Mawson, there are also practical contributions. I saw a gentleman at the Willunga markets on Saturday who had a horse float and a truck that he wanted to fill with books to send over when the dust has settled and people start to rebuild their lives. Think of all the books that we have gathered and put on our shelves over the years. Replacing those books will, in some small way, help put people's lives back together.

Last Friday, at Woodcroft Primary School—the biggest primary school in this state—the students decided to hold a casual day to raise money. The teachers drew a map of Victoria in the courtyard and put crosses where the fires were; \$3,500 dollars worth of gold coins went into that map of Victoria. The students want to play a part in rebuilding the schools of Victoria. I think it is a very important for the psychological wellbeing of our children that we actually have things in place. I congratulate and commend the education department of South Australia on working with their counterparts across the border to ensure that that money will go to that.

As an eight year old, I remember when Cyclone Tracy hit Darwin. As an eight year old, you cannot contemplate what people are going through; you cannot really come to grips with that. I grew up in a little country town called Glencoe West, surrounded by a pine forest and, summer after summer, we lived in fear of that night glow as the fires ripped through the pine forest. Our fathers and grandfathers were out there fighting the fire and we children would be home with our mums and grandmothers making sandwiches and flagons of cordial to take to the RSL to feed and water those volunteer firefighters.

I think it is really important that our kids here in South Australia are doing their bit for the kids of Victoria. Once again, I commend everyone in Mawson for their actions, in their own special way, to help those people across the border in Victoria.

I also commend the Prime Minister. As someone who has worked on the Port Lincoln fires, I think it is very important in times like these that our politicians and leaders show that we are there and that we care. I know that there was a very good response to the Premier and to those ministers who spent time in Port Lincoln. People could actually look around in the recovery centre or on farms and see government ministers. I know that Kim Beazley and Jenni Macklin (from a federal Labor point of view) were over there during the first few days after the fires. People could sit around and have a bit of a chat.

I remember the Minister for Transport going up to one gentleman in the recovery centre and asking whether he had applied for his \$10,000 cheque. Given that the fire was on the Tuesday, people were banking their \$10,000 cheques by the Friday. But, as always in country communities, people are very proud. The Minister for Transport went up to one particular man and asked if he had applied for his \$10,000 cheque. The man said, 'I didn't want to accept the charity'—as he called it. Patrick said, 'It's not charity. You've got to put in for it; we want to get you people back on your feet as quickly as we can, because it doesn't do our state any good to have farmers over here not being productive and not rebuilding their lives, their farms and their way of life.'

The gentleman said, 'Well, my dad's over there, and he's not going to put in for the \$10,000.' Patrick went over to him, put his arm on his shoulder and said, 'Hey, mate, I hear you're not going to go for the \$10,000.' This gentleman said, 'No, I don't believe in putting my hand out for

charity.' Patrick said to him, 'Have you been paying your taxes all your life?' The gentleman said, 'Yes, I have.' Patrick said, 'Well, we're just giving a bit back to you.' So, my message to people in Victoria is that governments, the Red Cross and other people have money to give you to help rebuild your lives. Do not be too proud to take that money.

I think we look to other leaders in our community as well. The contribution from our sporting sector here in South Australia has been fantastic. I know that last week the SACA and the Australian Cricket Board gave the money from the one-dayer to the bushfire appeal. This afternoon, Port Adelaide and the Crows are getting together to raise money in a Twenty20 cricket match. Here we have two teams which are at loggerheads week in, week out in the footy season, which go up against Victorian teams week in, week out in the battle for the AFL premiership, coming together to raise money for Victorians. And they do it because they care, like all of us in this country and in this state: we care for those who have lost so much.

When you read the stories in the media you are just numb, but there are always those stories that cut through, as the member for Goyder mentioned. For me, it was the picture and the story last week about Shane Warne with the 12 year old boy who had lost his 15 year old brother, his 10 year old sister and other relatives in the fire. Shane Warne put his arm around him and said, 'We're there for you.' That was the bit that turned my *Advertiser* wet.

As I mentioned before, I was involved in the Port Lincoln recovery process with a great South Australian by the name of Vince Monterola. The first thing I did on Sunday morning, after waking up to the news that so many had lost so much in Victoria, was to ring Vince. Given that we learnt and implemented a few things in Port Lincoln that could be replicated again across the border, I said to Vince, 'If we're going to get the team back together would you be willing to put up your hand?' and without hesitation he said, 'Of course I would.' I passed that on to the Premier's office, and that offer still stands. We were there for the people of Victoria last week and we are there for them this week, but we also need to be there for them next week, next month, next year and for years to come. The recovery process is a very important part of the healing process.

I know a lot of people who came to Port Lincoln and helped. It is probably the greatest thing we will ever do in our lives, and we hope never to have to live through that again, but to play some small role in getting people back on their feet and getting communities back together is a very important thing to do.

For those who are wondering what they can do, I will give the example of a Western Australian couple who were on their way from Queensland back to Western Australia in the aftermath of the bushfires. They were towing their caravan and had gone through the Eyre Peninsula about six weeks before. They were a retired couple: he was an engineer. They pulled up in Port Lincoln and worked out that there were people out there rebuilding farms and they said, 'We're going to do this as well.' So, they set up camp for several weeks and in the end we made the gentleman the head of the work gang, to run the gangs replacing fences and fence posts and the like. So, there is so much that can be done over the next one, two, three or four years.

I know that the McLaren Vale Grape, Wine and Tourism Association, as it did on the West Coast, is collecting posts, which have been pulled out of the ground (having once held up trellises for the purpose of growing grape vines) and is donating them to the Victorians, just as it donated them to the people of the Eyre Peninsula and the West Coast after their fires.

To the volunteers, the CFS, St John and our full-time fire officers in the MFS, thank you. What you are doing is really appreciated. I know that we very much appreciated having interstate people come here during our fires in 2005, and it is nice to return the compliment. I know that the people of Victoria very much appreciate it. Congratulations also go to the government, in terms of Operation Nomad, which has been discussed in this place, and also the record spending on the CFS. We now pretty much have an air force of firefighting aircraft, which is a great help to those brave men and women who are fighting the fires at ground level.

Just one note of caution (and the member for Colton also touched on it): people experience varying emotions after fires, and communities and the media and everyone goes through the sorrow and then it builds to anger and then, unfortunately, retribution. When we were all flying into Port Lincoln to help people there was only one person flying in to help himself, and that was a lawyer trying to instigate a class action. All it did was divide a community, and those divisions are still there.

One word of warning to those lawyers in Victoria—and not all lawyers are like this: can I just say that there is plenty of time for justice. There will be a royal commission and there will be

time. Now is not the time to be going in and upsetting communities. To reiterate, I add my condolences to those of other speakers here today and pass on my best wishes to all Victorians affected by the fire.

**Mr PEDERICK (Hammond) (15:25):** I wish to speak briefly to support this motion. I offer my sincere condolences to everyone affected by these recent fires. It is hard—in fact, almost impossible—to imagine the horror of 7 February in those towns in Victoria. I extend my condolences to the people who have lost so many friends, brothers, sisters, mothers and fathers. The rebuilding will continue, but they will not have those people back.

I have seen a few bushfires in my time, but I remember the big one: Ash Wednesday in 1983. I was working in the Cooper Basin and there was a lot of despair among the men up there who knew that their places were under threat; and some found out their houses had gone, especially around the Greenhill Road area. I was also concerned as a young bloke about what was happening on my own property. Luckily, we came out of it unscathed. Obviously, there were fires in Adelaide and to the south of our property around Coonalpyn. I know that one man survived by lying in a sheep trough. He did get badly burned and I am sure that his injuries contributed to his death in later years. I certainly acknowledge the destruction that happened in the South-East on that day.

I acknowledge the donations of money, goods and fodder that are being made. The Australian spirit is alive and well. I acknowledge all the emergency service personnel and others, not just those people on the ground but also those coordinating the services. They are doing a great job and, on behalf of the people of Hammond, I acknowledge their efforts, especially the efforts of those people from my electorate who have gone to Victoria to assist in the cause.

**Ms BEDFORD (Florey) (15:27):** On behalf of the constituents of Florey, I support the motion. I endorse the words of the Premier and other speakers here today and add my condolences for those affected in any way by the horrendous events and terrifying loss of life and property, livelihood and livestock, and those injured and traumatised in the Victorian bushfires, which are still raging as we meet here today on Kaurana land. We mourn those who have died in the inferno and send our deepest sympathy to their family and friends and all who are suffering as a result. Words are simply not enough at such a time.

The displacement now faced by so many, refugees from their now destroyed homes and way of life, is on a scale never before seen in Australia. It is truly overwhelming and our hearts and thoughts are with them all. We are grateful, here in the fragile and all too vulnerable safety of our homes, that we have been spared such destruction in the fierce and record-breaking weather and conditions experienced in this state this year.

We salute the mass of people from all walks of life who have rallied to fight the fires: volunteers in the CFA and firefighters from all services, as well as the Army, NGOs and public servants who have rallied to provide support and nurture during the first terrible days and in the weeks that will now follow. Their sacrifice and contribution cannot be overestimated, and we acknowledge and thank them.

We pay tribute, too, to the South Australian men and women, along with those from other states, who have been deployed to the area, and the international teams that are now contributing to provide rest for those who have been on the front line day and night since the beginning of the fire and are also providing support for the difficult task that lies ahead in documenting the devastation.

Australian communities have shown us that unity is strength. As the work begins in Victoria to re-establish some normality ahead of the no doubt long reconstruction period, Australians have rallied to give what they can to assist that process. We thank everyone who has given what they can.

Over the past few days, as I thought about the ramifications of this great tragedy, I began to think about the preventative measures that we must identify in the future and the generosity of others in such dark days, and how this care and concern for our fellow man could be something that is with us always.

Preventative strategies are vital and, as South Australia has had its share of terrible bushfires, we have been faced with the need to identify and implement ways to reduce the impact of extreme weather and its consequences.

We have learnt hard lessons and the state's reaction and mobilisation at the time of the Wangary fires was what I consider to be a remarkable step forward in response management. I

also believe the close monitoring of known arsonists has so far saved us from devastation similar to what we have witnessed over the border but which, as we all well know, is but a careless moment away.

In the days before the fire and in response to the large number of deaths in South Australia's extreme weather, Collette Snowden, a communications specialist from the University of South Australia, raised the issue of an early warning system to advise the public about necessary actions in heatwave conditions. She proposed a formal coordinated system to provide a clear plan for action on days of extreme conditions similar to those already in operation in other countries. I would also like to see a plan of action for local government areas so that we are all ready to help or do what we can should calamity befall us. I am sure the royal commission (soon to be underway) will consider such systems and plans.

The generosity factor was summed up by our former premier and now CEO of Anglicare, Dr Lynn Arnold, in an opinion piece in *The Advertiser* today. Dr Arnold reminds us that, inevitably, the focus on victims will subside, with the challenges they face no longer part of our daily lives. We remember the plight of flood victims up north and recall the words of Dorothea McKellar as she described the vagaries of this great land. Aboriginal people have lived with the land for thousands of years. I hope we can still learn from their ways. As the birds and animals return and the land eventually regenerates, we will be reminded of the softer power of nature.

We think of those whose lives change forever because of cyclones and tsunamis, mine disasters or other workplace accidents, health issues, terrorism and crime, homelessness and those who are now unemployed or who may be one day. They may not have lost or lose everything but they will need to rebuild. Dr Arnold says, 'We can only have true community when we all feel that we can be of help to others.' I would add that we must all feel hope that we can access help from others if we are ever dealt a cruel blow and need a hand to get back on our feet. It is good to have Dr Arnold back home and to have him working to help change things for the better.

Change is what must happen—rebuilding the same sorts of houses in the same places will not be the answer. We have the chance to make changes to dwellings which reflect the need to provide safe havens and keep our homes self-sufficient and our way of life sustainable. The tragic loss and devastation in Victoria may be the catalyst to see the resilience that Australians display at dreadful times emerge even stronger and unite us in our endeavours and resolve to do all we can to help those now suffering so cruelly and each other in the future.

**Mr PENGILLY (Finniss) (15:32):** I unequivocally rise to support the motion and have been thinking and reflecting for some time on the words which have been put forward in this house today. It occurred to me that it is seldom that you have 1½ hours or two hours of absolute silence while members speak to such a motion. It is some 40 years since I joined the then EFS and nothing touches the heart of anyone so much as a fire. Indeed, I am very thankful that Mr Euan Ferguson is in the gallery today.

I only have to look back to last December 12 months ago, when I had regular discussions with Mr Ferguson and, indeed, the Deputy Premier (who spoke most eloquently today, in my view, and very much from deep within his heart) about the fires on Kangaroo Island in my own electorate which resulted in the loss of one life. However, that pales into insignificance given what has occurred in Victoria just over a week ago. I could not comprehend the next day and the days after that, as I suspect neither could anyone else in this chamber, the growing death toll and the devastation which those fires caused particularly on that Saturday night and which, indeed, are still burning.

As has been put by others, our people are still over there. I make brief reference to my own electorate in saying that, indeed, people from Kangaroo Island are there. On Saturday, a whole truckload of material for Victoria was sent to Adelaide free of charge. As those involved well recall, just over 12 months ago, we had scores of Victorian firefighters and their units come to Kangaroo Island to help us and it is our way of returning their help.

Indeed, across my electorate, it has been no different. Everybody wants to do something. Everybody wants to help those who have lost family and property. On top of that, some of us have been through firestorms or severe fires, and we as humans, as well as livestock, cattle, sheep, native animals and birds, cannot do anything about it. You cannot get away from it, and it is worth remembering that.

You just cannot get away from those situations, and those who perished in the fires or who got so dreadfully burnt would have been well aware of what was coming and could do little about it.

Nor could any other creatures, and I do not forget that. In the past, I have pulled thousands of sheep out of fire grounds, buried cattle and all sorts of things, as others have done—it is not peculiar to me.

I turn to what will happen. People will rebuild their lives, and the recovery efforts will take place, as they are taking place in my electorate and in so many other places. When it rains, the dream returns. People's homes will be rebuilt, they will recover and life will go on, but those of us who are here now in Australia will never forget what happened on 7 February 2009, just as now we still recall what happened on 25 April 1915.

These things will be etched forever in Australians' memories; they will never go away. The remarks that have been passed in this chamber today transcend politics. I am sure that no-one would ever try to make political capital out of such events: that is just the way Australians are and will be forever, I hope. That is the Australian idiom.

We will help those who have suffered so much. Those who have been horrendously burnt, if they survive, will never recover. A constituent of mine down on the Western Fleurieu was severely burnt in the early nineties. At the time, I had just become a member of the CFS board, and we were briefed month after month on two fellows who had been burnt in fires.

I now know this fellow very well, and he has never physically recovered. He never will but, mentally, he is as good as he will ever be. Some of those who have been burnt in such a manner in Victoria may be fortunate, but others will not recover. I say that because my own uncle was severely burnt in the 1950s and has never got over it, but has managed to work his life through.

Words are hard to find on this particular issue. Like everybody else, I am stunned. I will do my little bit, as I am sure every member in this place will, and I know everybody in my electorate will do everything possible. You find that you just do not know what to do.

Someone rang me up and said that they have a 24-room facility that could be made available to bring families over from Victoria. That is the sort of magnanimous gesture that people make in an effort to do what is talked about in this condolence motion today. I have probably said enough. We all express ourselves in our own different ways, but it is with a great deal of sorrow that I support this motion.

**Mr KENYON (Newland) (15:39):** I rise also to support this motion and pass on my condolences to the Victorians. It brings back a few memories for me. I was 11 years old on the day of the Ash Wednesday fire. I remember sitting with my sister in our house while our neighbours hosed down our walls, because dad had gone down to the airport to pick up mum. It was just my sister and I at home, and the firefronts were approaching. I do not remember being so scared for so long since that time. I have been scared for shorter amounts of time, but that is my own fault.

With that in mind I rang my cousins, who live in Kilmore in Victoria, on Sunday morning, and I reached Phil, who was on the back of a fire truck. He was fighting fires at the back of Kilmore East. They were all fine, and that was the end of our conversation. As people have said here today, there is a deep need in all of us to actually do something: to contribute cash, to send clothes, to do something.

My cousins are tree surgeons, and I have worked with them previously in Victoria. I rang Phil a few days later and by that time he was off the truck and they were cutting down trees and building firebreaks. They were exhausted. They had been doing that for three days, literally from dawn until dusk. I offered to go over there and help for a couple of days, but he must have assumed that it was safer for me not to have a chainsaw in my hand.

However, I got to thinking about the fires. We have all talked about the long haul, helping communities and everything else we have done. Here in parliament we are in a unique position—the 47 of us and the 22 in another place. As members of parliament we have a special opportunity to be here for the long haul and to make sure that our contribution ensures, as much as possible, that this does not happen, that things change, and that we learn lessons.

The people who most need to learn these lessons are those who live in fire-prone areas and we as legislators, the people who create the laws that we live by that affect those people, who provide the firefighting equipment. I bet that if we went back and looked at the various royal commissions that have come out of some of the major fires (Ash Wednesday, Canberra, Sydney in 1994, and others) we would probably find recommendations that have been left undone. There are probably recommendations that politicians, members of parliament, ministers and public servants

have not implemented, which we agreed at the time were excellent and should be urgently implemented.

As a child on that Ash Wednesday, I remember watching the fire trucks go past. It was pretty crappy equipment they were in: old Bedford vans. Guys just in overalls were hanging onto the back of the vans as they drove past to fight one of the most ferocious fires. One of the lessons we learned from that fire, which came out of the royal commission, was the need to standardise equipment, so that firefighters switching between trucks could all use the same gear. There was an incredible upgrading of equipment after that—better trucks, better hoses. I think we moved to 40 millilitre hoses so that we can get more water on the fire quicker. We have learned all these things, and there are probably things left unlearned, and we need to go back and look at them and make sure we do learn them.

What this means for us is that there will be difficult decisions to make. There will be things that we need to confront and think about that will challenge us to think differently, to make different decisions from those we have made in the past or that we might have made in the event that this had not happened. And only we can make them. We are all here for the next 12 months, maybe some of us will go and there will be some change after that, but while we are here it is our job to make sure that the changes that need to be made are made. That is the best contribution that we can make, and that is the best legacy that we can leave for the victims of the Victorian fires and all the other past fires.

Our role as legislators, as members of parliament, is special. One of the difficulties of our job is that, sometimes, the things we do are not concrete, making it more difficult to focus on them, but we need to do those things. So, I urge everyone in this house to take on that duty, which I know we will—we have done it before—and hold that in the front of our minds over the course of the next 12 months.

**Mrs PENFOLD (Flinders) (15:44):** I rise to support this condolence motion on the devastating fires in Victoria with a heavy heart. The people in my electorate understand well the anguish of the people who have been affected by these most terrible fires. We grieved for the nine too many lives that were lost in the Wangary fire, and it is hard to comprehend the number of lives lost in these.

My heartfelt sympathy and that of the people in the electorate of Flinders—and, I am sure, of all South Australians—goes out to everyone affected. The stories and the tears will remain always, and it will be a long time before many are able to deal with their losses adequately enough to even speak of them. The loss of lives, of property, of loved possessions, of pets, farm and native animals, of just a familiar environment and the feeling of security this brings, is devastating.

I thank all emergency services personnel, the thousands of others who have helped save lives and property, and all those who are helping now and who will help in the future. The fantastic community response, when people see others in need, is one of the few positives that come out of these awful events. A colleague who had been helping to organise had sent me an email yesterday to say that no more was needed at present because the response had been overwhelming.

I know that across the country goods are being sent and money is being raised. A hat was passed around the aeroplane as I went home on the Rex flight last Thursday, and a firey came into my office on Friday with a collection boot. Invitations are coming in to attend fundraising events all across Eyre Peninsula, where people are themselves suffering hardship from years of drought and loss of jobs, often caused by the current world economic downturn. However, wherever they can, people are helping those they perceive to be worse off than they are. I commend them for their wonderful community spirit and generosity.

I can say no more that will not be said by others, but I want to put on the record how deeply we feel about this disaster. I end with a request that we do more to protect ourselves and our communities from fire right now and into the future and that we do not forget these people after the initial moment has passed, as for many an often lifetime struggle is only just beginning. I commend the motion.

**Mr GOLDSWORTHY (Kavel) (15:47):** I join with all members in the house this afternoon to extend my sincerest condolences and deepest sympathies to those Victorian communities that have suffered the ravages of the bushfires of Saturday week. I also want to speak on behalf of my constituents in the Kavel electorate, who have themselves experienced the effects of bushfires over the past decades, and extend condolences and sympathies on their behalf.

We have heard the examples of generosity and support pouring in from all around the nation, and internationally, to those communities in Victoria, the many tens of thousands of examples of support and generosity to assist where possible people and families who have been destroyed through these experiences. I want to share with the house one example of which I was a part just last Sunday, when I attended a service for the installation of a pastor at a church in my electorate. The congregation donated the offering taken at that service to the fire appeal, and it was a very moving experience.

As has been outlined in the house this afternoon, we have witnessed the images on television and in the newspapers, and listened to the reports on the radio, and it has been a stunning and startling reminder of the destructive nature of fire. As other members of the house have also experienced, I have strong memories of the fires that came through in 1983 that were known as the Ash Wednesday fires. They swept through my home district in the Hills, including our own family property.

In closing I would like to express gratitude to the CFS and all the emergency services who have provided enormous support to those devastated communities in Victoria. I, too, join in supporting the motion.

**Ms THOMPSON (Reynell) (15:49):** When I asked the Minister for Industrial Relations to acknowledge the Reynell Business and Tourism Association, to fulfil a commitment that I had given to them, I did not intend to speak. I want to endorse everything everybody has said, but add something that has not yet been said; that is, to acknowledge the good wishes of our neighbours.

I was particularly touched by the message from Indonesia, where the president indicated that Indonesia and Australia are partners and friends, our troubles are their troubles, and their troubles are ours. The fact that they sent technicians to assist with the horrible task of identifying victims was something that touched me greatly, as did the gift from Papua New Guinea. So, I would like to record those contributions in the house, and extend a little the acknowledgment of the large and small contributions that have been made by people from around the state wanting to go out and do something.

Several members were at the Moonlight Cinema last Friday night when a member of the public came up to a couple of us and said, 'I know they have said to be careful about people rattling buckets, but I noticed that there are MPs here and surely we can trust you. If I get some green bags would you rattle them?' So, several of us rattled our green bags, organised by the member for Adelaide (the Minister for Education), and raised \$2,549.50 just from that audience.

I was particularly touched by one young man I approached who said, 'Can you guarantee that all this money will get to the victims?' I said, 'Yes. We will be giving it to the Victorian official appeal.' He said, 'Because I'm unemployed and this truly is my last dollar.' I suggested that there were other people there who had more and could give more, and he said, 'No, it's all I've got and I want to give it.'

So, in recognition of the many people like that young man who have given until it hurts, I would like to say thank you and, again, thank you to Indonesia and our other neighbours who have sent their support and thoughts.

**The Hon. I.F. EVANS (Davenport) (15:52):** On behalf of the constituents of Davenport I wish to pass on my condolences to all those impacted by the Victorian fires, particularly those who have lost family and friends and those who have lost their residences and businesses.

The house would know that my family have been in the Hills for six generations and seen the fires in the thirties, the fifties, the eighties and the most recent fires. Certainly, in the lead-up to this particular fire, a couple of days before, Fiona and I said to our children, 'Make sure you're not in the Hills on Saturday. Just stay out. Regardless of what happens, just stay out', because it was a bad day.

Mr Ferguson will tell all of us that there are ways to predict bad fire days and that Saturday was certainly going to be one, and the days leading up to it were not a lot better. Having lived through the Ash Wednesday experience, I can remember hearing over the radio of the CFS truck I was on that the Eagle on the Hill hotel had gone, and I can remember hearing Jarrett's petrol station at Bridgewater go.

You experience the community that you have grown up in—in my case then, five generations—sort of dissolving around you. So, I can certainly understand and relate to what

everyone in Victoria has gone through with these fires. I have been lucky enough not to lose family or, indeed, much property, but certainly I have seen how communities have been impacted.

I think the really important thing is the matter raised by the member for Mawson: the fact that in the Ash Wednesday fire people came from everywhere, all over Australia, to assist, that we are moving this condolence motion and also that assistance has come from all over the world to Victoria to assist, is an important message to the Victorians and the people on the ground. Trying to rebuild from that is a very difficult experience that takes many years. The member for Colton mentioned the various emotions that a community goes through, and having assistance from outside to deal with those emotions is extremely important.

I was lucky enough to be the minister for emergency services and having had a brother and an uncle burnt in a fire was part of the motivation for bringing in the emergency services levy and, indeed, the government radio network. At the time, I argued that I was not going to send out volunteers in an underfunded capacity. In my view, they deserved better than that.

I certainly relate to the member for Colton's expression that we were lucky. I think it is true to say that we are lucky that it did not happen here on this occasion. As the member for Flinders and others have mentioned, it has happened in other electorates in South Australia previously. The *Sunday Mail* wrote in an article about my electorate that 300 people would go within the hour. I am trying to get hold of that report from the *Sunday Mail*, because I would like to see it. I accept the fact—and I think my electorate accepts the fact—that we live in one of the worst fire areas in Australia.

I come back to the point that the member for Newland makes. I think that our response to this as a parliament is going to be very important. It is important that we do not knee-jerk, but it is important that we react. I think one of the issues that we have as a community is that this generation is slowly but surely becoming de-skilled in fighting fire, except for those actively involved in the CFS, the MFS or the SES. Those in the community generally are becoming de-skilled about fire, about how to fight it, how to prepare for it and how to think about it.

I have sat down with my sons and daughter time and again to explain to them that you cannot outrun a fire, that you cannot out-drive a fire on a bad day, and that you do not go into a gully. There are certain rules that I have really implanted in them. However, I am not sure that people who have moved into my electorate in the last 10 or 15 years actually understand the beast they are dealing with on the one or two bad days that we will get. I am talking about the Ash Wednesday or Victoria style of day that we just had.

To some degree, we are being de-skilled because of the brilliant work of the CFS and the agencies that put out the fires so quickly. My electorate (areas such as Belair, Blackwood and Eden Hills) actually has not seen a really bad fire for nearly 50 years. So, the corporate memory of what actually happens and what you need to do slowly but surely grows out of the community. That is an issue for us. So, I will ultimately be floating some ideas about that, but that is for another day.

I think one of the questions that we have to ask ourselves is: how well educated is the community now to make a judgment about a fire? How well educated are they to make the judgments we require them to make? That is the concern that I raise in relation to this issue. Again, on behalf of my constituents, I offer my sincere condolences to those involved.

**Ms CICCARELLO (Norwood) (15:58):** I would also like to add my condolences to all those people in Victoria who lost their lives and their family members. I would also like to put on the record the generosity of members of the Italian community. On Sunday, the Italian radio opened an appeal and, in a short space of time, it raised \$10,000. In fact, one community organisation made a donation of \$5,000. I was there yesterday afternoon for just an hour and, again, in a short space of time we had collected promises of donations worth \$1,200.

Many of those donations came from people in the Campania region (my area) who had been affected by the earthquakes in 1980. Those people remembered the generosity of the Australian community in donating so much to rebuild those communities and felt that it was their duty. Many of those people to whom I spoke yesterday were pensioners ringing in with donations of \$100, \$200 or \$50, and some smaller amounts—whatever they could afford.

As has been said by many members, we have to be mindful not only of the present but we also have to look after these people for many years. Referring again to the Italian earthquake, some of those communities are still suffering after nearly 30 years of trying to rebuild their communities and cope with the grief, because many of them would never have seen their loved



ones and had the opportunity to say good-bye to them. Whilst those wounds might modify over the years, they will always be present. On behalf of my electorate of Norwood and the Italian community, I support the motion.

**Mr VENNING (Schubert) (16:00):** I rise to support this condolence motion so capably put by the Premier and supported by the leader. I express my sympathy and that of my family and also that of the people of Schubert to all those who have suffered great loss—the lives of loved ones, family and friends, property and treasured possessions, pets, animals and livelihoods.

Never before has there been a tragedy as great as this: 7 February 2009 will go down in history as Australia's worst disaster and will be forever remembered as the day the Victorian bushfires took so many lives, homes and communities and decimated thousands of hectares of our beautiful country. We all watched our TV sets in disbelief, in the comfort of our air-conditioned homes, as the horror of this tragic event became apparent: 189 dead; so many injured; possibly up to 80 people still missing; 1,834 homes lost; towns lost—Kingslake, Strathewen and Marysville; over 7,000 people left displaced and with nowhere to go; and about 400,000 hectares of land burnt out, with some fires still burning. As I understand it, they may take weeks to contain.

The enormity of these fires has been felt by everyone, as evidenced by the tone of the speeches here today, largely as a result of the media coverage. This is illustrated by the over \$100 million that Australians have donated to the various Victorian bushfire appeals that have been set up, with which we have all been involved. I encourage anyone who has not yet donated to contact the Red Cross by phone or go to its website and pledge a donation.

I also pay tribute to the firefighters, who have shown commitment and courage, the police and other emergency services, along with the countless volunteers. Many have risked their own lives but have nevertheless banded themselves together to help the affected communities through this terror. Sir, you and I cannot imagine what it would be like for these people to come upon those bodies and see it for themselves. They indeed would be scarred for life. I have seen my share of tragedies in life, but I cannot quite get my head around this one and what it would be like.

We have all had personal experiences that have affected us for life, and today we heard from the Deputy Premier and the member for MacKillop. I am very aware of the member for MacKillop's own situation—and he did not give the detail. On the day I felt like ringing him up (and, in fact, I did speak to him) and asking how he was feeling in all of this, because his own family lost loved ones in the South-East some years ago.

I am a country member and have lived with fire all my life. As a five year old, when I was in grade 1 at school (I been at school for about three months), there was a huge fire out of town, which we were all taken out to the school yard to watch. That fire was on our farm. I stood there as a five year old, and all of a sudden the teacher realised that it was our place that was going up and I was whisked away. I have never trusted fire since.

What really stuck in my mind was the support from people and neighbours that is given to families when they lose everything except the house they are living in. It took 24 hours to put that fire out, and there were people there all night cooking in the kitchen. I can remember that as a kid; I will never forget it. There was huge community support, and that is what country towns are all about.

What amazes me (and Mr Euan Ferguson will know this) is that you do not believe that some things will burn, but when you get that sort of heat and wind that is generated by the fire anything will burn. We had a 100-metre gap with nothing growing between where the fire was and the house, and the fire kept reaching the house all the time. We kept on putting out these fires. They seemed to run along the ground and burn anything; they even burnt the paint off steel structures. It was amazing. That is why I have a fetish about fires and why I go around with a slasher and cut everything down. I am accused of being a bit of a wrecker like that.

I note that the member for Stuart (who is not going to speak today) for time immemorial has been in this house pushing for us to do things about maintaining our fire tracks. Maybe now we will just listen a little more. I say as a country person that we have all been affected.

I commend the state government for pledging \$1 million to the Victorian fire appeal. I also applaud our Country Fire Service for sending our air-crane helicopter and 75 firefighters to Victoria to help the crews there. This tragedy is bigger than politics and, together as Australians, we must do everything to help those affected by this tragedy to rebuild their communities so they are

stronger and safer than before (and we all know people affected) so that the survivors of this disaster can look to the future with some hope.

I acknowledge the generosity of Australians in donating time, effort and money. It has been a real example of Australian mateship and support for our fellow men and women. On 7 February it was 45° here in South Australia and it was a day of high winds; it was a shocking day. I went outside—and this is one thing you do when you have had an experience like I have; you go outside on those days because you have a feeling. You can hardly stand up when you walk into that gale; that blast of hot air. I said to my son, 'Nobody should leave the farm on a day like this.' We were just lucky.

We have heard about Operation Nomad. We must have had something more than luck going for us in that we did not have a serious fire on that day. But we did not. I commend all those involved in the operation; the police and everyone else. Whatever you did, we can say, 'Well, we were lucky.' But maybe it was a bit more than that. It was a shocking day, and this catastrophe could easily have occurred here. We must heed the warning.

I note the presence of Mr Euan Ferguson in the gallery. I ask him to convey our gratitude to all his colleagues in the CFS, the SES and the CFA who are in Victoria helping, and also for all their ongoing support, especially to people in country regions, both now and over many years. In the Barossa we are blessed with fantastic emergency services; they are extremely good.

While we cannot for one second even try to understand what those affected are going through, we can provide them with support and comfort as they start to rebuild their lives. Let us learn from and reflect on what has happened and, hopefully, our collective efforts will go a long way towards preventing a calamity like this from ever happening again.

Today I offer my prayers and heartfelt sympathy to those who have lost loved ones, family, friends, colleagues and pets, and extend my deep gratitude to those working tirelessly to help those so greatly affected. So many people are suffering but, be assured, they do not do it alone. We were lucky. Again, my condolences to all those affected by the Victorian fires. We do not comprehend, but we try to do so. Our care and love goes to those people. May God give them strength and comfort.

**The SPEAKER (16:05):** I add my personal condolences to all those who have been affected and I thank members for their contributions. I will ensure that a transcript of this afternoon's proceedings be forwarded to the Speaker of the Victorian Legislative Assembly.

Motion carried by members standing in their places in silence.

*[Sitting suspended from 16:08 to 16:18]*

#### HOUSE AND ALLOTMENT NUMBERS

**Dr McFETRIDGE (Morphett):** Presented a petition signed by 144 residents of South Australia requesting the house urge the government to undertake necessary action to monitor and enforce the National Rural and Urban Standard for the placement of numbers on houses and allotments.

#### LEGISLATIVE COUNCIL VACANCY

**The SPEAKER:** I lay on the table the minutes of the Assembly of Members of the two houses held today for the election of a member of the Legislative Council to hold the place rendered vacant by the resignation of the Hon. S.M. Kanck, at which David Nicholas Winderlich was elected.

#### ANSWERS TO QUESTIONS

**The SPEAKER:** I direct that the following written answers to questions be distributed and printed in *Hansard*.

#### UNIVERSITY SCHOLARSHIPS

18 Mr HANNA (Mitchell) (30 September 2008).

1. How many scholarships has the government awarded to Carnegie Mellon University, Flinders University, the University of South Australia and the University of Adelaide for 2006-07?

2. What is the total value of these scholarships for each university?

**The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers):** In most instances, the State Government does not award scholarships directly to universities. It either contributes to or fully funds a particular scholarship scheme offered to individual students. In some circumstances, funds are provided to the universities which in turn administer a scholarship through their scholarship offices, on behalf of the SA Government.

While there is no central data collection for information on government funded student scholarships, advice from individual departments has identified that more than \$1.3 million is invested per annum.

The total expenditure in 2006-07 on Carnegie Mellon scholarships awarded in 2006-07 is \$39,214.

### SUPPORTED DISABILITY ACCOMMODATION

**26 Mr HANNA (Mitchell) (30 September 2008).**

1. Why has the government failed to announce how many people within South Australia are on the supported disability accommodation list?

2. How many people on this list are in urgent need of supported disability accommodation?

**The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability):** I provide the following information:

Prior to the establishment of Disability SA there were numerous supported accommodation waiting lists in use by various disability agencies.

This did not enable an accurate understanding of the total number of people waiting for supported accommodation, as many people were on more than one list, and the lists were not kept up to date.

Following the establishment of Disability SA, people requiring supported accommodation were re-assessed to create a single waiting list, and were assigned new priority ratings. This established a more accurate and clear picture.

When supported accommodation vacancies arise, they are allocated on the basis of priority of need and also suitability. The list is not a 'wait-in-turn' system and therefore the list will fluctuate. Numbers of people on the list will vary from day to day.

Therefore there has not been a tradition of releasing waiting list data.

As part of negotiations for a new disability agreement, states and territories have agreed to work with the commonwealth government on developing a nationally consistent approach to measuring all unmet needs, including supported accommodation.

### STORMWATER DIVERSION

**145 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (30 September 2008).** What plans does the government have to divert stormwater going into the gulf from Glenelg, West Beach and other storm water systems into wetlands for reuse, has consideration been given to reclaiming the Cheltenham racecourse site as a wetlands filtering system and has the state government applied to the federal government for funding of such infrastructure works?

**The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security):** I am advised that the South Australian Government supports the capture and harvesting of stormwater where it is appropriate and cost effective to do so. The government's Water Proofing Adelaide strategy sets a goal to increase total stormwater use in the Adelaide area to 20,000 megalitres per year by 2025, which is equivalent to about 10 per cent of Adelaide's mains water use.

Wetlands are not the only means for encouraging increased use of stormwater. The rainwater tank policy for new homes, together with uptake from the Rainwater Tank and Plumbing Rebate Scheme being administered by SA Water encourages increased rainwater use at the site level. Other important stormwater reuse projects include Water Proofing Northern Adelaide, which when completed is expected to reduce ocean outfall through Barker Inlet by 20,000 megalitres per year, and the Metropolitan Adelaide Stormwater Reuse Project, which will harvest up to 1,000 megalitres per year.

The Water Proofing Northern Adelaide project, for which the proponents are the Cities of Salisbury, Playford and Tea Tree Gully, and the Metropolitan Stormwater Reuse project, are receiving Commonwealth support.

The Cheltenham racecourse site has been identified for its potential to accommodate a stormwater wetland and aquifer storage and recovery system (ASR) to harvest stormwater for reuse. The government has indicated that it is prepared to invest up to \$5 million towards creating the open space for local people, which will include a wetlands, stormwater and aquifer storage system.

The Land Management Corporation (on behalf of government) is currently working with the City of Charles Sturt and the developer to prepare concept plans for, and undertake the design of, the wetlands and ASR system. Should the ultimate system meet the eligibility criteria for federal funding, then an application for funding would be made.

### **WATER MANAGEMENT STRATEGIES**

**156 Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (30 September 2008). What are the government's water management strategies beyond a desalination plant and water restrictions and specifically are there any plans to:

- (a) to prevent water run-off to sea;
- (b) develop a national pipeline infrastructure;
- (c) mandate water tanks and water recycling technologies in all new homes built in this state; and
- (d) promote awareness in schools and industry?

**The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security):** I am advised:

#### **Stormwater Run-off**

The Government has established a Stormwater Management Authority. The authority will assist local councils in the preparation of stormwater management plans which incorporate value adding opportunities, such as stormwater reuse and water quality enhancements.

#### **Developing a National Pipeline Infrastructure**

The transporting of water from states was investigated in the Water Proofing Adelaide Strategy. The infrastructure and energy requirements of these proposals are considered to be more expensive than other alternative sources of water such as desalination and recycling.

#### **Water Tanks and Water Recycling**

South Australia leads the country in the percentage of its wastewater that is recycled. In 2006-07 nearly 30 per cent of Adelaide's wastewater was recycled. In addition, new projects such as the Glenelg to Adelaide Parklands scheme, extensions to the Virginia pipeline and the Southern Urban Reuse project will further increase the proportion of wastewater recycled. SA Water is also working with developers at Lochiel Park and the Land Management Corporation to develop further third pipe systems in new developments.

The installation of rainwater tanks in new homes was made mandatory from 1 July 2006.

#### **Promoting Education in Schools and Industry**

A new water education facility dedicated to educating South Australians about water which will be located in SA Water's new accommodation in Victoria Square.

The new water education centre will include information on our water supply network and displays for all community members from customers and school children through to water industry experts.

In addition, a new school education program is currently under development in collaboration between SA Water and the Department of Education and Children's Services (DECS).

SA Water's Business Water Saver Program assists industrial and commercial customers to save water. SA Water works with businesses throughout the state to identify opportunities to reduce water consumption and minimise wastewater production.

In addition to offering education and training to industry, the Business Water Saver program also offers the following services to businesses:

- Water efficiency audits;
- Water efficiency reports;
- Monitoring; and
- Ongoing support.

#### APY FACILITY

**210 Dr McFETRIDGE (Morphett)** (21 October 2008). With respect to the contract DTEI-BM3 for the Anangu Pitjantjatjara Yankunytjatjara lands substance misuse facility, has this project been completed and, if so;

- (a) was it completed on time;
- (b) was it completed within budget;
- (c) who was the successful contractor; and
- (d) who 'signed off' on the completed project?

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management):** I am advised that:

The Commonwealth Government provided \$2.2 million in 2004 to build a substance misuse facility for the APY Lands.

Tenders were called for the main facility and following appraisal the contract was let to Murray River North on 18 January 2007.

The main facility was completed in November 2007 and has been occupied by Drug and Alcohol Services South Australia (DASSA) since that time to provide drug and alcohol services on the lands.

In mid 2007 and again in March 2008 the scope of the project was expanded to provide further services for Anangu.

Additional funding was provided by the Commonwealth in June 2007 to construct an activity shed to provide diversionary activities on the lands. The SA Government also contributed additional funding to enable the construction of associated family accommodation and site works.

The delivery and installation of the additional works are also being undertaken by Murray River North.

It is anticipated all work will soon be completed.

DTEI Building Management will provide a final sign off on the project once the activity shed is complete.

#### ABORIGINAL COMMUNITIES, FUNDING

**376 Dr McFETRIDGE (Morphett)** (17 November 2008).

1. How much funding did the state government allocate in 2008-09 to each of the following communities:

- (a) Anangu Pitjantjatjara Yankunytjatjara;
  - (b) Maralinga Tjarutja;
  - (c) The Aboriginal Lands Trust.
2. How does this level of funding compare with the previous year?

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management):**

1.
  - (a) Anangu Pitjantjatjara Yankunytjatjara received a grant of \$1,240,000 in 2008-09 for the administration of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA).
  - (b) Maralinga Tjarutja received a grant of \$468,054 in 2008-09 for the administration of the Maralinga Tjarutja Land Rights Act 1984.
  - (c) The Aboriginal Lands Trust received a grant of \$521,110 in 2008-09 for the administration of the Aboriginal Lands Trust Act, 1966 (SA).
2. Funding for the three Statutory Land Holding Authorities increased by 2.5 per cent CPI from 2006-07 to 2007-08.

#### IRIS SYSTEMS

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (24 September 2008).

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs):** On 30 October 2007, I was advised by the Minister for Health that on 3 September 2007 instructions were provided to the Crown Solicitor for the Government Investigation Unit to investigate allegations made about the misuse of IMVS intellectual property.

#### ERNABELLA EARLY CHILDHOOD CENTRE

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (10 September 2008).

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management):** The money was for the early childhood development of Aboriginal people in one of the most deprived communities in our country, the APY lands, and in particular Ernabella, the largest of those communities.

The amount of money is \$500,000, plus GST, so \$550,000. Payment was made by cheque on 25 June 2008. It was paid from DPC administered items, APY lands (shown as APY lands 'Additional services' in the DPC portfolio statements within the budget papers). Payment was within the approved budget of the APY lands budget line. The payment was approved by the Executive Director, Aboriginal Affairs and Reconciliation, within her delegated authority. Financial authorisation for expenditure was made, once again, by the Executive Director, Aboriginal Affairs and Reconciliation (for 2007-08) for \$550,000.

An authority for the approval of the grant payment was provided by the existing expenditure delegation, and the expenditure was in compliance with the requirements of Treasurer's Instruction 8, financial authorisations. Payment of the grant was made subsequent to the execution of a formal grant agreement between the Minister for Aboriginal Affairs and Reconciliation (signed on behalf of the minister by Joslene Mazel, according to her delegation) and the Ernabella Aboriginal School on 13 June 2008.

The agreement is of a standard type for a grant of this nature. The agreement provides for the grant recipient to provide full financial reporting to the government on the use of the grant, including the provision of audited financial statements. Accordingly, the provision of the grant was in accordance with the requirement of Treasurer's Instruction (TI) 15, grant funding.

The expenditure amount covering the grant was within the budgeted total expenditure of the Department of the Premier and Cabinet, with a cash alignment policy as an administrative mechanism (not a Treasurer's Instruction) which provides for the return of all agency surplus cash to Consolidated Account subsequent to the end of each financial year. The payment of the grant did not result in any breach of the cash alignment policy.

### PAPERS

By the Treasurer (Hon. K.O. Foley)—

Electricity Industry Superannuation Scheme—Report 2007-08  
Metropolitan Fire Service South Australia—Superannuation Scheme—Report 2007-08

By the Minister for Transport (Hon. P.F. Conlon)—

West Beach Trust—Report 2007-08

By the Attorney-General (Hon. M.J. Atkinson)—

Regulations under the following Act—  
Associations Incorporation—Fees

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

Gawler Health Service—Report 2007-08  
Loxton Hospital Complex Inc—Report 2007-08  
South Coast District Hospital Inc. Incorporating the Southern Fleurieu Health Service—  
Report 2007-08  
Strathalbyn and District Health Service—Report 2007-08  
Yorke Peninsula Health Service Inc—Report 2007-08

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Adelaide Festival Centre Trust—Charter

By the Minister for Police (Hon. M.J. Wright)—

Australian Crime Commission—Report 2007-08

By the Minister for Families and Communities (Hon. J.M. Rankine)—

Regulations under the following Act—  
Liquor Licensing—  
Naracoorte  
Strathalbyn  
Local Council By-Laws—  
Flinders Ranges Council—By-laws—  
No. 4—Waste Management  
Port Pirie Regional Council—By-laws—  
No. 1—Permits and Penalties  
No. 2—Moveable Signs  
No. 3—Local Government Land  
No. 4—Roads  
No. 5—Dogs

By the Minister for Industrial Relations (Hon. P. Caica)—

Regulations under the following Act—  
WorkCover Corporation—Claims Management—Contractual Arrangements  
Rules—  
Authorised Betting Operations—Bookmakers Licensing

### BUSHFIRE PLANNING

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:20):** I table a copy of a ministerial

statement relating to bushfire planning made earlier today in another place by my colleague the Minister for Urban Development and Planning.

#### PORT AUGUSTA PRISON

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:20):** I table a copy of a ministerial statement relating to an incident at Port Augusta Prison made earlier today in another place by my colleague the Minister for Correctional Services.

#### VICTORIAN BUSHFIRES

**The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (16:21):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.J. WRIGHT:** What has unfolded in Victoria over the last 10 days is a tragedy beyond comprehension. The date of 7 February 2009 will now be remembered as one of the darkest days in Australia's history. The enormity of the loss of human life, the destruction of homes and property, and the loss of entire townships beggars belief. Just like the 1983 Ash Wednesday fires, it is the small communities in rural and semi-rural areas that have borne the brunt of these destructive infernos.

In the weeks and months that follow we will closely examine what occurred in Victoria. Even before the flames are extinguished, questions are being asked and debate has begun about bushfire preparedness and policy. Unfortunately, it seems that many South Australians may be under the impression 'it won't happen to me'. For whatever reasons, some people are under the impression that they are immune to any real threat and that a fire will magically deviate from their property. South Australia is not impervious to a bushfire of this magnitude, and the devastation continuing to unfold in Victoria should be sending a strong, albeit sombre, message to residents here that having a proper bushfire action plan is vital.

The 'prepare to stay and defend or go early' position is a national policy which has been developed over many years in conjunction with all Australian fire agencies and which is based on research, experience and history. There is no doubt that this policy will be scrutinised by the royal commission, as it has been in previous inquiries—the last occurring in 2006 during the Wangary coronial inquest.

People who do not have a bushfire action plan are placing themselves, their family and others at risk. Residents in bushfire-prone areas, as part of a bushfire action plan, must decide, based on their own individual circumstances, well before a bushfire occurs, or preferably before the fire danger season arrives, whether they will stay or go. Those who decide to stay and defend need to ensure that they have properly prepared their home from the threat of bushfire. I urge all residents who live in the bush, the suburban fringe or regional South Australia to refamiliarise themselves with the *Preparing for Bushfires* booklet prepared by the CFS and make sure that they have a bushfire action plan in place.

The state government will monitor closely the recently announced royal commission into the Victorian bushfires. In the meantime, I am advised that there are 37 Bushfire Cooperative Research researchers in the field, gathering evidence from the fire-affected areas. The evidence will contribute to any review by the Australasian Fire and Emergency Service Authorities Council of bushfire policy and can be independent of the timing of the royal commission. If required, the state government will not wait for the outcome of the royal commission. If there is evidence that immediate changes need to be made to bushfire policy, we will take that necessary action.

We are committed to ensuring that South Australia has the most effective bushfire management practices in place. The state government is continually looking to enhance bushfire management practices. One immediate step we will take is to establish a telephone warning system. We see many advantages in a properly designed all risk telephone based warning system. South Australia is well placed to leverage off the recent announcement by the commonwealth government that, as a matter of urgency, it will introduce legislation to overcome privacy and data security restrictions.

An emergency information and warnings working group was established several months ago and senior South Australian emergency service officers have been involved in monitoring the



development of two current message delivery products, namely, Telstra and the Western Australian government's 'State Alert'. The acceleration of commonwealth legislation will enable South Australia to fast-track the implementation of such a system. Accordingly, the South Australian Fire and Emergency Service Commission is leading a team of operational and technical experts to develop a business case for a system implementation in South Australia. The team has already arranged to analyse the 'State Alert' product in Western Australia as part of the development process.

It is important to note that both the Telstra and State Alert systems are still in the developmental phase, but I have been assured we will give the utmost urgency to implementing a telephone warning system in South Australia to complement our existing bushfire warning systems. The technology currently being considered will enable an area or community at risk to be identified through geographic information systems and a warning message sent to the target area by mobile or fixed-line phones.

Since 2002, this government has implemented a number of important initiatives relating to bushfire prevention. One of the first actions of this government was to introduce legislation into parliament to create 'bushfire' offences with a maximum gaol term of 20 years. Since the Premier's bushfire summit, a number of important initiatives relating to bushfire risk management have been implemented. Expenditure on firefighting aircraft has increased significantly since the election of the government. Under the previous government, \$831,000 per year was allocated to our state's aerial capacity, while in 2008-09, \$6.795 million has been budgeted for, representing an almost \$6 million increase by this government.

I am advised that South Australia is the only state that has a formalised bushfire warning system, consisting of information and warning messages broadcast on ABC and FIVEaa radio at regular intervals during a bushfire, dependent on the level of risk to public safety. This is complemented by the warnings on the CFS website and the CFS bushfire information hotline. Our firefighters are better trained and better resourced than ever before, with improvements in training, increases in funding and the provision of protective clothing and new equipment that is the envy of other services across the country.

While it is still too early to draw any definitive conclusions from the recent tragic events in Victoria, the state government will monitor, with interest, the progress and the outcomes of Victoria's royal commission. In the meantime, I would urge South Australians to remain vigilant and make sure they are fire ready and have a bushfire action plan in place.

#### **NATIVE VEGETATION CODE OF PRACTICE**

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (16:23):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** Although it is well-known that fire is a natural occurrence in the Australian landscape, the ferocity of the bushfires across Victoria has left all of us shocked and numbed. Sadly, some people have lost their lives, with their family and friends now suffering immeasurable grief. Many others have lost their life's work following the destruction of their homes and personal possessions.

We must maintain our vigilance to manage the risks that bushfire poses to life and property. The importance of planning to manage bushfire risk is something that has been long recognised by this government. Since the Premier's bushfire summit in 2003, policies in this state have been reviewed and we have been active in our efforts to help reduce the risks presented by bushfires. Planning and development controls have been reviewed and there have been significant increases in areas designated as 'bushfire-prone areas'.

In bushfire-prone areas, the CFS is the referral authority, and recent regulatory changes also give the CFS power to veto a particular development application. People living in high-risk areas have also been provided with an informative DVD to help guide them through how and why they need to prepare a bushfire action plan, and the CFS has recently established a trial of the use of sirens for community warnings in the Mitcham Hills.

With respect to native vegetation, our laws provide for landowners to clear for fire protection purposes. This includes clearance around houses and other buildings, the establishment

of firebreaks and other fire protection works, including controlled burns, consistent with a bushfire prevention plan.

Importantly, within certain limits, the law provides scope for landowners to undertake clearance of native vegetation without the need for approval. For example, no approval is required to clear understorey vegetation or small trees within 20 metres of a dwelling and, where specified by the CFS, this can be extended to up to 50 metres and can apply to larger trees.

In addition to this, the Native Vegetation Council has established a fire subcommittee which includes the Deputy Chief Officer of the CFS as one of its three members. This committee has the authority to approve clearance of native vegetation for fire protection purposes, including urgently when necessary, and the Chief Officer of the CFS is on the record saying that he is satisfied that these arrangements are working effectively.

Most recently, the government, the Native Vegetation Council and the CFS have developed the Code of Practice for the Management of Native Vegetation to Reduce the Impact of Bushfire in response to recommendation 33 arising from the coronial inquiry into the 2005 Eyre Peninsula bushfires.

The code adopts a zoned approach to the management of fuel loads around built assets and clarifies the existing arrangements for clearance of native vegetation for fire protection purposes. Copies of the code are currently being made available. Application of the code at the local level will be through delegations to authorised CFS officers and will support local decision-making about clearance necessary for fire protection works.

The government's bushfire preparedness policies have been based on the best available science and developed with input from leading environment, planning and fire service leaders, local government, the Conservation Council and the South Australian Farmers Federation. It is important to note that the natural environment in which the Victorian tragedy took place is significantly different from the typical South Australian landscape.

However, we need to watch carefully for the lessons to be learned from the unprecedented fire behaviour and the weather conditions associated with the Victorian bushfires. Accordingly, I have requested a review of current arrangements for managing the interaction of native vegetation and bushfire, with a particular emphasis on developments near urban areas and townships.

The review will be led by the Chief Executive of the Department for Environment and Heritage, the Presiding Member of the Native Vegetation Council, and the Chief Officer of the CFS, Mr Euan Ferguson. The review will include consideration of the roles played by local government, the CFS and environmental agencies in bushfire protection.

It is prudent to undertake this review, but we should also recognise that many of our bushfire policies have been developed over many years and have served us well. Many have been adopted nationally and are reviewed regularly, and they are supported by field evidence and scientific research. In this highly emotional time, we need to avoid the risks associated with knee-jerk reactions that could have unforeseen consequences.

With just 20 per cent of native vegetation remaining in agricultural areas of the state, it is estimated that, without careful management, 30 to 50 per cent of our terrestrial biodiversity could be lost by the year 2050. Clearly, in conducting this review, the government will ensure that any change to key policies is done carefully and is evidence-based. However, the government's primary concern will always be for the safety of its citizens.

## QUESTION TIME

### MURRAY RIVER BUYBACK SCHEME

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (16:35):** My question is to the Premier. If, under arrangements agreed between the current federal and state governments, the state's powers over the River Murray have been referred in full to the commonwealth, and if there is now a strong independent authority which governs the river, can he explain to the house how Victoria can refuse to lift its 4 per cent cap on water trading?

Reports made public today reveal that the Victorian government will block the \$500 million River Murray buyback passed by the Senate in recent days. A spokesman for the federal water minister, Penny Wong, has told media that the minister has 'always recognised that delivering the purchase program will require the removal of impediments such as the 4 per cent cap'.

The view is supported by the Environmental Defender's Office, the Australian Conservation Council, the Coorong Action Group, and academics, who support the conclusion that the national water deal is unworkable while Victoria holds its power of veto.

**The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (16:36):** It is a very good question. In terms of the 4 per cent, I am surprised that the Leader of the Opposition is only just aware of it. It was announced last year, about four COAG meetings ago. Our response, of course, was to condemn the Victorian government for maintaining its position. I have to say—

*Mr Hanna interjecting:*

**The SPEAKER:** The member for Mitchell!

**The Hon. M.D. RANN:** I have to say, however, that I noted with some interest that the deal was done in order to facilitate the passage of the legislation to secure a \$42 billion worth of funding for the recovery package (I will talk about that in a second). Some news bulletins said there was extra money for buying back the water from the river. As far as I am aware, there is no extra money. What we saw was some money brought forward. The key question is—not that one would ever expect these key questions to be asked—

*Ms Chapman interjecting:*

**The SPEAKER:** Order, the Deputy Leader of the Opposition!

**The Hon. M.D. RANN:** I am trying to give an answer in my own humble way. The point of the matter is that it is a key question; it is a question that I have posed directly to Senator Penny Wong. I have sent her a letter which asks, in essence: how much extra water will come down the River Murray as a result of the Xenophon package? Is there any—

**Ms CHAPMAN:** Point of order, Mr Speaker—

**The Hon. M.D. RANN:** It is directly relevant.

**Ms CHAPMAN:** There is no relevance to the question—

**The SPEAKER:** Order!

**Ms CHAPMAN:** —about the \$42 billion; the question is about the cap.

*Members interjecting:*

**The SPEAKER:** Order! The house will come to order. There is no point of order. The Premier is answering the substance of the question.

**The Hon. M.D. RANN:** I will remind the deputy leader that it is about the \$500 million being frustrated in terms of Victorian intransigence. I have asked Penny Wong to get from her department an estimate of any extra water. If there is, then that is fantastic. Is there any extra water flowing down the River Murray as a result of this deal done in order to get Nick Xenophon's support for the package? If there is extra money—and I hope there is—I want to know how much extra water will be flowing down the River Murray, and I want to know how much will reach South Australia, and I want to know how much will reach the Lower Lakes and when it will reach the Lower Lakes. These are questions that I will put to our federal colleagues and will keep putting to our federal colleagues.

I know the Leader of the Opposition's brilliant plan—and we saw in Frome how his strategy and tactics combine and how it works out—it was to go and put his Victorian and New South Wales colleagues in a headlock. Well, no-one will stop me from criticising the Victorian government for its intransigence on this issue. It was the same intransigence that was experienced by John Howard who said—and I have witnesses in this room—'Leave them to me.' We saw the same intransigence from Barry O'Farrell. We know what he said to the Leader of the Opposition, he told him to get out of his office.

The point is that these states have been acting in their own interest. We negotiated for a \$13 billion package, we negotiated for the \$3.5 billion buyback, we came up with the idea of an independent commission, which members of Liberal Party opposed. I can say this. On this day let us remember—and we saw the member for Unley at the Convention Centre where we were briefing school principals and school council chairpersons about the benefits of the education package for South Australia—that the honourable member's party opposed the legislation, whether

it was about the River Murray, about fixing up the schools or about building homes. The absolute gall!

Apparently the deal with the journos was, 'Ah, Rann will be so irked that the member for Unley, the shadow minister for whatever, was there at the Convention Centre uninvited, because he voted against'—

**Mr PISONI:** I rise on a point of order, that of misleading the house. I was invited, because I was representing the Unley Primary School—

**The SPEAKER:** Order!

**Mr PISONI:** I was invited and the Premier said I was not.

**The SPEAKER:** Order! The member for Unley will take his seat. Allegations of misleading must not be made by other than substantive motion. There is no point of order.

**The Hon. M.D. RANN:** Apparently he wanted—

**Mrs REDMOND:** I have a point of order. I suggest that the Premier's response has turned to debate.

**The SPEAKER:** I think the Premier has drifted into debate.

**The Hon. M.D. RANN:** Journalists were told that there might be an incident. We welcomed him there; we welcomed the fact that there was one Liberal who supported the package for schools in this state.

**Ms CHAPMAN:** I rise on a point of order—

**The SPEAKER:** Order! The deputy leader will take her seat. I think the Premier has finished.

#### **MURRAY RIVER BUYBACK SCHEME**

**Mr HANNA (Mitchell) (16:42):** I have a supplementary question.

**The SPEAKER:** I have ruled before that supplementaries should really be asked by the person asking the original question.

**Mr HANNA:** I hope he does then.

#### **MARION SWIMMING POOL**

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (16:42):** My question is to the Treasurer. What are the implications for the state budget as a result of the collapse of the public-private partnership for the Marion swimming pool, and is the PPP funding model for the proposed Marjorie Jackson-Nelson Hospital similarly at risk?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:43):** The pool project was, in fact, started under the former government, the then minister responsible being Iain Evans. This pool has been a long time coming, but let us see what Iain Evans said in a press release dated November 2001. He said:

I believe that the aquatic centre is an ideal project for a public-private partnership. Nevertheless, should our investigation show that a public-private partnership does not present a value for money solution for the South Australian taxpayer the government is committed to providing funding.

Well, I can advise the member for Davenport that he was right. Investigation showed that it was not suitable for a public-private partnership and the government is providing the money for it. And, as I said at the press conference, an allocation has been put aside for it. We are in a competitive tender, and I am not about to pre-release information until such time as the tenders are in.

#### **STATE FINANCES**

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (16:44):** My question is again to the Treasurer. What impact will the federal government's increased bond market exposure have on the state government's ability to issue bonds to raise funds for major projects such as the Marjorie Jackson-Nelson Hospital and others?

The ANZ Bank expects the federal government's bond market exposure to increase in size from around \$60 billion currently to \$140 billion over the years ahead in order to fund its debt.

Concern has been expressed that this will cause the state government's relative access to the bond market to reduce drastically.

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:45):** That is an old story, but it is not as much a factor as the fact that the commonwealth is putting such a large borrowing program to the market. As I have said on a number of occasions, and I quoted my Queensland colleague on this very point, because the main commercial banks have received a AAA credit rating from the government, their need to go into the market to borrow, they are a better and more attractive option to clients in the global financial market because they are backed by a national sovereign AAA credit rating.

Subnational governments, that is, state governments, notwithstanding our AAA credit rating, are slightly less attractive than a national government and a national government's backing of those banks. We have flagged for some time now that this is an issue and it is a problem, but it is not a significant issue for this state because of our relatively low borrowings.

Over the forward estimates period we are expected to borrow around \$2.2 billion, I think, from memory. That would be compared to a borrowing program of Queensland and New South Wales of somewhere in the order of tens of billions, I think. Queensland alone is probably in the \$30 billion or \$40 billion mark, and New South Wales is probably larger again.

I am briefed regularly by the head of our financing authority, Kevin Cantley, on this very matter and he advises me that we are able to place our debt into the marketplace, bearing in mind that up until this current round of the future borrowing program we have not been active in the international debt markets. We have been able to raise our money domestically, but it is our intention to go to the international debt markets, as well as some domestic borrowings. Those borrowings will be more expensive.

The spreads that we are now having to deal with, with our government bonds and borrowings, are significantly higher than what they have been before. As I said in a speech yesterday to CEDA, there are great problems in the world economy today, and as each day unfolds things get worse. Members may have read that Japan recorded overnight, I think, a 12 per cent reduction to GDP growth in the last quarter. That is the worst result, apparently, in 35 years.

Nothing will get the economies of the world working again until such time as the banking system returns to some degree of normality. The fact that governments will have difficulty accessing borrowings, as will our major banks, goes to show that there is a scarcity of capital out there.

I will conclude on this point: what we are seeing, to further complicate matters, is that many companies—and I am aware of some businesses in the member for Mawson's electorate—have taken out borrowings with large European banks, particularly the agricultural banks of the Netherlands, France, etc., and a lot of those banks are not rolling over their debt lines to Australian clients because they are under domestic pressure in their own markets with taxpayer protection to their banks to lend their money to their own constituents.

So, there is a very difficult time ahead in terms of accessing capital for the large borrowers. As I said, our program is relatively minor at this stage and I am confident, and am advised so, that we will not have any trouble raising the necessary debt.

#### **MENTAL HEALTH PATIENTS, HEATWAVE DEATHS**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:49):** My question is to the Minister for Mental Health and Substance Abuse. Has the minister initiated an inquiry into the death during the recent heatwave of four public mental health patients who were being treated with the same schizophrenia medication? The opposition is informed that a memorandum was circulated to staff at the Glenside Hospital on 4 February by a Central Northern Adelaide Health Service employee, which states:

Please note that the pharmacy has alerted all units that during this recent heatwave there have been four fatalities of clients on Clozapine.

**The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (16:50):** It is quite apparent that there are many medications which present some risks during unusually hot weather. It is particularly so when patients are on a combination of medications. Certainly, I would

be surprised if, in the recent heatwave, there had not been some adverse reactions to some therapeutic drugs that were prescribed. Certainly, I will find more details on the matters that the honourable member talks about and come back to the house.

### GOVERNMENT ADVERTISING

**Mrs REDMOND (Heysen) (16:50):** Why has the Premier decided that government-funded political advertising is to be increased while at the same time demanding budget cuts of 6 per cent across government programs? The Treasurer recently told the media that government departments would be 'cut to the bone' due to the deterioration of state finances, but at the same time the Premier has increased advertising campaigns for re-election, spending thousands on TV and radio commercials.

**The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (16:51):** No, that is not correct at all. In fact, I would expect that, if there is a diminution in funding for government departments—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** Obviously, we are not, of course, talking about doing what the former government did in cutting back on hospital beds. As you know, what we are doing is having a sixfold increase in infrastructure spending compared to when you were in power. We have record numbers of police, record numbers of doctors, record numbers of nurses and massively increased expenditure on education. I expect that, if there were to be savage cuts, those cuts would also apply to government advertising. I should say that I am aware that the Adelaide *Advertiser* has been campaigning on this issue to cut expenditure on advertising and, as far as I am aware, we are a major advertiser in that newspaper. Obviously, all of those things would have to be reviewed, along with the spending cuts.

**Mr Pisoni:** Is that a threat?

**The Hon. M.D. RANN:** No, it is not a threat. What it is—

*Members interjecting:*

**The SPEAKER:** Order!

**An honourable member:** It's a fact.

**The Hon. M.D. RANN:** It's a fact. Our biggest expenditure in advertising—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** You are calling on it to be cut, so where do you suggest it be cut?

*Mr Pisoni interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** They should be shared equally; we are all in this together.

*Members interjecting:*

**The SPEAKER:** Order!

### OFFICE FOR THE NORTHERN SUBURBS

**Mr VENNING (Schubert) (16:52)** Thank you, Mr Speaker. There is a so much better way of doing this. My question is to the Minister for the Northern Suburbs—

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

**The SPEAKER:** Order!

**Mr VENNING:** Can the minister explain why, more than six months after being given the portfolio of the northern suburbs, she has yet to open her promised office for the northern suburbs in Elizabeth? Premier Rann announced with much fanfare a new northern suburbs minister on 23 July 2008. On 1 August 2008, he told the Northern Community Summit the following:

That's why I recently appointed a new minister for the northern suburbs: Jennifer Rankine, who many of you know as the member for Wright. Add that portfolio to those of housing, families and communities, ageing and disability, her office will be located in Elizabeth.

The opposition has been informed that an office for the northern suburbs has yet to open in Elizabeth as promised.

**The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (16:53):** I can assure the member for Schubert that works are underway to prepare that office. Obviously, we needed to identify a suitable site, and we have done that.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.M. RANKINE:** We have had to go through a proper process to engage people to actually fit out that office. Those works are underway, and we look forward—

**Ms Chapman:** Where is it?

**The SPEAKER:** Order!

**The Hon. J.M. RANKINE:** —to opening that office in the relatively near future.

**An honourable member:** Where?

**The Hon. J.M. RANKINE:** In Elizabeth.

#### STATE BUDGET

**Mr GRIFFITHS (Goyder) (16:54):** My question is to the Treasurer. How much of the \$335 million in budgeted contingency funds remain unspent in 2008-09, and for what purposes will any remaining contingency funds be used?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:54):** It is February; there are still a few months to go in 2008-09. I am not sure what the import of the question is. We have already forecast in our mid-year review that there will be a deficit in 2008-09 and, as I said publicly, that deficit will be larger because we have now been advised of a further \$800 million deterioration in what we expect to obtain in GST payments. That equals a \$1.68 billion (from memory) reduction in GST revenue over a four-year period, which is a massive hit to the budget, which will slip us into significant deficit. I am going to try to work our way through that as best as I am able in this quite extraordinary time.

As I have previously explained to the member and to the house, contingencies are predominantly there for wages and we split the amount of contingencies across a number of lines, because it is not in our best interests as a state to be flagging how much money we have put aside, and there are a number of other things: water and drought, for example. Contingencies are just a natural provision that one has for budgets. If the provisions are not used for what we have notionally allocated them for—

**Mr Griffiths:** So, it has all been allocated out?

**The Hon. K.O. FOLEY:** No, I have not said that. What I have said is that the contingency is that we are still negotiating teachers' EBs, and I am sure that we are still negotiating other wage deals. We still do not know the effect of drought and water. These are for unexpected occurrences. It is a simple equation; it is simple mathematics. If we do not use the full contingencies that we have put aside it will simply mean that we will have a smaller deficit by that amount than we otherwise would have. When we are running a budget deficit we do not say, 'Oh, gee, we've got \$20 million left in our contingency; let's go and spend it. Trust me on that one.' I will be wanting every possible dollar to be brought to the bottom line to improve our budget position.

#### PUBLIC SECTOR EMPLOYMENT

**Mr GRIFFITHS (Goyder) (16:57):** My question is again to the Treasurer. Can he confirm the number of public servants who will lose their jobs over the budget forward estimate period as a result of the budget cuts recently announced?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:57):** I released that number in the Mid-Year Budget Review: 1,600.

#### **SOUTH AUSTRALIAN JOCKEY CLUB**

**Mr GOLDSWORTHY (Kavel) (16:57):** My question is to the Minister for Recreation, Sport and Racing. Has the minister now received the Lipman Karas report from the inquiry into activities at the South Australian Jockey Club and, if so, when will he publicly release that report?

**The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (16:57):** I have not received it.

**Mr Hamilton-Smith:** Have you had a briefing on it?

**The Hon. M.J. WRIGHT:** No. The report is being done for Thoroughbred Racing SA, so it will have responsibility for the report. I have previously said that when it is made available to Thoroughbred Racing SA I would like a copy, but I do not have one at this stage.

#### **PORT AUGUSTA AIRPORT, BABY INQUIRY**

**The Hon. G.M. GUNN (Stuart) (16:58):** My question is to the Minister for Health. What was the outcome of the inquiry into why a Children, Youth and Women's Health Service employee left a premature baby with a stranger at the Port Augusta airport and what explanation has been provided to the government? The explanation is simple: a six day old baby who was born prematurely was left with a stranger at the Port Augusta airport on Christmas Eve last year by the Women's and Children's Hospital employee. A senior health bureaucrat, Gail Mondy, indicated that an investigation into the matter, when it was revealed on 7 January, was taking place. Can the minister update us on what is a most regrettable occurrence?

**The Hon. J.D. HILL (Kaurana—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:59):** I thank the member for his question. I agree with him that it was a most regrettable incident, and it is hard to fathom how it occurred. As I understand it (and if I leave some of the details out I am happy to get more for him), just before Christmas last year a child was born in the Women's and Children's Hospital. The parents are residents of Port Augusta. The child had a certain condition and needed help in the hospital. The baby was released back to the parents. The mother was unwell and felt that she could not fly back to Port Augusta, so she and her husband drove back and the baby was put in the care of a long-serving enrolled nurse, who took the baby back to Port Augusta by plane.

The nurse who had the baby was to be met at the airport by a nurse from the Port Augusta Hospital. For some reason the communication to arrange that had not occurred in the way it ought to have occurred. The pilot of the plane that was to go back to Adelaide—and the nurse wished to go with the pilot—said, 'We have to go.' My understanding is that the nurse was very concerned to get back home. She herself is a parent. She rang her supervisor at the Women's and Children's Hospital and said, 'What do I do? There is a woman here who is prepared to look after the child,' and for some reason—which beggars belief—the two nurses—

*Ms Chapman interjecting:*

**The Hon. J.D. HILL:** Deputy leader, just listen and then you might understand. The two people from the hospital between them agreed that it was reasonable to give the child to a stranger. I think this is an appalling lapse of judgment which is beyond belief. One can understand the nurse wanting to get home but, nonetheless, her duty was clear. Fortunately, the person to whom the baby was given was a teacher of some sort. She held the baby for about 10 minutes until the Port Augusta nurse arrived. There was no harm done to the child and the parents were notified.

Of course, we initiated an inquiry. I understand that the two nurses involved were stood down while the inquiry was conducted. I have not been briefed on the outcome of that inquiry but the facts are as I have given them to the honourable member. There might be additional facts of which I am not aware but it was pretty straightforward and it was a very wrong thing to do. I said to others, when it was put to me, 'If it had been someone from Mayne Security with \$1 million in cash, would they have given it to someone on the plane to look after for 10 minutes?' Clearly, the answer is no and no supervisor would have said that it was okay; and to do that with a child, which is inherently more valuable than \$1 million, defies imagination.

It should not have happened and I know the nurses involved are devastated by their lapse of judgment, and they will probably carry this for all their career—if they still have one. It is up to the



health system to work through the appropriate disciplinary action that needs to take place. I am happy to get more detail for the honourable member.

### **MURRAY RIVER BUYBACK SCHEME**

**Mr HANNA (Mitchell) (17:03):** In relation to the River Murray, why does the Premier not put his money where his mouth is and have the government fund a High Court challenge to have the 4 per cent water trading cap declared unconstitutional?

**The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (17:03):** Having been represented by the honourable member, I am well aware of the vibe of the constitution. The point of the matter is that we will do every best endeavour to get the best result possible for the river. For years the river has been run as if it is four separate rivers, and that is why we need an independent authority that has the power to set a basin-wide plan and a basin-wide cap. I would expect the honourable member to be the first to cheer that achievement.

**Mr Hanna:** All talk and no action.

**The Hon. M.D. RANN:** Yes, the honourable member has just described himself: all talk and no action, no matter which party he belongs to.

### **GRIEVANCE DEBATE**

#### **BAROSSA INFRASTRUCTURE LIMITED**

**Mr VENNING (Schubert) (17:04):** Today I want to inform the house about the Barossa Infrastructure Limited (BIL) scheme. This community scheme provides irrigation water to Barossa vineyards in order to supplement natural rainfall and ensure premium quality is achieved. It was set up in May 1998—so it is 10 years old in a few weeks—and it is appropriate that I make this report to the house.

The BIL scheme has been structured as an unlisted public company, wholly owned by its customers—the Barossa grape growers and vignerons—who raised \$9.32 million in capital to construct 180 kilometres of buried pipeline to service an area of 450 square kilometres. The shareholders include four managed investment scheme vineyards, taking up 30 per cent of the scheme's capacity. I remind the house that this was set up a long time ago and before oversupply caused disquiet about MIS schemes.

Apart from a loan of \$200,000 (since repaid), BIL has received no government financial support. SA Water provides the connection from the Warren reservoir and its catchment is supplemented with water supplied via the Mannum-Adelaide pipeline and the Warren transfer main from the River Murray. The company provides SA Water with irrigation water rights sourced from the River Murray equal to the amount of the water supplied.

With approximately 280 customers, the purpose of the BIL scheme was and is: to reduce the use of high salinity groundwater; to ensure the maintenance of premium wine quality through dry periods; to ensure adequate domestic water pressure throughout the region during periods of vineyard irrigation; to ensure the long-term sustainability of viticulture in the Barossa; and to maintain water prices at the lowest possible level, while ensuring commercial viability.

Barossa Infrastructure Limited customers are currently facing many challenges, including severe water restrictions in the last three years, a downturn in the Australian wine industry both nationally and internationally, the ongoing impact of the global financial crisis and the potential impact of future climate change. Current water restrictions have resulted in severe financial stress. The company has a bank debt of \$13 million and currently makes annual repayments of approximately \$1.5 million. It has incurred significant additional costs for leasing additional water rights and from reduced volumes sold due to water rationing and an annual SA Water fixed charge of \$1.2 million, which is paid even when consumption is reduced due to water rationing.

The company has risen to these challenges by: sourcing River Murray rights on behalf of its customers; entering into an agreement with the Barossa council to supply limited recycled water from Nuriootpa, with a view to future expansion to other areas of the scheme; and investigating additional water storage and ASR (aquifer water storage and recovery) to overcome the impact of drought periods.

In summary, the company is committed to providing a quality water supply which can reduce the use of high salinity groundwater, sustaining crop yields and quality during dry periods

through the application of supplementary irrigation water without strict environmental guidelines and striving to achieve innovative solutions to challenges as they arise.

Yes, BIL is living up to the confidence shown in it by the then government and then premier Olsen, who was instrumental in setting up the pioneering arrangement allowing the successful operation of BIL. I also wish to congratulate its leader, Mr David Klinberg OAM, who in no small way has provided the confidence for all involved; and also its general manager, Mr Paul Shanks, who liaises with all the growers involved in this scheme. This scheme has now been copied by other areas, particularly the Clare Valley scheme and also, I understand, interstate.

This was a pioneering effort, and again I pay tribute to then premier Olsen who made it happen. The bureaucrats of the day said that it could not happen because SA Water needed to own it and they wanted to be able to put it in their capital cash stream—it did not happen. I pay the highest tribute to the guy who had the vision for this scheme, a guy who has left the area, Mr Mark Whitmore. He was the single person who had the vision to set up this scheme. It is there: it is working. I pay credit to him and hope he is well.

All I can say is thank you very much for the BIL scheme because it is providing the Barossa with the artery, the lifeline, that enables it to continue to make and sell maximum premium quality wines in times of hardship, particularly at this time when it has forgotten how to rain. Without it, we would be sorely pressed. Even those who do not water premium grapes, certainly use this water to water their new plantings. I certainly commend BIL.

### **BUSHFIRE RELIEF**

**Ms FOX (Bright) (17:09):** The tragedy of the Victorian bushfires has affected every Australian, albeit in different ways. Words cannot express the extent to which those living in the fire-afflicted communities have been affected. Many members of the house have spoken this afternoon in a very moving manner about their own experiences and their own condolences.

Like so many of us, on that Sunday, when I found out what had happened, I felt very helpless and I felt that, even though I could donate money, I wanted to do something more. So, on the Monday after that Black Saturday, I sent an email to 100 friends and colleagues—on both sides of the house, outside this house, everywhere—asking them to donate children's books so that I could pack them up and send them to families and schools in the afflicted communities in the weeks to come.

With the help of journalists at the ABC and FIVEaa, I went on air and I asked for book donations. The result was absolutely overwhelming and continues to be so, and I stand here today because I need to say thank you, and I am going to have to say that word so many times.

At the Bright electorate office, we have received thousands of books where I thought that, if we were lucky, we would receive 50 or 60. People from all over South Australia have donated books. They have driven huge distances just to drop off one box of books, motivated by the desire to do their part. Our very small office is ceiling-high with books, dust and a lot of goodwill. Collecting these books and being the holding space for these people's generous donations has been a very small role in the great scheme of things, and I stand here today because I need to thank so many people and organisations who have helped along the way and made this possible.

Firstly, I must thank those who donated the books. Thank you for giving items that were part and parcel of your childhood memories or of your own child's past. Thank you to those people who went out and bought new books even when some could barely afford to do so. There are so many hundreds of people who gave books to us that I would never have the time to list them, but I thank you. Thank you for giving. Thanks for waiting in your homes for us to get around to picking them up. Thanks for driving them in.

Secondly, I would particularly like to thank Amanda Blair of FIVEaa, her producer, Monique Bowley, and Sarah Lucas. Between them, and with the help of Channel 7, they organised a fleet of vehicles to take many of these goods directly to those most afflicted by the fires. Their good hearts and their extraordinary energy resulted in an amazing grass-roots humanitarian effort that is still ongoing today at the Wayville Showgrounds.

I cannot fail to mention the two companies who donated book packs, allowing us to pack these books in an orderly and efficient manner. Ian Hunter of Grace Brothers Removalists and Lisa Camec of U-Store-It's Ashford branch were very generous, and we could not have moved all these books without them.

I would like to thank my own staff members, Matt and Areti, who put their professional and personal lives on hold, driving many hundreds of kilometres to pick up books, packing books at all hours, not eating much, and working above and beyond the call of duty, all the while maintaining their roles in the office working with and for our constituents.

Thank you to the volunteers who came to the office to sort, clean and pack the books: Jenny Cook, Simone McDonald, Phil and Joe Giles. Thank you to John Oliver who put his views about politics and politicians to one side for a great cause and who drove around the suburbs picking up so many of these books. Thank you to the schools: Highgate Junior Primary, St Peter's Collegiate, Loreto College, Craighburn Primary School, Braeview Primary, Murray Bridge South Primary School. These schools put together huge numbers of books from teachers, students and parents. I believe there are a number of other schools who are still collecting, so a big thank you to all of them as well.

Thank you to community groups such as the Campbelltown Rotary Group and the Camden Park Community Centre, thank you for the rapid response and for the goods that you gave. I would like to thank my mother who did not realise it, but who put the idea into my head. She also went out and bought dozens of copies of her own books and donated them, which was very kind.

I suspect that in all of this there is someone somewhere whom I have failed to thank and, if that is the case, I am sorry for it. However, you can see that there were so many people who responded to this very small appeal that it has been impossible to thank them all. Hopefully, the moments of joy and respite that these books will bring to children and libraries who have lost everything in the fires will be consolation and gratitude enough.

#### LAND TAX

**Mr GRIFFITHS (Goyder) (17:14):** I wish today to talk about land tax which I have spoken about before. I received an email a couple of weeks ago from Mr Robert Bailey, who lives at Victor Harbor, which I think encapsulates a lot of the frustration that has been felt out there in the community about the land tax accounts that are coming through.

His letter is actually a reply to a letter which he had originally forwarded to the Treasurer which had been replied to by the then acting treasurer, the Hon. Paul Holloway. He begins by thanking the acting treasurer for his reply. The letter then states:

Whilst we can hear what is being said, we feel that you have not heard what we are trying to say. We also feel that the advice that you are receiving is very much out of touch with reality and probably costing far too much anyway. Land tax *is* a major problem and it is causing considerable angst amongst ordinary South Australian investors who have gone without, with the desire to provide for themselves in old age so as to be less of a burden on the community. It seems that your government is out to get us because we have worked hard to try and establish an income base for our future.

We are not wealthy as you seem to suggest. The valuation of our assets is based upon your own valuations and in effect we have no say. Yes, we can object but let's be honest, has anyone ever won that argument? We did not buy these investment properties to sell them, they were bought with the intention of being a long-term investment and to fund eventual retirement. To suggest that because we hold this property we are well off demonstrates how far away this government is from understanding the struggles of ordinary people. It is missing the point completely. We cannot afford this amount of land tax, no matter how you package it up, it is unaffordable and simply out of touch with reality. You talk about fairness on the one hand and yet the current system is so far removed from being fair it is unbelievable. There certainly does need to be a fairer and more equitable form of taxation collection, whatever happened to user pay? At the very least revenue should be raised across the population not just from those who have perceived wealth simply because they hold assets.

Land tax and the way that it is worked out and collected desperately needs revision before we all go broke. I do not think that you realise, nor have you heard, how serious the situation is. To suggest as you did that we adjust mortgage schedules would be a good suggestion were it a one-off tax, however, this insidious tax comes every year. This is an ongoing annual tax and with the current financial conditions if we lose a tenant we are completely out of the picture and that is not to talk about maintenance and certainly any upgrading of facilities is completely out. You are not being fair to ordinary, hard-working South Australians.

The rates charged need urgent revision and it is a deceptive comment to say that land tax has not risen and that it is the property values that have risen. Whilst this is partially true as far as the rate charge per dollar of value is concerned, that...in itself is the very problem. To charge a constant percentage of the property value is quite unrealistic and when looking at the way that the charges have risen over the past few years, it has simply created a huge and unaffordable problem. No one is able to cope with such massive increases and this government needs to urgently take a common sense approach to this disaster zone.

You talk about the need to offer a competitive tax environment, however, when I compare SA to the other states, I actually feel quite ill. Here is a comparison table of SA's land tax...compared to other states:—

In this example Mr Bailey used his two properties which have a site value of \$1.15 million and \$520,000. In South Australia the total cost is \$36,210; in Western Australia is \$5,697; in Victoria it is \$8,335; in New South Wales it is \$20,932; and in Queensland it is \$6,975. Mr Bailey has confirmed that, since the 2002-03 financial year, those land tax costs have gone from approximately \$3,000 to \$7,000 the next year, to \$11,000 the year after that; and to \$14,000 in 2005-06, which was amended down to \$13,000. In 2006-07 it was \$17,000, in 2007-08 it moved to \$21,000 and this year to \$36,000, in round figures. He continues:

We remind you that our land tax has risen over 1,200% in seven years whereas returns have risen by less than 20% during that same time and that is the gross figure, expenses still need to come out of that...

To further put this into perspective, according to the RevenueSA website, land tax on property valued by your government at \$1 million would be \$11,420, however, the values that you have placed upon our properties, whilst only \$150,000 more, actually require that an additional \$24,690 be paid, making a total of \$36,210 based on the charge of \$3.70 per every \$100 of value. \$3.70 per every one hundred dollars of your valuation, how competitive is that? Honestly something is wrong and clearly it is the calculation method which we feel you do not want to change because it helps balance your budget but is intent upon destroying ours.

We would urgently ask you to look at and change the system to a fairer and more equitable one, using an everyday common sense approach, where at least people are given a fair go. This is serious and we cannot over-emphasise the desperate need for fairness here, along with a need for realistic charges and an understanding of what it is that you are imposing upon ordinary South Australians.

Time expired.

## CARNEVALE

**Ms CICCARELLO (Norwood) (17:19):** One of the great aspects of living in South Australia is our celebration of multicultural diversity and our recognition of its role in influencing and contributing to our state. I am always delighted to be part of the celebrations. When you combine that with my passion for all things Italian it is not hard to see why my annual pilgrimage to the Carnevale is always a red letter day in my diary, as it has been for the last 33 years.

I remember going to my very first Carnevale back in 1976 in Rundle Mall when it was known as the 'Italian Festival', and consisted of a parade which travelled from Victoria Square to Elder Park before concluding with celebrations in the mall. Since that time, the festival has had a number of homes: Rundle Mall, Elder Park, Norwood Oval, Adelaide Oval, Rymill Park and, for the first time this year, the Adelaide Showgrounds.

What has remained constant throughout the years is the purpose and tradition of Carnevale, which is twofold. First, it showcases and celebrates the wonderful tapestry of Italian heritage and culture and, secondly, it shares that with the wider South Australia community so that it too can enjoy and appreciate the contribution that Italians have made, and continue to make, to South Australian life. This year was no exception. Everywhere I looked was a reminder of the diversity and artistry for which Italians are so renowned—fashion, food, wine, dancing, entertainment, even a motor show were all on display for everyone to marvel at.

The move to the Adelaide Showgrounds brilliantly complemented all this with more space and undercover facilities, not to mention the luxury of air conditioning, and we were all able to enjoy a greater variety of acts than ever before. Perhaps most importantly, the showgrounds also afford the Carnevale room for expansion. I know that the organisers have some bold plans for the future to expand this event to replicate the Fiera del Levante in Bari, Italy, in which the South Australian government has participated the last three years. This move is the perfect start.

Congratulations go to all the performers, artists and exhibitors who made the day so special, but I must give a special mention to international singers Andrea Del Principe and Kylee Kate Sargent (who is, by the way, Australian), as well as comedian Joe Avati, who entertained the crowds so brilliantly. This year it was also fantastic to see Carnevale more focused than ever on the younger generation, with a dedicated youth stage and a program that catered for their music tastes—not to mention their pizza- and pasta-eating skills.

I am pleased that the Rann government continues to recognise the important role that the Carnevale plays in our multicultural life. Every year it is a major supporter of the festival, and this year alone contributed \$50,000—its biggest investment to date—to help Carnevale become even bigger and better. Thank you also to the many other sponsors, especially those with naming rights—Romeos Retail Group, Festival City Wines and Food, and Serafino Wines from McLaren Vale—for their support, as well as Blackwell Funerals.

As much as financial support is necessary, there is no doubt that it is the tireless and behind-the-scenes work that makes Carnevale such a successful event year after year, and it is for this reason that I wish to acknowledge and thank the many volunteers and Italian clubs who have once again given their time and skills so selflessly. Last, and certainly not least, Carnevale would not be the success it is without the dedicated work of the Coordinating Italian Committee—or CIC, as it is known in the Italian community.

I have enjoyed a long and close association with CIC for many years, from my days as its chairperson and festival coordinator to now being its local MP. It does a wonderful job promoting the well-being of Adelaide's Italian community and carrying out vitally important social and welfare work, and this has never been more important than now. According to the 2006 census, 55 per cent of Italians living in South Australia are over the age of 65, and as this percentage inexorably grows each year it is imperative that we match community group to individual and service to need. The Carnevale, with all proceeds going to CIC, is an important step in making sure that those community organisations and services are properly promoted and funded.

To Silvio Ladarola, president of CIC; John Di Fede, chairperson of the 2009 Carnevale organising committee; Teresa Dall'Acqua Leonardi, Carnevale manager; Angelo Fantasi, Tony Lapozzino, all the committee members and many others too numerous to name, congratulations on a job well done. I look forward to Carnevale 2010 at the showgrounds and to a festival which continues to inspire in us all a love of all things Italian.

### DISABILITY SERVICES

**Mrs PENFOLD (Flinders) (17:23):** I spoke again this morning to the father of a disabled son, who had sent me an email more than two weeks ago that I am about to put on the record. He has heard nothing from the Minister for Disability or the Minister for Education, despite them receiving copies of this email requesting urgent action immediately after I received it, and despite numerous follow-up phone calls and emails sent.

The most recent email, marked 'Urgent', was sent on Friday to the Minister for Disability. It stated:

Jennifer, the following letter was emailed to your chief of staff on 2 February for urgent action. To date this family have heard nothing. Every day their disabled son sits at home—he is rapidly losing any motivation that he gained from attending school. Every day the same taxi that he caught for several years to school drives past his gate with other students aboard. It drives past Compass Services—his moving on facility.

This situation is ludicrous. Surely some liaison between Disability Services and the education department can resolve this problem. I seek your urgent intervention.

His letter states:

The Education Department Logical Wisdom. Painting the Picture. I have a son who is autistic, now 20. For the past eight years he has been attending the special school in Port Lincoln. We live 65 kilometres from that school. Every school day that he has attended he has been picked up by a taxi bus with multiple other special needs people. The rules of the taxi as far as the way the taxi bus is contracted by the education department are: the trip is charged at roughly \$130 per trip each way, a total of \$260 approximately per day.

If there is one person on the bus or 10 persons on the bus the rate is the same. Because the bus is chartered by the education department they, the education department, will not allow Rodney to travel on the bus to go to what is called Compass, part of the Bedford Industries section for disabled people, in a program by the education department called Moving On. The taxi bus will still be coming up past us to pick up other disabled people for the special needs school in Port Lincoln and goes right past the Compass facilities before it gets to the special needs school.

If Rodney is to continue his Moving On program with the education department we have to personally drive him 220 kilometres round trip each day to a point where Compass (Bedford Industries) has agreed to pick him up and drop him off each day. The education department in their wisdom awarded Rodney \$2,000 towards travelling expenses that we the parents cannot personally claim. It must be paid to an independent body such as the taxi bus.

So, if a separate taxi is provided for Rodney and costs approximately \$260 per day Rodney will be able to attend his Moving On program for 7.5 days of the year. Rodney's program should be renamed Moving On To Nowhere. I would be interested in your opinion, please. The person I believe who said Rodney cannot use the...bus was—

and the departmental person's name was used. It continues:

The same bus he has been on the whole time he has attended the special school. While a lot of other kids have started their school year, Rodney has yet to start. Could this be discrimination? Yours...

Signed by Rodney's father. Once again, government rules and regulations impact unfairly on country people. There is no public transport such as metropolitan residents can use and which is

supported by taxpayers. If it is a matter of insurance then surely the \$2,000 would be sufficient to cover the necessary insurance.

Rules and regulations are essential for any community; however, one of the options that the minister has is to apply some flexibility so that rules and regulations do not descend into a farce, such as that which has happened in this instance. Rodney has not started his work education year and is idly hanging around at home, a situation that has no positives but a number of negatives for him and his well-being and that of his family. I urge the ministers to look again at this instance and display common sense to resolve the issue as quickly as possible.

In the short time I have left I draw members' attention to the fact that parents and carers of autistic children and adults are unable to obtain disabled parking permits. In South Australia the requirement for a disabled parking permit is:

...persons with a temporary or permanent physical disability whose speed of movement is severely restricted by the impairment and whose ability to use public transport is significantly impeded by the impairment.

Time expired.

### TOUR DOWN UNDER

**Mr BIGNELL (Mawson) (17:28):** I rise to congratulate the government on its wonderful Tour Down Under, which was celebrated in January of this year, and particularly to pay tribute to Mike Turtur, race director of the Tour Down Under and the person who came up with the original idea back in the late nineties. The first Tour Down Under hit Adelaide streets back in 1999. That was the same year that Lance Armstrong won the first of his record-breaking seven Tours de France. It was an absolute delight to have Lance here this year to participate in our Tour Down Under.

Lance's involvement this year took the race to another level. It has grown each year from a race that attracted Australian teams and some of the best overseas teams, to last year, when we won ProTour status, attracting the very best teams and the very best in-form riders to come to Adelaide and compete. This year not only did it have the ProTour status that we had worked so hard to achieve but it also had the great man, Lance Armstrong, in his first race back after retiring from cycling at the end of the 2005 Tour de France. He was a major drawcard. Not only did he attract many overseas and interstate visitors, but also hundreds of journalists and photographers from around Australia and around the world. As a former sports journalist who worked at the ABC, I believed in this event from the very first day and used to sell it to news and sports directors interstate, in both radio and television within the ABC. I guess the ABC is always an easier place to get a run for a new sporting event than perhaps the commercial media outlets.

Right from the very beginning, the ABC has always given the Tour Down Under good coverage. I congratulate the Grandstand crew and our own John Thompson-Mills here in Adelaide, who has now become the cycling guru of the ABC, after I left following the Sydney 2000 Olympic Games, which I was very proud to cover here in our home country.

This year, for the very first time, we saw the Tour Down Under achieve front and back page coverage interstate and overseas. As I mentioned, it is really hard to cut through and get that sort of media coverage. We all look at the Stawell Gift that gets media coverage each year. Oakbank gets media coverage each year, as does the Sydney to Hobart race. Why is that the case? Because of tradition, and tradition is a hard thing to build, particularly with a race that is just 11 years old.

What we have done now is put it at the forefront in the minds of newspaper editors and sports directors at television and radio stations around Australia, and we have really bitten through into that interstate market. So, papers like the Melbourne *Herald Sun* and the Sydney *Daily Telegraph* are taking the Tour Down Under seriously. We can thank Lance Armstrong for cutting through and making sure that the race got big coverage this year, which will then follow on next year, the year after and the year after that. It is a world-class event, a fantastic event that not only puts Adelaide on the map but generates huge economic benefits for the state.

The economic figures are not out yet, but I can give some anecdotal evidence of some of the events held during the week of the Tour Down Under. It is not just a bike race: it is a festival. Phil Liggett addressed the South Australian Press Club—a sell-out crowd, one of the club's biggest ever functions here in Adelaide. I met two triathletes there who I then ran into around the course. They would just bob up at different events. They were at the Legends Night, which nearly 2,000 people attended, and where Lance Armstrong was interviewed. What a lovely, charismatic guy he

is. He just won the audience over, like he won over the people in the streets of Adelaide and surrounding areas during the week.

The people of McLaren Vale, Willunga and Aldinga came out in force again this year to back the Tour Down Under and to celebrate the fact that it comes through our region each and every year, throwing up the greatest challenge to riders in Willunga Hill. This year, for the first time, those riders had to compete over Willunga Hill twice instead of the normal one trip over the top of the hill.

Lance Armstrong was very complimentary in what he had to say about Willunga, McLaren Vale and Aldinga. We were proud to present Alan Davis—the eventual winner—with a six-litre bottle of McLaren Vale premium shiraz, which is what McLaren Vale is famous for. I would like to thank Jock Harvey and his partner, Emily Shepherd, for providing the wine, the bottle and, of course, the label, to promote McLaren Vale wine around Australia and around the world.

### **MENTAL HEALTH PATIENTS, HEATWAVE DEATHS**

**The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (17:34):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.D. LOMAX-SMITH:** I was asked a question by the deputy leader this afternoon relating to some patients in the mental health system. I have been informed that three patients taking clozapine, but with other medical conditions, did unexpectedly die during the recent heatwave. This is, of course, a personal tragedy for the families involved, and I express my condolences to them.

There is a possibility that the medication may have been linked to those deaths through the cardiovascular effects of clozapine. So, as is protocol, the Adverse Drug Reaction Advisory Committee was informed and there is follow-up of other patients who may have been treated with the same drug. This matter is still under investigation, and the matter is being looked at by that committee.

### **NATURAL RESOURCES COMMITTEE**

The Legislative Council appointed the Hon. D.N. Winderlich to fill the vacancy on the Natural Resources Committee caused by the resignation of the Hon. S.M. Kanck.

### **PUBLIC SECTOR BILL**

Adjourned debate on second reading (resumed on motion).

(Continued from page 1148.)

**Mrs REDMOND (Heysen) (17:35):** I note that, in some sort of Freudian slip, the green slip before us says that we are dealing with the private sector bill, but I assume that we are really dealing with—

*The Hon. J.W. Weatherill interjecting:*

**Mrs REDMOND:** I will just continue from where I left off. I was talking about a couple of highlights of the bill. I then want to move to a couple of issues that have been raised by the Public Service that I think are of particular concern, and I note that there will be some amendments dealing with those matters. I had already mentioned the idea (although I do not know how one really achieves it via legislation) of making a career in the Public Service more acceptable to some of our young bright sparks so that we do not have a brain drain and we see them coming into our Public Service and, indeed, staying there for an extended time.

Another thing that this bill seeks to do is to require public sector agencies to have in place an effective performance management system. Largely, I think that the public sector's performance management system is the public itself and, as long as everything is going along fine, that is the indicator that our public sector is managing appropriately. I am not really in favour of managing the minutiae.

I say that because, as I have previously mentioned in this house, I have been a member of the board of the Stirling District Hospital for some 27 years now. As a hospital we have to go through what is called an accreditation process, and I am pleased to say that our hospital has always been awarded its accreditation. Indeed, when the teams and the members of various

occupations from other states come and do the accreditation survey they are always so impressed by Stirling hospital that they would like to take it back to wherever they have come from and use it as a demonstration of how a little hospital could be run.

However, whilst there is some value in that process, over the years I have always wondered whether there is really any improvement in the services provided and the outcomes for the clients of the hospital. There is a huge amount of paperwork, and often an enormous amount of stress is placed on people for the sake of ticking boxes without any real outcome. So, I simply express my hesitation about being able to legislate to have in place an effective performance management system, although I accept the general thrust that we want to know that our Public Service is working as well and as efficiently as it could. That is something about which I really have very little doubt, in any event.

I now want to turn to three of the issues raised by the Public Service Association and the proposals that it is suggesting to resolve those issues. The first is the issue of suspension from duty. The Public Service Association is concerned that the bill only provides for suspension without pay, and has proposed an amendment that the suspension may be with or without remuneration.

As the minister well knows (as a lawyer), we have a policy in this state and in this nation: we have a fundamental principle of law that one is innocent until proven guilty. I note that it is probably the government's intention that the use of the word 'may' means that someone could be suspended with or without pay but I think that, out of an abundance of caution, it is appropriate to accept the proposal by the PSA because it seems to me that, for the most part, in managing our Public Service we should in all but the most extraordinary circumstances accept that if someone is to be suspended it should be with pay, unless there is good reason to do otherwise.

It seems to me, as a logical consequence of the notion of innocent until proven guilty, that we cannot simply suspend someone from their job and take away their livelihood—and it could be for a long time while issues are investigated and sometimes pursued through court before they are found not guilty. Ultimately, I think the better way in which to address that situation is to have a clear provision. I would prefer it to be interpreted completely the other way so that there is a presumption that one would be suspended, if at all, with pay, but only without pay in the most unusual circumstances.

The second issue, in relation to the concerns of the Public Service Association, is the code of conduct. The concern is that employee activities in personal time, unrelated to employment, could be in conflict with and create problems for the work environment. Indeed, during the last sitting week, the member for Davenport raised in this house an example of someone who was on leave and in her own time went to support a friend who was accused of a crime and was taken to court for a bail hearing, if my memory serves me correctly. Upon her return from leave she was told by the head of the unit for which she worked that she should not take any time off to support this friend and that such activities were inconsistent with her employment duties.

It seems to me to be only reasonable to say that members of the Public Service do not give up their rights as citizens by virtue of taking on the role of a public servant. Therefore, in my view they must be free to pursue any lawful activity in their spare time, as long as there is not created thereby a conflict with the duties which they must perform in their occupation. I fully endorse what the Public Service Association has said in terms of that matter.

I will not go through all the detail of the Public Service Association's concerns with the bill. They were canvassed more than adequately by the shadow minister in his second reading contribution. I want to mention the regulations and the use of regulations as a means to an end when, in fact, in my view, we should be spelling out all the intentions of any legislation in the legislation itself. I am a member of the Legislative Review Committee, which will meet tomorrow morning. Our function is to peruse all the regulations passed under all the legislation of this parliament—not just new regulations but all regulations come through on a regular basis. We have to identify whether those regulations are in line with the authority of the parliament that has been given in the primary piece of legislation, that is, in the bill or when it has become an act and the regulations come into force.

For example, last year the committee looked at some regulations in relation to the introduction of licence fees for the sale of tobacco. Those licence fees had been increased by a considerable amount. The committee had had contact from a number of owners of small businesses, little corner shops and delis, on Eyre Peninsula and in my electorate in the Adelaide Hills, who said, 'The increase in fees is just unreasonable. It is such a huge impost on us and it



means that we will not be able to pay it out of the small amount of money we make and we will not be able to continue to sell cigarettes. Indeed, we rely on the sale of these cigarettes because that is what brings people into our shop, and while they have come to buy their cigarettes, they will buy the milk, the bread, the paper, the snacks for after dinner and whatever, and so it is an integral part of our business. However, it has been increased to an unreasonable extent. Whereas, Woolworths or Coles can easily meet that licence fee, it will have a huge impact on us.'

Originally, when we requested more information from the committee, part of the response was that the intention was to stop the sale of tobacco products through these small businesses. Now that is an improper use of the regulations; that is entirely inappropriate. If someone wants to stop small businesses from selling tobacco, then the appropriate thing to do is to introduce legislation and appropriately debate it through the parliament and, if it passes, that is the decision of the parliament, but you do not try to go around via the back door.

I can fully understand that the Public Service Association is concerned about the use of regulations. I hope the minister will table the regulations during the debate so that we are fully informed as to the intention, because, as I said—and I know I have expressed it in previous debates in this place—I have an ongoing concern when we pass legislation and all we are doing is putting a very bare framework in place and allowing for great detail in regulations without having the ability to consider the impact that such regulations might have when they are put into practice in whatever marketplace it might be.

I indicate that I support the bill and I wish it good speed through both this chamber and the other place. I hope that the government achieves the beneficial outcomes of the bill. I do express some misgivings about some aspects and certainly support for some of the suggestions made by the PSA in terms of the way in which the bill might be improved to provide better protections within the public sector without lessening the ability of the government to achieve its desired outcomes.

**Mr PENGILLY (Finniss) (17:47):** I also support this bill. I think it is an important bill in comparison with some that come through this place. Given that it affects the lives of some 98,000 people in South Australia who have full or part-time positions in the Public Service, it is critical that we get it right. Indeed, my colleague, the member for Goyder, has produced a list of amendments in an effort to improve the bill as, indeed, has the member for Mitchell. I note in reading the amendments that many of them are similar, which is quite interesting and, no doubt—

*The Hon. J.W. Weatherill interjecting:*

**Mr PENGILLY:** I don't know minister; perhaps great minds think alike. It is absolutely critical that we have an efficient, progressive, industrious Public Service in South Australia: it is vital to the future of the state. I note with interest that successive waves of members of the PSA have gathered in the gallery during the day to take note of what was being said. We are very fortunate in this country to have the system we have. Being colonised by the British did a number of things for us—not all of them all that smart. In inheriting the British system of Public Service (or, as they call it, the Civil Service), along with other countries such as India, we have been incredibly well served. That system has served the United Kingdom so well for so long. I think it has multiplied, tripled and God knows what else in India, but it has become a highly regulated Public Service.

I make a comparison with what happened in the United States of America a couple of years ago when New Orleans was flooded. It was an absolute debacle because of the lack of any organised system to get in there and assist. I do not know whether or not they call it the Public Service in the United States, but the reality is that they did not have the systems in place.

The president at the time was put in a terribly awkward position. Things were not happening, and it became apparent one or two weeks later that there was nothing on the ground. If you compare that to the situation in Victoria, about which much has been said today, and with the Port Lincoln and the Wangary fires a few short years ago, our systems worked exceptionally well and that was due, in no small part, to the efficiency and the professionalism of our Public Service and its ability to move quickly and put the correct mechanisms in place to assist the state.

The traineeship program, which I regard as incredibly important to the future of South Australia and its workforce, is not mentioned in the bill. I think that is a wonderful program in South Australia. To the best of my knowledge, all the members of this house have trainees. I think some 13 or 14 have gone through the Finniss electorate office over the years with my predecessor and, latterly, with me.

I sincerely hope that the trainee system gets through what is going to be, I suggest, an extremely radical system of cuts in the forthcoming state budget. I hope that the PSA and members will join with me in maintaining that traineeship program for a long time to come because it generates a great workforce for the future. Whether trainees stay in the public system or go into the private system, the program is ideal and the training that goes on in traineeships around the state is very important.

There are some important highlights in the bill. Its aims are to ensure that the public sector delivers high quality service to the community across departments, attracts and retains talented staff and provides the ability for open, impartial advice to government without fear of repercussion. I am not sure that that has always occurred in the past. I am not sure that it is happening today, and there is an inherent fear with some members of the Public Service that they cannot say what they really think for fear that they will get themselves into terrible strife. That is unfortunate and leads to situations that are not in the best interests of the state.

The fact that the bill requires public sector agencies to have an effective performance management system is critical. Public sector agencies cannot be seen as separate from the private sphere, and they must have these things in place. Attracting people to work in the public sector means that there must be an attractive career structure. It is no longer a job for life. I am sure that there are so many who have come out early or chosen not to stay there.

I am told that a young person today who is 19 or 20 years old may well have up to six jobs over the course of their working life. In the past, many people have gone into the Public Service and stayed there for all their working career, and in private employment as well. We must make it attractive to have a career in the Public Service.

On this side of the house, I listened to the leader with interest when he espoused his views on what the Liberal Party stands for in relation to the Public Service and what we will do on coming into government. I thought that that provided a great deal of security in the minds of the members of the Public Service Association who were here and who will no doubt translate that back to their membership at large.

The issue of a South Australian executive service of about 500 people is going to be interesting. It remains to be seen just how that pans out, but I am sure that that is going to be a challenge and that the Public Service will have to rise to the occasion. We look forward to seeing what happens.

The bill does not refer to a reduction or expansion of the Public Service but does provide an opportunity for CEOs to get rid of staff seen to be in excess of requirements. That is going to be interesting, isn't it? However, the department is required to make every effort to find alternative work in another department. I do not know how that will pan out, and I am sure that those charged with adjudicating on that will have some fairly challenging times.

I know that much of what I have said has been said already, but I thought it was worth making a small contribution on this bill. I join with some of my colleagues in wishing it a speedy passage through both houses. However, the Liberal Party, through the member for Goyder, is proposing some amendments, which I hope will be taken in the spirit of the situation. I look forward to seeing those amendments in committee and this bill progressing during the evening—and I understand it could be a long evening.

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (17:56):** I thank all members for their contributions. I will speak briefly and seek leave to continue my remarks after the dinner break. The reforms set out in the bill are far reaching, and despite a bit of fanfare that has occurred we really do have bipartisan support for most of them.

I will remind people of the reforms. They include: a principle-based approach, and the principles we have chosen are all supported; an emphasis on one government; an emphasis on collaboration and information sharing between agencies; greater flexibility; performance management and development requirements; and a South Australian executive service. I welcome that support.

It would be remiss of me if I did not begin by making some remarks about the general context in which these contributions were made. This side of politics has always valued the state public sector. Indeed, much of our philosophy is based on the capacity of the state to take steps to

intervene on behalf of citizens to make a better life for them. That is the essence of what it means to be part of this party.

However, what we have consistently had at election campaigns, when it counts, is campaigns by those opposite who have sought to characterise the public sector as a burden that needs to be minimised. Let's be completely clear. For those who are perhaps witnessing the debate, let's be clear about the so-called new friends they think they might have in this chamber. I exclude from that the member for Mitchell, who is an old friend, but I am referring to the new friends that they may think they are gaining in this debate.

Some of the people who made contributions in this debate—and I exclude from this the member for Goyder—have been some of the greatest offenders in singling out individual public servants and vilifying them. I have always made it my practice, when there have been vicious attacks on individual public servants, to defend them and take my ministerial responsibilities seriously.

Some of our public servants—and I know many of them would be interested in the fate of this bill—are at the coalface, and they are the ones who take the greatest risks, and they are the ones who have to make the courageous decisions. I believe it is wrong to criticise them when all they are doing is seeking to help our sometimes most vulnerable citizens. I will explore this theme in more detail after the break.

*[Sitting suspended from 18:00 to 19:30]*

**The Hon. J.W. WEATHERILL:** I think I was speaking about new friends when we broke for dinner. What needs to be emphasised is that the Labor Party has always understood that the Public Service is one of our most precious assets and whose value we must realise, to be contrasted with our opponents, who have always seen it as a burden to be minimised.

There is support for the bill, and I do welcome that. Some of the opposition's amendments make sense, and at this stage I can indicate general support for some of them. First, the protection of the employees reasonably engaging in community activities not related to their employment will be supported. It was never intended to use the code of conduct in a way which would undermine this, but an amendment could improve the bill. I am advised by parliamentary counsel that there might be a slightly better way of expressing that, and maybe that is a matter that could be left between houses, but we support the general thrust of it.

Secondly, the preservation of review rights for reclassification is a sensible principle. Indeed, in my letter of yesterday to the PSA and SA Unions I undertook that those review rights would be maintained. It is just a question of what is the appropriate way to preserve that and, once again, that might be something we could look at between houses.

Thirdly, as to the use of regulatory power in the bill, no general points can be made about that because there are some important regulation-making powers that need to be preserved. I have been prepared to reflect upon those cases where the regulation-making power simply adds a further potential ground, say, of termination or some other disciplinary action. In those cases we cannot (presently) think of a basis for using that. It was put there out of an abundance of caution. We would be prepared to remove those particular references, but there are other important references that must remain and we need to look at them on a case-by-case basis.

The issues that are left are of a very narrow compass. They are, nevertheless, significant. I would suggest that some of them betray a misunderstanding of aspects of the bill. I will go to those matters now in an attempt to try to persuade members that those particular concerns are not warranted.

The first is the question of the chief executive devolution of power. The bill does make chief executives fully accountable for human resource management by providing them with the necessary statutory powers and responsibilities. The bill does empower chief executives to appoint, assign, transfer and terminate employment of employees. The current act requires that these powers be exercised by either the Commissioner for Public Employment or in cases of termination by the Governor.

During this government's tenure we have gone a long way towards requiring that chief executives be accountable to the government for performance targets. It is important to understand this, because this is the essence of why we seek these changes: not responding to some

management philosophy but, rather, that we are now obliging chief executives to have in their own performance agreements and their own contracts of employment, targets which respond to the South Australian Strategic Plan targets. We expect them to deliver on those targets and we want to hold them to account for those targets. They may be as broad and diverse as responding to targets to reduce business red tape or, at the other end of the spectrum, to drive down homelessness or rough sleeping.

If we want that accountability for chief executives, the means by which to achieve those objectives need to be provided to chief executives. We believe that empowering chief executives to manage their staff without some structural impediments that currently exist is an essential part of this driver for greater accountability.

To this end, over the last five years the Commissioner for Public Employment has delegated to chief executives a number of powers relating to employee management. So, it is already happening in a number of important respects: appointment, assignment, conditions of employment and redeployment. During a period of monitoring of the exercise of powers, no abuse or misuse of these powers has been detected.

In some respects, the provisions of the bill devolving power to chief executives simply reflect existing practice. The termination power, however, is not one that can be delegated under the Public Sector Management Act; it must be exercised by the Governor. The government believes that the power to terminate employment must be exercisable by chief executives if we are to expect them to be accountable for the objectives that we have set for them.

Correspondingly, providing these transactional powers to the Commissioner for Public Employment misunderstands and, indeed, undermines the role that the bill carves out for the Commissioner for Public Employment. Much as this bill seeks to guide decision-making through the adoption of strong principles, we want the commissioner to lead chief executives to themselves adopting better systems and practices, but he does so by operating at a systemic level, not at the individual transaction level.

Enabling chief executives to defer to the commissioner their decision-making powers will be the disincentive for them to adopt better systems and practices. Giving the commissioner a command over chief executives will be inimical to his or her capacity to influence the chief executives in that positive way.

Until we undertook this process of migrating a lot of the powers of the commissioner to the chief executives, we had a situation where the commissioner was getting involved in the day-to-day activities of agencies and, in a sense, there was confusion as to who was actually responsible for managing employees. If employees are indeed our greatest asset then we must have a clear line of sight between the people who have direct responsibilities through to the people who actually make things happen on the ground.

The introduction of someone else who is empowered to make decisions will simply be a disincentive for taking full responsibility for that. It will also prevent the commissioner from actually playing a role that they ought to play, that is, being the arbiter of good practice, sitting there and looking at the way policies are being applied and, indeed, insisting on the consistency that the member for Goyder says he is seeking through these amendments. But, by not having the chief executives involved in this decision making and by insisting that the commissioner involves himself in the day-to-day decision making, he does not have the resources necessary to maintain this oversight role.

We believe that the bill has the balance right in relation to the devolution by creating a strong set of principles to guide decision making and a robust public appeal forum to protect employees from an inappropriate decision. Indeed, for the first time, we are giving public servants the right to access the Industrial Relations Commission for individual matters.

Really, the criticism that streamlining the process for termination diminishes the protections afforded to employees is unsubstantiated. In all other Australian jurisdictions—other than Tasmania—we give the power to terminate employment to chief executives. There is no anecdotal or reported evidence to suggest the misuse of these chief executive powers. We also need to know here that the proper basis for consideration of this particular power of the chief executive is to understand that it is intimately linked to the accountability that we expect of chief executives for results. To deprive them of the tools to achieve those results, we believe, is counterproductive.

The member for Morphet, in a sense, invited me to tell the house what the present Commissioner for Public Employment thinks of all this. He strongly supports it and does not believe that the proposed amendments would assist his role; indeed, they would take his role back to the place where it was before, that is, a policing role. He does not want the policing relationship. He does not want the enforcement and the responsibility; he wants a different relationship with the chief executives. So, I invite the member for Morphet to have a discussion with the Commissioner for Public Employment and satisfy himself about that. But he did invite me to tell him what the commissioner said, and that is what he said.

Suspension without pay is another area where I think the legislation has been misunderstood, and I think I can understand why the misunderstanding has crept in. In the present Public Sector Management Act, one provision deals with suspension, both during investigation and as a disciplinary action; therefore, it refers to suspension with or without remuneration. In this bill, these circumstances are separated. Clause 54 deals with suspension as a disciplinary action, that is, after a finding of misconduct. It is therefore appropriate that it refer to suspension without pay.

It is difficult to imagine a circumstance where you would try to suspend somebody on pay as a punishment; indeed, some people might think that was a reward. I think the way in which the act is set out might have led to this, because the act actually begins with the penalties and then goes to the process. I think the fear—which is unfounded—is that the act provides for people who are suspended in the process of investigation to be suspended without pay. That is not the case. The suspension without pay is a penalty that may apply in a given circumstance.

In relation to review rights, we have strengthened those rights for public servants. As I have said before, for the first time, the Industrial Relations Commission will decide whether the dismissal was harsh, unjust or unreasonable. Although I understood the member for Goyder's contribution to be that he did not support those changes, I cannot see any amendments presently to disturb that. So, it does not appear that those—

*Mr Griffiths interjecting:*

**The Hon. J.W. WEATHERILL:** On unfair dismissal rights. There do not seem to be any amendments that go to the question of depriving the Industrial Relations Commission of its jurisdiction to review dismissals. I hope that is the position, because I think it would be, on any view of it, a backward step not to allow the Industrial Relations Commission to review the unfair dismissal rights for public servants.

I note the intention of the amendments is to restore the panel provisions in the proposed public sector grievance commission. Frankly, I do not understand the opposition's attachment to these panels. The matters that will go to this commission will be many and varied. Requiring a panel to be convened for each of them will be time-consuming, cumbersome, expensive and of little, if any, benefit. It also does not really fit in with the scheme. If we believe that the Industrial Relations Commission can, for the most serious matters, have a single person hearing them, why would we require a panel of people in relation to the public sector grievance commission, which would necessarily deal with less serious matters? It really looks like an exercise in going back to an old process, which is unnecessary. The whole idea of convening a three-person panel has, in itself, logistics that would cause delays, and that is a very undesirable situation when we are dealing with matters of this sort.

The member for Mitchell made a point about the politicisation of the Public Service. I must say that I had difficulty in identifying what it is in the legislation that causes him to say that. Contrary to that, for the first time, we have a principle in the legislation—which has never been there—which makes clear that frank advice without fear of reprisal will be protected.

While the differences between us are not wide ranging, I cannot let some of the commentary about the opposition and its attachment to the Public Service and the PSA pass without comment. The leader stated that the opposition was an old dog learning new tricks. I do not find that very persuasive. I would have thought it is more like a leopard frantically trying to rub off its spots, because public sector workers will remember the last election (and that is the test, what you take to an election), where they saw an opposition that thought it was to its political advantage to get rid of 4,000 public sector jobs and it talked about cuts. It did not suggest that these would be achieved through natural attrition, although it did eventually when it got into a bit of trouble.

I also need to remind public sector workers that the last time public sector legislation was an election issue those opposite promised the PSA that the then legislation would be kept intact. However, within a year of the election they introduced into this place an extraordinary piece of

legislation that radically transformed the act and sought to politicise the public sector, stripping away many effective appeal rights, and I could go on. We see the consistent opposition delight in attacking those described as 'fat cats' earning over \$100,000.

There is one aspect with respect to which I really have to challenge the member for Goyder. He sought to say that we budgeted for 3,000 extra people but we got somewhere between 14,000 and 17,000 (he says). However, he said that this was not an attack on the public sector; it was, rather, just an attack on ministers who cannot control their budgets. The opposition has to nail its colours to the mast here. Is 14,000 extra public servants a problem or not? The clear implication is that it was a problem and that it would do something about that.

We cannot mince words here. We are essentially talking about an opposition that routinely campaigns on the size of the public sector. Despite my invitation to the Leader of the Opposition to make it clear that he supported a position of no forced redundancy, he refused to take up that invitation. I think that speaks more loudly than any of the, I suppose, comforting words that have emerged from some of the members of the opposition who perhaps are regarded as a little more friendly; the friendlier faces of the opposition. I thank members for their contribution and I look forward to a speedy passage through the committee stage.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

**Mr HANNA:** I move:

Page 7, lines 25 to 27 [clause 3(1), definition of public sector representative organisation]—Delete:

'means an association registered under the Fair Work Act 1994 or the Workplace Relations Act 1996 of the Commonwealth that represents the interests of public sector employees' and substitute:

—see subsections (5) and (6)

Amendments Nos 1, 2 and 4 in my name can be taken together. They reintroduce the concept contained in sections 16 and 24 of the existing act. Section 16 requires an agency chief executive officer to consult with employees and employee organisations, for example, the Public Service Association, before making decisions affecting a significant number of employees. Section 24 allows definition of public sector organisations that would need to be consulted and heard on these occasions. Again, the one we think of foremost is the Public Service Association, otherwise known as the PSA. So, amendments Nos 1 and 2 in my name, in a sense, carry over section 24 and the definition contained there from the current legislation. In a moment we will deal with amendment No. 4 in my name, which carries over the concept contained in the current section 16. So, that would become new clause 9A.

I make those remarks about the three different amendments because, in a sense, they form part of the package. I acknowledge that the source of the inspiration for these amendments is the PSA, but I think it has a good point, and I am heartened to see that the Liberal Party opposition has identical amendments on file. I put this amendment forward as a test. I hope that it is carried. If it is not, I think amendments Nos 2 and 4 in my name would have to be considered consequential.

**The CHAIR:** The member for Mitchell, we can consider amendments Nos 1 and 2 together.

**Mr HANNA:** Good idea. I move:

Page 8, after line 29—After subclause (4) insert:

- (5) If the Commissioner is of the opinion that an association registered under the Fair Work Act 1994 or the Workplace Relations Act 1996 of the Commonwealth represents the interests of a significant number of public sector employees, the Commissioner must, by notice in the Gazette, declare the association to be a public sector representative organisation for the purposes of this act.
- (6) If the Commissioner is of the opinion that a public sector representative organisation has ceased to represent the interests of a significant number of public sector employees, the Commissioner must, by notice in the Gazette, revoke the declaration of the organisation under subsection (5).

**Mr GRIFFITHS:** There is certainly a commonality between the amendments of the opposition, which I note are superseded by those of the member for Mitchell, but this is an

important issue that was put to us by the Public Service Association and the opposition has recognised that. For all the reasons espoused by the member for Mitchell, and while recognising what the minister has just said in his summation of his position on some of the amendments that are proposed later, we urge the government to consider its position on this. We think that the amendments are sound and reflect the true needs of members of the Public Service.

**The Hon. J.W. WEATHERILL:** This creates a little bit of difficulty. In clause 5 of the bill there is already a provision about consultation. I think the PSA has been a little naughty here because this provision is most likely to favour them, as opposed to other unions. If one looks at it carefully, the effect of the amendment is that it will provide consultation for the PSA but perhaps not other smaller unions; and this is a contested field. It does raise the question about freedom of association and whether one would have a special clause that would have the effect of preferring one organisation over another.

It is certainly the case that consultation is dealt with as part of the obligation as an employer of choice. The public sector agencies are obliged to consult public sector employees and public sector representative organisations on matters that affect public sector employment. This is expressed in terms which are consistent with the present legislation, but the present legislation does have the effect of potentially excluding public sector workers who may not be able to meet this test.

**Mr HANNA:** I make the point that this set of amendments refers to organisations which represent the interests of a significant number of public sector employees. That is actually what amendment No. 2 provides. Quite clearly, it does not seek to have the PSA cover the field in this area. It is erroneous to suggest that it sets up the PSA as the only public sector representative organisation. That is confirmed by the fact that amendment No. 2 provides that the commissioner may declare an association to be a public sector representative organisation for the purposes of this act. It does not provide that an association would be declared to be the representative organisation but, rather, a public sector representative organisation. It is quite clear. There could be several. It may be that the AWU or some other union might represent a significant number and they could also be declared in that way. I think the minister might have it wrong in that regard.

When the minister tries to reassure us that in the government provisions there is consultation anyway, the question arises, 'If it ain't broke, why try and fix it?' The existing legislation quite clearly provides that where there is an organisation, such as the PSA, it must be consulted and it must be heard. That is the minimum decent thing to do when the interests of a significant number of workers are affected.

**Mr GRIFFITHS:** I support the member for Mitchell. The amendment is quite specific in its wording: it is not exclusive. It is not a definite certainty for the PSA. The PSA does represent a significant number of public sector employees and, while there is an opportunity for them, we have not been specific in the amendment. We have given flexibility for the commissioner to make a determination as to whom it may be.

**The Hon. J.W. WEATHERILL:** There are some organisations which have small numbers of employees and which may not be regarded as significant for the purpose of this clause. It is difficult for us to support something that would have that effect. In any event, it is not a question of its being broken and wanting to fix it. What we are doing is changing the way in which this act looks in a fairly substantial way by establishing a set of public sector principles and practices which everyone accepts is a good thing. A number of these measures that were contained in specific clauses have been extracted from where they sit within the act and placed in this context of public sector principles and practices; so that is why we resist that particular clause.

Amendments negatived; clause passed.

Clauses 4 to 7 passed.

Clause 8.

**Mr HANNA:** I move:

Page 11, after line 26—After subclause (4) insert:

- (4a) The commissioner may transfer an employee of a public sector agency to the employment of another public sector agency, on conditions that maintain the substantive remuneration level of the employee or are agreed to by the employee.

- (4b) The commissioner is not to transfer employees under this section except in consultation with the public sector agencies directly affected by the transfer.

There is a theme in my amendments which is strengthening the power of the Commissioner for Public Employment or, rather, preventing that role from being watered down by the government legislation. One of the things I seek to do is to leave the power to transfer employees from one agency to another with the commissioner. I referred in my second reading contribution to the commissioner being as close as we can get to the independent umpire. It seems to me that the commissioner with that power will be one step removed from any acrimony or wrongful motive that might exist within a department, if there is tension for some reason. The commissioner stands apart from all that and looks at whether or not a certain transfer is warranted in terms of the objectives of the Public Service as a whole. The point of the amendment is to leave that power of transfer with the commissioner—and I think that is appropriate.

**Mr GRIFFITHS:** I understand the intent of the honourable member's amendment, but I note subclause (1) provides that 'the Premier may'. Is it his intention, on the basis of these amendments being supported, to also attempt to alter subclause (1)?

**Mr HANNA:** No. I acknowledge that there is still the capacity for the Premier, by notice in the gazette, to effect that transfer and, indeed, there will be occasion when perhaps a whole office is being relocated from one agency to another because of changes to administrative structures. The point is that I want to ensure the commissioner retains that power, but it is not exclusive if this amendment is passed.

**The Hon. J.W. WEATHERILL:** Once again we differ in the role we see for the commissioner. The commissioner is not the independent umpire. In the case of termination, the independent umpire is the Industrial Relations Commissioner and, in the case of grievances, it is the new Public Sector Grievance Review Commission. This puts him in the action in terms of facilitating the work of agencies. We would rather he establish guidelines for good employment practices for public sector agencies; that is, playing that, if you like, oversight role, that arbiter of good practice role and not doing the transferring, which is a matter for chief executives, and reviewing it should that go wrong. That belongs to the body which I have just mentioned and which carries out the review. That is how these various things fit together.

Once again, the process of transfer between public sector agencies will be streamlined if it does not involve the commissioner. Once again, this is a process which we have already achieved through delegation. From a practical point of view, it is the status quo, and this legislation just seeks to make that de facto position the de jure position.

Amendment negatived; clause passed.

Clause 9 passed.

New clause 9A.

**Mr HANNA:** The minister has stated the government's position in relation to the current requirements for the PSA or other unions to be consulted and heard when decisions are made about a significant number of employees. In light of the government's stated position and the decision in respect of my earlier amendments, I will not be proceeding with my amendment.

**Mr GRIFFITHS:** I move:

Page 11, after line 38—After clause 9 insert:

9A—Consultation with employees and representative organisations

- (1) Before making a decision, or taking action, that will affect a significant number of public sector employees, a public sector agency must, so far as is practicable—
- (a) give notice of the proposed decision or action—
    - (i) to the employees; and
    - (ii) if a significant number of the members of a public sector representative organisation will be affected by the proposed decision or action—to the organisation; and.
  - (b) hear any representations or argument that representatives of the employees or the organisation may wish to present in relation to the proposed decision or action.
- (2) Nothing in this section limits or restricts the carrying out of a function or exercise of a power by the public sector agency under this act.



Given that is an identical amendment to the one proposed by the member for Mitchell, I do not think it is necessary for me to speak to it. I am happy to accept the result of the committee's deliberation.

New clause negatived.

Clause 10 passed.

Clause 11.

**Mr GRIFFITHS:** Will the minister comment on the fact that, within the financial requirements for auditing in the previous financial year, as I understood it, two departments—the Department for Transport, Energy and Infrastructure and the department for primary industries—were unable to present audited financial statements within the required period, preventing the Auditor-General from submitting them as part of the Auditor-General's Report to this house? Are the financial requirements also included in the annual report and, if so, how was the minister intending to ensure that they are presented within three months of the end of that financial year?

**The Hon. J.W. WEATHERILL:** I understand that those matters are dealt with in the regulations, and there is no intention to change those obligations that exist in the regulations.

Clause passed.

Clause 12 passed.

Clause 13.

**Mr HANNA:** I move:

Page 14, line 6 [clause 13(1)(f)]—After "Minister" insert:

or on the Commissioner's own initiative.

One of the measures adopted by the government in limiting the role of the Commissioner for Public Sector Employment is to cut out those matters that previously could have been pursued by the commissioner on the commissioner's own initiative. I believe it is important to retain the capacity for the Commissioner for Public Sector Employment—as the position is known in this legislation—to initiate reviews, to provide advice and even to undertake investigations.

The government clearly seeks to greatly limit the commissioner's role. I am somewhat reminded of the knight in *Monty Python and the Holy Grail* who wants to keep fighting after his arms and legs are chopped off. The commissioner is left with a couple of fairly routine administrative functions.

The commissioner may give advice if asked, but it seems to me that there will be matters that become apparent to the commissioner where some sort of investigation or elaboration of the solution should be pursued at the commissioner's own initiative. This first of three amendments seeks to allow the commissioner to provide advice on public sector employment matters at the request of public sector agencies or on the commissioner's own initiative.

In other words, if the commissioner sees a problem, the commissioner does not have to wait for the agency—and that normally will come from the chief executive officer—to seek advice. The commissioner can simply step in and say, 'I see an issue here. I think this is what you ought to be doing in light of the principles set out in our new legislation.'

So, it is not really a radical step to try to retain this aspect of the commissioner's work. I cannot imagine that we are going to have a commissioner who wants to get involved in micro-management of every department. That has not happened in the past and it is not going to happen in the future. Nonetheless, if there are those gaps where advice has not been sought and, yet, it is obvious to the commissioner that there is a problem, why not let the commissioner provide advice to solve that problem?

**Mr GRIFFITHS:** I acknowledge the contribution made by the member for Mitchell in moving these amendments under his name, which are identical to amendments proposed by the opposition. In our review of this bill, we have identified quite strongly the fact that we believe that the commissioner should actually have the flexibility, where an issue becomes apparent, to undertake an investigation on their own initiative.

I note that the minister has indicated that his position is that the commissioner should operate at a higher level and I do not disagree with that, but I think that this is actually a

demonstration of an opportunity for the commissioner to work at a higher level. If the commissioner has an issue come before him or her which he or she feels is important enough for a review to be undertaken, it is important that the bill that the parliament considers today actually provides that flexibility.

I have no doubt that it will not be a common occurrence. It will no doubt be a relatively rare event, but inserting these amendments into the bill now provides that flexibility, and I think it is an important step forward.

**The Hon. J.W. WEATHERILL:** This is just one of those fundamental areas of disagreement about how we see the relationship between the commissioner and the chief executives. If we want a high-performing and agile public sector, the quality assurance role of the commissioner needs to be employed with a light touch matched by an increased capacity for monitoring and reporting upon the performance of public sector agencies to make it clear that their increased flexibility comes with an increased obligation to perform.

We believe that, in terms of the relationship between the commissioner and the chief executives, this amendment will have the opposite effect. It would continue to involve the commissioner in individual employee matters, and the commissioner would continue to have the capacity to intrude into the affairs of the public sector agencies. That can happen on advice or on direction from a minister or, indeed, a chief executive, but we believe it sets up the wrong sort of relationship, and that view is shared by the Commissioner for Public Employment.

**Mr GRIFFITHS:** In regard to the minister's comments, I think there is a reasonable degree of agreement between us. It is certainly not the opposition's position, in proposing these amendments and supporting the member for Mitchell, that the commissioner would actually undertake investigations on every matter that comes before them.

There may be issues that are reported to the commissioner but, surely, that is where an informed position will determine if it is necessary to undertake an investigation, and, again, I reinforce the fact that, it will only be at a higher level. So, I do not think there is such a great level of disagreement between us here, and it is something that is worthy of very serious consideration, if not in this chamber, certainly between the houses.

Amendment negatived.

**Mr HANNA:** The next two amendments in my name are not strictly consequential although the same principle is involved. I move:

Page 14, line 8 [clause 13(1)(f)]—After "Minister" insert:

or on the Commissioner's own initiative.

This relates to the commissioner's initiative in relation to industrial relations matters, or reviews of public sector employment. Consider an example: if there was a particular agency where there were a number of claims taken to the Industrial Relations Commission, where there seemed to be some sort of hotbed of disputes, that may be an area where that particular agency does not want to publicise the fact and wants to keep a low profile.

That may be the very sort of issue where the Commissioner for Public Sector Employment should become aware and look closely at the issues which are leading to some sort of pattern of dispute within a particular agency. That is the sort of thing where the commissioner should have the power to initiate some review and provide advice on how to improve matters. It may not come from the agency itself, especially if there is some fault in the higher levels of the agency. That is why it is essential to move this amendment and retain the commissioner's initiative in that respect.

Amendment negatived.

**Mr HANNA:** I move:

Page 14, line 11 [clause 13(1)(g)]—After 'agency' insert:

and investigate such matters on the commissioner's own initiative.

As the minister has acknowledged in his lack of response to the last amendment, it is the same principle involved, and I understand why he feels that he has already made the point in relation to the earlier amendment. However, this is another area where I believe it needs to be explained that the commissioner should have the capacity to intervene on his or her own initiative.

These are matters in relation to public sector employee conduct or discipline. This is a particular area which creates controversy. It often creates a high level of passion, where a public servant or a group of public servants have been disciplined, or where there is a new standard of discipline or behaviour imposed from above. A particular example might be in relation to transmission of information to the media or the public, perhaps where the public servant concerned has a role totally outside of nine to five employment in a community group, or the like.

This, again, is an area where, if there was a pattern of conduct, or a series of issues which might be potentially embarrassing to the executive or the management of a particular agency, that agency will probably not ask for intervention by the commissioner, but they are the very cases in which the commissioner should have the power to investigate.

**Mr GRIFFITHS:** The member for Mitchell makes an important point. While the wording of the amendments is quite similar in terms of the power provided to the commissioner, the areas under which they are intended to operate are very distinct. The opposition feels that it is important to argue the case that the commissioner, in cases identified by paragraph (g), should be provided with the opportunity to undertake investigations on his own initiative. It ensures, for the public's confidence, that there is an opportunity for the impartial umpire to become involved if the commissioner feels there is a need for it. The opposition acknowledges this amendment and supports it.

**The Hon. J.W. WEATHERILL:** It is probably worth going back over the fact that the commissioner is not the impartial umpire for these purposes. He has no independent decision-making capacity, even with the amendments that are being proposed. Therefore, I think it misunderstands the position that the commissioner occupies, and it does drag him back into the question of individual matters, which is not where we want him to sit in the hierarchy. It does not mean that these matters should not be attended to, but this is not the mechanism to do so. If there is a grievance on behalf of an individual, review processes are set out in the act.

**Mr HANNA:** I will respond to the minister's remarks. If the government has its way with this legislation, the commissioner will be able to get into quite detailed investigation of a particular public servant. Under section 17, the commissioner can obtain certain documents, examine individual public servants, and so on. Therefore, the very sort of thing that the minister says we are trying to promote and the government is trying to avoid is set out in the legislation.

The only question is whether the commissioner should have the power to instigate these investigations on his or her own accord, or whether it must be left to the agencies. When I say 'the agencies', that really means the chief executive officer or the minister at the top of the hierarchy. I like the idea that there is somebody who has some independence in looking at problems that arise in agencies, somebody who may on occasion need to stand up to a chief executive or a minister to say, 'There's a problem here and I am going to investigate it whether or not you like it, whether or not it is embarrassing to the government.' I think that is an important safeguard. That is why I have been persisting with these amendments.

Amendment negatived; clause passed.

Clause 14.

**Mr GRIFFITHS:** I move:

Page 14, after line 22—After subclause (2) insert:

(2a) The code of conduct may not restrict participation by public sector employees in community activities unrelated to their employment except so as to ensure that public sector employees conduct themselves in public in a manner that will not reflect adversely on the public sector.

I believe, Madam Chair, that the minister has indicated government support for this amendment.

**The Hon. J.W. WEATHERILL:** Rather than supporting it and having it go through, we would like to look at it between houses. We may accept these terms, but I am advised that there might be a clearer way of expressing it. One way or another, we will certainly come to a conclusion in the spirit of this amendment.

**Mr GRIFFITHS:** I thank the minister for supporting the intent of the amendment, and I understand the need for some deliberation to occur between the houses. Certainly, in our consultation, and in the representations made to us, this was an important area where it was believed very strongly that there must be the opportunity for staff members, in their own time, to

undertake activities that would not reflect upon their role within the public sector. The consideration by the government of this amendment is a very positive step.

**The CHAIR:** By way of clarification, member for Goyder, you have spoken to the amendment so, in effect, you have moved it. Do you seek leave to withdraw it, as you have spoken to it, or do you wish it to be put to a vote?

**Mr GRIFFITHS:** Given the commitment by the minister to consider its wording between the houses, the opposition is quite happy to accept that intent and for an amendment to be moved in the government's name when it goes to the other place.

**The CHAIR:** Do you seek leave to withdraw the amendment?

**Mr GRIFFITHS:** I do.

**The CHAIR:** Leave is sought. Is leave granted?

**Mr HANNA:** No, because I—

**The CHAIR:** That is what you had the opportunity to do, member for Mitchell, and that is why I asked whether leave was granted.

**Mr HANNA:** I said no because it means that I lose the opportunity to speak on it.

**The CHAIR:** You were a little late; however, I will go back. Leave has not been granted; therefore, you may make a contribution, member for Mitchell.

**Mr HANNA:** Thank you. I simply make a general point. In relation to the amendments I have moved, by no means are they my entire wish list in relation to the legislation. I am very glad that the Liberal Party has picked up this point because it is one I am passionate about. I believe that public servants who have community activities unrelated to their employment ought to be able to continue with them unfettered by the fear of reprimand and detriment at their workplace. I am very glad that the minister has undertaken to look at this, and I accept that in good faith. I am sure that the government will bring something into the Legislative Council that will be along these lines; if it is not, I am sure that the council will see fit to have something like this brought into the legislation.

Amendment negatived.

**Mr GRIFFITHS:** In relation to clause 14, many areas in this measure talk about regulations. In this case, it states, 'The public sector code of conduct may contain...' Is a version of the code of conduct available?

**The Hon. J.W. WEATHERILL:** There is not really a code of conduct, but we will review the various codes and regulations. There will be time between the assent and the proclamation of the operation of the act to assist with that process.

**Mr HANNA:** I have a question for the minister in relation to subclause (2). We are dealing with a clause that talks about the public sector code of conduct. The minister acknowledged that there already is such a code of conduct and, in general terms, I do not have a problem with such a creature. However, I find subclause (2) curious. It provides:

- (2) The regulations may preserve employee rights relating to the disclosure of information and the making of public comment and impose other limitations on the contents of the code.

I am intrigued by the fact that the code is presumably there to limit the right of public servants to speak about policy matters and perhaps to criticise the government from time to time, yet there is this capacity in the regulations, which are ultimately issued by a minister, to reset the balance. I just wonder why you have a code of conduct on the one hand, which is published by the commissioner (but after consultation with the relevant minister or ministers, I am sure) and, on the other hand, the right of a minister to make regulations that alter that balance contained in the code. Why not just have some appropriate wording that sets out the right of public servants to make public comment in the code, and then you do not have to play with it?

**The Hon. J.W. WEATHERILL:** I think it is really just the way in which it is expressed. The use of the word 'limitation' is directed at the proposition that the code cannot limit these particular rights. For instance, these are some rights: employees' rights relating to the disclosure of information and the making of public comment. The code cannot have the effect of limiting those things.

You need to know what is in the regulations. These rights are already provided for under the public sector management regulations. So, there are regulations that go to the question of rights to disclose information and making public comment. They are positive rights that are enjoyed by public servants.

What is stated here is that the code cannot impose limitations on those rights. You have to know that the regulations already create those rights to make sense of that clause there. What this states is that the code cannot limit rights that employees have by virtue of regulations that are contained within the public sector management regulations at present. It is not beautifully expressed but it does not have the effect that the member fears. It is seeking to protect employees' rights.

**Mr HANNA:** I offer some food for thought for the members of the Legislative Council when they deal with this issue. If I take the minister's answer, it is essentially stating that the government is trying to have the code limited in what it can do by way of restriction of public servants and their public comments because there are rights in the regulations, and the code should not supersede the regulations in that respect.

If that is the case, my question is: why not set the code so that it cannot do the wrong thing, and then, in a sense, you do not need to worry about those regulations. As it is, if we want to know what is in the code, or what may be in the code, we look to clause 14(1), which states:

...may contain—

- (a) provisions directed towards advancement of the objects of this act and observance of the public sector principles; and
- (b) provisions governing the conduct of public [servants]...that are expressed to be disciplinary provisions.

If we consider what those public sector principles are, clause 5 has the answer to that. It sets out the public sector principles. I draw members' attention to the part which is headed, 'Ethical behaviour and professional integrity', which states, in part:

Public sector employees are to avoid conduct that will reflect adversely on the public sector.

What that makes me think of is the public servant who goes into a rally against a government decision. It may be about a pay dispute with teachers, nurses or police officers. It may be speaking at a rally to that effect, or on any matter of government policy. It might be to do with the Lower Lakes, the lack of a bushfire prevention strategy, or whatever.

Not only do these public sector principles upon which the code is based allow for restriction on public servants as to what they do outside their employment, but the code can specifically be expressed in terms of disciplinary provisions. Quite clearly, according to the legislation, the code can say to the public servant, 'If you do something outside of your work, or in your work, that reflects adversely on the government effectively you can be disciplined.'

My challenge to the minister is: if you are going to say that all of that potential restriction of the public servant is rendered harmless by the regulations that the nice minister is going to make from time to time; then I am saying why not have the protection of the public servant built in to the code of conduct so that they cannot be disciplined for something which basically amounts to their right of free speech?

**The Hon. J.W. WEATHERILL:** I do not accept that the clause has the effect that the member complains of. All that the relevant clause is seeking to do is to suggest that the code cannot limit a couple of regulations that go to the question of rights relating to disclosure of information and the making of public comment.

To pick one of the principles and take it out of context is not appropriate. The code can draw on all of the principles and obviously they will be incorporated into the code in a balanced fashion. I do not see that this particular clause does anything other than protect employees.

The balance of the member's concern is that we are going to publish a code which somehow distorts one of the principles that are contained as an employer of choice suggesting that somehow those employees will have any conduct that they engage in outside of their employment used against them. I think we adequately dealt with that in the debate that we just had, where you secured a commitment that we will ensure that those principles are not traversed in the code of practice.

Clause passed.

Clauses 15 and 16 passed.

Clause 17.

**Mr GRIFFITHS:** I refer to subclause (2)(b), which states that, 'The commissioner may require a public sector employee or former public sector employee to answer truthfully questions'. My question is: how do you define 'former'? Is it forever? If someone worked within the Public Service until the age of 25 and then an issue comes to a head 20 years later, are they still deemed to be a former Public Service employee and therefore able to be demanded to appear before the commissioner, and if they do not guilty of a maximum penalty of \$5,000? I think there needs to be some form of time limit in relation to this clause.

**The Hon. J.W. WEATHERILL:** It amounts to the same provision that is in the current act. The difficulty is that, if someone resigns, you lose the capacity to carry out an investigation which might be required by that provision. That is the difficulty that would otherwise arise if we did not use the word 'former'. It is difficult to place a time limit on that. It certainly does not imply a time limit.

**Mr GRIFFITHS:** I understand the position of the minister and recognise the fact that there will be occasions in the future where it will be deemed important for a former public sector employee to appear to provide evidence, but surely there has to be some statutory time limit in place. Corporate knowledge is important and, no doubt, knowledge of an incident is important but, in the fullness of time, issues are forgotten, too. So, where a lengthy period of time has elapsed, and someone deliberately chooses to move on with their life, and has not been an employee of the public sector for a number of years, to be threatened with a penalty of up to \$5,000 is somewhat draconian.

**The Hon. J.W. WEATHERILL:** I think those investigative powers are conditioned by subclause (1), which talks about them being exercised as reasonably required. So, they are limited by the process of reasonableness and they are limited by the fact that they are required for a review or investigation, as referred to in section 13. So, if you went too far back, they would become irrelevant for the purposes of an investigation under section 13, so they would be robbed of their statutory power.

**Mr HANNA:** I note that the provisions in new clause 17 are substantially the same as old section 25, leaving aside the issue of whether the commissioner has been asked to investigate or takes it on his or her own initiative. Given the significant financial penalty, I am curious as to the extent to which the powers have been used under section 25 of the current act, in terms of summoning people, questioning them and also issuing a demand for documents. Is that something that has been used more than rarely?

**The Hon. J.W. WEATHERILL:** We are not aware of when these powers have been used—at least in the corporate memory of the people who are with me, which is substantial.

Clause passed.

Clauses 18 to 21 passed.

Clause 22.

**Mr GRIFFITHS:** This clause refers to the South Australian executive service and its charter. Again, I am interested in the fact that we are considering legislation here that, as I understand it, refers to documentation that does not yet exist. Can the minister just clarify if, in fact, a charter is available, and is it available for review?

**The Hon. J.W. WEATHERILL:** No. That fits into the same category as the other document to which I referred earlier. So, it is something that will be produced once the act is passed, but it can be available for discussion before the operation of the act.

Clause passed.

Clauses 23 to 25 passed.

Clause 26.

**Mr GRIFFITHS:** In his second reading contribution, the minister referred to the attached offices. In the briefing I had with his chief of staff, I was given information to the effect that the attached offices will relate to policy areas, but I am interested in some specific details. I hope the minister can provide us with an example of where, in his mind, an attached office will be created;

what the staffing numbers associated with that attached office may be; indeed, what the cost implications are and if the cost of the staff and those attached offices is required to be made within departmental budgets or whether, in fact, they come from another area of the finances.

**The Hon. J.W. WEATHERILL:** The whole point of the attached office is actually to provide a mechanism to assign a title and attach it to a department or departments that have their own chief executive. The chief executive of an attached office will report directly to the relevant minister on matters of policy and to the chief executive of the department on administrative matters. The new measure will not replace current arrangements for offices or sections within a department: it will provide flexibility in relation to portfolio structures and relationships between units within a portfolio. It is modelled on a provision in the Victorian Public Administration Act and it is meant to improve whole-of-government performance.

When you think about it, in a way, if you wanted a new department every time you wanted to create a new focus on a particular issue, one of the difficulties is that you have to have all the bells and whistles that go with the new department, whereas it may be that you want to create an attached office to an existing department without having to replicate all the corporate management, all the requirements and obligations under the act for an annual report and all the reporting requirements that go with the department. So, it provides you with that flexibility for a somewhat smaller organisation that you might want to create. It might be created out of an existing agency.

I hesitate to give an example, because I will create fear amongst my colleagues. So, I will not give an example. However, you can imagine that you might want to carve out a part of government that is part of an existing agency and have it separate, with its chief executive reporting directly to the minister, rather than having to come up through, for example, a series of deputy chief executives and executive directors. It is particularly the case when there are portfolios that may cover discrete little areas that may not neatly line up with a department: so, a subset, if you like, of a department.

**Mr GRIFFITHS:** I certainly appreciate the fact that, in this very rapidly changing world in which we live, there is a necessity for flexibility. So, it is not the concept of attached offices to which I am opposed. The minister has given the example of the fact that they are able to be established within Victorian legislation. Therefore, can the minister recount some of the Victorian experiences that have influenced the inclusion of this measure? Does the minister have within the information available to him an indication of the number of people who might be involved, or does that depend upon the policy initiative (I presume that it may), and is there an indication of the cost potential?

**The Hon. J.W. WEATHERILL:** In a sense it should save money because, to use the jargon of the Public Service, you have a particular organisation that reports to another organisation for food and rations but it may report directly to a minister in terms of accountability and departmental structure. So, it is creating another form of departmental structure, which might suit the circumstances. It is not about creating new departments: it may be a subset of an existing department. If anything, it would be a more efficient and a speedier way of managing those changed arrangements.

Clause passed.

Clauses 27 to 29 passed.

Clause 30.

**Mr GRIFFITHS:** Given that chief executives certainly were a portion of the focus of my initial contribution on this bill, I am somewhat interested in clause 30(1)(b), referring to 'the attainment of the performance objectives set from time to time by the Premier and the department's minister under the contract relating to the chief executive's employment'. Can the minister provide me with some examples of what these performance objectives would be? Given the current economic climate, do they in fact purely revolve around cost savings? Are they related to efficiency opportunities within the department? Are they related to staff turnover? Some comments on that would be helpful.

**The Hon. J.W. WEATHERILL:** It involves things such as the ones I mentioned in my opening: the South Australian Strategic Plan targets, like halving the number of rough sleepers, which cuts across health, education and families and communities; red tape reduction, which can go across a range of different economic and regulatory portfolios—the Office of Consumer and Business Affairs, DTED and the Department of Water, Land and Biodiversity Conservation. Often it will be those whole of government targets that require those sorts of directions to be given and,

indeed, presently they find their expression in performance agreements with individual chief executives.

**Mr GRIFFITHS:** I refer to the next subclause, which uses the words 'the effective management of the department'. 'Effective' is a very vague word; it all depends on a person's interpretation of it. Is the review of a chief executive's performance carried out (and I would like some information on this) by an independent panel or by consultants who are engaged, or is it based personally upon the minister's experience of the performance of the CEO?

**The Hon. J.W. WEATHERILL:** The chief executive performance management arrangements have been the subject of extensive reform. They involve all those elements—the input of ministers and external input and, indeed, the committee of cabinet that considers the performance of chief executives, the executive committee of cabinet, which has non-cabinet members sitting on it, is engaged in that process.

Clause passed.

Clauses 31 to 36 passed.

Clause 37.

**Mr GRIFFITHS:** Can I seek some clarification—and I apologise for my ignorance with respect to this fact; I should have considered how it relates to previous acts. Subclause (4) talks about the termination of a chief executive's employment and states that the termination payment that is required is the equivalent of four months' remuneration for each uncompleted year of the contract up to a maximum of 16 months. Is that level of compensation payment standard and is it currently the level that is in place?

**The Hon. J.W. WEATHERILL:** If you are talking about what is standard for a chief executive as opposed to other employees, this brings the clause into line with what is the general position across other jurisdictions in South Australia and the commonwealth.

**Mr HANNA:** It is better than what we get if we lose an election.

Clause passed.

Clauses 38 to 43 passed.

Clause 44.

**Mr HANNA:** I move:

Page 24, after line 23—After subclause (5) insert:

- (5a) Despite subsection (3), a person who has been engaged as a term employee under paragraph (c) or (d) of that subsection following a selection process conducted on the basis of merit may continue to be employed in the same or similar duties beyond the period allowed under that subsection, but in that event the basis of engagement of the person changes to that of an ongoing employee.

This amendment and the following amendment in my name seek to create more certainty for employees, in particular. The scheme of employment in the legislation reflects three categories: first, a permanent public servant; secondly, someone employed for a term; or, thirdly, someone employed on a casual basis. One would expect that the more significant and enduring the work, the higher up the scale one would be. Perhaps for some temporary data processing to catch up at the end of the financial year, one might expect to be a temporary employee.

Clause 44(3) deals with term employees. There are a couple of categories whereby a person may be engaged for a term not exceeding five years in cases of a special or exceptional kind, and the engagement may be extended but not so that the term extends beyond a total of five years. There is also a category where the duties are of a temporary nature and the contract is for a term not exceeding two years. There is a place for these sorts of agreements with people. There might be particular projects—perhaps rolling out a housing project on the APY lands or something of that sort—where everyone knows it will be hard work for a few years but, basically, the project will be undertaken and completed.

What I am seeking is that, if those people are kept on beyond that term, they must be considered permanent employees from that point. The way in which the legislation is framed sets an absolute limit on the term. What I am doing is saying that, where there has been a selection process on the basis of merit—and that is a significant point—if the person is to be kept on, and,



obviously, that is something which suits both the agency and the employee, then they automatically become permanent members of the Public Service.

I realise that even under the current situation a term employee could have their period of employment come to an end and at that point a negotiation could be made for entry into the Public Service on an ongoing basis, for a different sort of term or contract or, perhaps, for employment on a casual basis. The hierarchy is there to reflect the fact that there are some ongoing projects, which the Public Service has in terms of service delivery, and there are some temporary projects, which might take a few years, and there are some jobs of a relatively menial nature.

The fact is that, if there is a job which is being carried out for more than five years, we ought to consider that it will probably be a permanent matter of service delivery, or whatever the work is. I want to give the employee the security of knowing that, if the work is to be extended beyond the period of two years or five years, as the case may be, they can be accepted as an ongoing member of the Public Service.

**The Hon. J.W. WEATHERILL:** This clause is one that attempts to tighten up the circumstances in which these other forms of employment can be used and to make it clear that the usual form of engagement is ongoing employment. The difficulty is that the honourable member's proposition undermines that clarity about when term employments become something other than that. It may introduce some degree of inequity, where people, who would not apply for a job because they wanted permanent employment, did not apply for a term employment yet term employment was converted into ongoing employment through this process. We think that creates an unfortunate blurring and potentially a poor incentive.

We want to maintain the clarity about the separate categories of employment in order to try to force people to make conscious decisions about them rather than bless a bad process of simply someone not getting themselves organised either to have a further term employment or conversion to ongoing employment, so people knew exactly where they stood.

Amendment negated; clause passed.

Clause 45.

**Mr GRIFFITHS:** I move:

Page 24, line 40—Delete 'in accordance with the regulations'

This relates to a desire by the opposition to ensure that the provisions as contained within section 32 of the Public Sector Management Act 1995 are actually available in order to allow for the review tribunal to consider reclassification appeals. I will not speak to the amendment at length. As part of the negotiations we held with the PSA and other people, it was felt that this amendment is quite reasonable.

**The Hon. J.W. WEATHERILL:** I think we support the idea of the employment decisions being reviewable but not by the mechanism that is proposed. I think there are two amendments. It is the second of the honourable member's—

*Mr Griffiths interjecting:*

**The Hon. J.W. WEATHERILL:** Yes. I think amendment No. 9 is acceptable, whereas it is my understanding that amendment No. 8 is not. The safest thing to do is to disagree with them, although we agree with the intent of what the honourable member is trying to achieve. The safest thing for us would be to disagree with this amendment at this point, but you need to know that it is certainly our intention to allow reclassifications to be considered by the Public Sector Grievance Review Commission. I think there is a bit of a difference about how we are seeking to achieve that.

**Mr GRIFFITHS:** I thank the minister for his indication of some support. As I understand, amendment No. 8 is necessary for amendment No. 9 on the advice I received from parliamentary counsel, but I will allow that to be considered between the houses.

Amendment negated; clause passed.

Clause 46 passed.

Clause 47.

**Mr HANNA:** I move:

Page 25, lines 8 to 11—Delete subclause (2) and substitute:

- (2) A person who is not already in the employment of a public sector agency is, when engaged as an employee of a public sector agency, at first on probation if the public sector agency notified the person in writing, before the person agreed to undertake the employment, that the person would be on probation for a specified period (which may not exceed 12 months).

Again I am about certainty for the worker in this regard. This clause is about the probationary period. I am suggesting that the probationary period essentially will not apply unless the employee has had notice in writing that they are on probation. I think that is a reasonable request. I think it should be in the legislation.

**The Hon. J.W. WEATHERILL:** The general point is that we have tended to remove administrative processes from the bill. The choice was whether or not to have a bill flooded with all of the administrivia that accompanies the decision. In essence, there is no difference in the rights here except for the means by which they are communicated, and that is something that we have chosen to shy away from. It is a question of form. It is not a massive issue, but we have decided against it.

**Mr HANNA:** I actually think that it is more than just a matter of form to require there to be notice in writing if an employee is being taken on with a probation period. Let us consider the situation where a person who applies for a job in the Public Service is accepted and performs their duties as well as they can. Eleven months later, the boss can come in and say, 'Look, you've been on probation all this time, and we don't think you've made it, so don't come in on Monday.'

I think that is unfair. I think that if the person has been on probation, they should have, at some point, been advised in writing. It would be so simple for it to be in the letter of acceptance so that, when the person is taken on, they know where they stand. If we deal with the issue of probation in the legislation, and if we do not have the requirement that it is in writing, inevitably there will be someone taken on somewhere who will not be advised.

Across the Public Service, we are not talking about all professional people or all people with legal knowledge. Some people will be straight out of school, and they are not going to know the ins and outs of employment law. That is why it is not too much to ask that, if people are being accepted on a probationary basis, they ought to be told that in writing.

The committee divided on the amendment:

AYES (13)

Brock, G.G.  
Goldsworthy, M.R.  
Hanna, K. (teller)  
Pengilly, M.  
Williams, M.R.

Chapman, V.A.  
Griffiths, S.P.  
Pederick, A.S.  
Redmond, I.M.

Evans, I.F.  
Gunn, G.M.  
Penfold, E.M.  
Venning, I.H.

NOES (26)

Atkinson, M.J.  
Breuer, L.R.  
Conlon, P.F.  
Geraghty, R.K.  
Key, S.W.  
McEwen, R.J.  
Rankine, J.M.  
Snelling, J.J.  
White, P.L.

Bedford, F.E.  
Caica, P.  
Foley, K.O.  
Hill, J.D.  
Lomax-Smith, J.D.  
O'Brien, M.F.  
Rau, J.R.  
Stevens, L.  
Wright, M.J.

Bignell, L.W.  
Ciccarello, V.  
Fox, C.C.  
Kenyon, T.R.  
Maywald, K.A.  
Portolesi, G.  
Simmons, L.A.  
Weatherill, J.W. (teller)

PAIRS (6)

Hamilton-Smith, M.L.J.  
Pisoni, D.G.  
McFetridge, D.

Rann, M.D.  
Koutsantonis, T.  
Piccolo, T.

Majority of 13 for the noes.

Amendment thus negated; clause passed.

Clause 48.

**Mr GRIFFITHS:** I move:

Page 25, after line 29—After subclause (2) insert:

- (3) The remuneration level of an employee of a public sector agency may be reclassified by the agency on the initiative of the agency or on application to the agency by the employee.
- (4) The regulations may not exclude the right of an employee to apply under Part 7 Division 4 to the Public Sector Grievance Review Commission for review of a decision on an application by the employee under subsection (3)

My notes reflect the fact that the minister has indicated some level of support for this amendment.

**The Hon. J.W. WEATHERILL:** I have, but I cannot indicate that we are prepared to support the amendment. But, certainly, it is our intention to provide for that right of review. I do not think that the form in which the member proposes it permits us to support the amendment, but between the houses we will work on those things.

**Mr GRIFFITHS:** I am prepared to support that commitment. I therefore seek leave to withdraw the amendment at this time.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 49 to 51 passed.

Clause 52.

**Mr GRIFFITHS:** I move:

Page 26, line 24 [clause 52(1)(f)]—Delete paragraph (f)

Again this relates to my concerns about regulations that the parliament does not have any opportunity to scrutinise. I recognise that the minister has said that he is supportive of some of these issues; so I am just asking him to clarify.

**The Hon. J.W. WEATHERILL:** Yes.

Amendment carried; clause as amended passed.

Clause 53.

**Mr HANNA:** I move:

Page 27, line 5 [clause 53(1)]—Delete:

'A public sector agency may not terminate the employment of an employee under subsection (1)(a) or (b) unless the agency' and substitute:

The employment of an employee may not be terminated under subsection (1)(a) or (b) unless the public sector agency

This is part of my series of amendments which maintain the power of the Commissioner for Public Employment to do certain things, and in this case it is leaving the power to terminate with the commissioner rather than the agency itself. The principles have already been canvassed.

**Mr GRIFFITHS:** The member for Mitchell's amendments mirror those proposed by the opposition. It has certainly been a very important issue for us, and it is one area that I focused upon quite strongly in my initial contribution. It is our position that, while good intentions certainly exist, there is concern that occasion may arise where a rash decision may be made in regard to the tenure of an employee and a decision made to terminate that position.

The opposition strongly believes that, instead of making a rash decision, which is then subject to review and appeal, which could be a lengthy and expensive process and very difficult upon the people involved, a preferred option, as espoused in the amendments from the member for Mitchell and myself, is for this agency to be required to present a paper or a submission to the Commissioner for Public Employment, and for the commissioner to then be in a position to consider the reasons as espoused within that submission and then to make a determination on whether it is a valid action to terminate the employment.

**The Hon. J.W. WEATHERILL:** We have already canvassed the arguments.

The committee divided on the amendment:

AYES (13)

Brock, G.G.  
Goldsworthy, M.R.  
Hanna, K.  
Pengilly, M.  
Williams, M.R.

Chapman, V.A.  
Griffiths, S.P. (teller)  
Pederick, A.S.  
Redmond, I.M.

Evans, I.F.  
Gunn, G.M.  
Penfold, E.M.  
Venning, I.H.

NOES (26)

Atkinson, M.J.  
Breuer, L.R.  
Conlon, P.F.  
Geraghty, R.K.  
Key, S.W.  
McEwen, R.J.  
Rankine, J.M.  
Snelling, J.J.  
White, P.L.

Bedford, F.E.  
Caica, P.  
Foley, K.O.  
Hill, J.D.  
Lomax-Smith, J.D.  
O'Brien, M.F.  
Rau, J.R.  
Stevens, L.  
Wright, M.J.

Bignell, L.W.  
Ciccarello, V.  
Fox, C.C.  
Kenyon, T.R.  
Maywald, K.A.  
Portolesi, G.  
Simmons, L.A.  
Weatherill, J.W. (teller)

PAIRS (6)

Hamilton-Smith, M.L.J.  
Pisoni, D.G.  
McFetridge, D.

Rann, M.D.  
Koutsantonis, T.  
Piccolo, T.

Majority of 13 for the noes.

Amendment thus negated.

**Mr GRIFFITHS:** I move:

Page 27, line 14 [clause 53(1)(f)]—Delete paragraph (f)

I believe this is an area where the minister has indicated some general acceptance of our concerns.

**The Hon. J.W. WEATHERILL:** I indicate that we accept the amendment.

Amendment carried; clause as amended passed.

Clause 54.

**Mr GRIFFITHS:** I move:

Page 27, lines 23 and 24 [clause 54(1)(b)]—Delete paragraph (b) and substitute:

- (b) suspend an employee of the agency from duty for a specified period (which may be or include an antecedent period) with or without remuneration or accrual of leave rights,

There has been some confirmation by the minister that there could possibly be a misunderstanding from our point of view. In the fullness of the debate that has occurred on this I am not sure I am entirely sure of the comments that the minister made, so he might like to take the opportunity to clarify that again for me.

**The Hon. J.W. WEATHERILL:** The way in which the amending bill is set out is to put the penalties first. One of the penalties can be suspension without pay. It is hard to imagine there being a penalty of suspension with pay. You only need to think about that for a few moments to realise that that is sending somebody home while they are on full pay.

The first bit is about the question of penalties, and the second bit goes on to discuss the process. The process can be either suspension—clause 56 deals with the question of the power to suspend from duty, and that can be with or without pay, depending on the severity of the offence.

So, with pay is the presumption and, in limited circumstances, without pay. That is the scheme of the act.

The initial reference to being suspended without pay is, in fact, a penalty. It is not part of the investigative process where you could imagine that either suspending with or without pay might be appropriate until you have established what is happening.

**Mr GRIFFITHS:** The reason for the amendment is that, while I understand that it is unusual where a disciplinary action is taken for a with-pay option to exist, to me it seems that it is necessary to retain the ability for some form of natural justice to occur.

My question as an extension of that is, therefore, that if a suspension is put in place through a disciplinary action without pay, but it is later found that the reasons for the suspension being put in place were not necessarily appropriate, on the basis of that person being returned to the workforce, are they in fact compensated for that lost pay?

**The Hon. J.W. WEATHERILL:** In the relevant review mechanisms under the act there is provision to ensure that somebody who has been suspended without pay can be compensated for any period of time for which they had not received pay.

**Mr HANNA:** I am not doing this to demonstrate my irrepressible independence, but I have to say that I depart from the view of the Liberal opposition on this one, because I cannot see the value in suspending an employee with remuneration and accrual of leave rights.

There are a number of other criteria and restrictions around suspension of employees—there has to be some reason—but if it is going to be done I would have thought it is generally going to be appropriate to suspend them without pay. That may seem harsh, but I would have thought that it is generally in the context where there is a prima facie case for disciplinary action, and I think the government probably has the better view on this.

**Mr GRIFFITHS:** In this case I will let the amendment in my name stand and consider what the judgment of the house is.

Amendment negated; clause passed.

Clauses 55 to 80 passed.

Schedule 1 passed.

Schedule 2.

**Mr HANNA:** I move:

Clause 1, page 41, lines 26 and 27 [Schedule 2, clause 1(2)]—

Delete subclause (2) and substitute:

- (2) The Governor may appoint a presiding commissioner and assistant commissioners to be the commission.
- (2a) Before the Governor makes an appointment under subclause (2), the minister must invite representations from public sector representative organisations on the proposed appointment.
- (2b) A person appointed as a commissioner must have, in the opinion of the Governor, appropriate knowledge and experience of principles and practices of personnel management in the public sector.

Note—The heading to clause 1 will be altered to 'Establishment of commission and appointment of commissioners'.

This is an important topic which has not been discussed before in this committee, and it relates to the Public Sector Grievance Review Commission. My view is that there should be representation of a union on the commission.

My amendments, taken together, would establish a panel of public sector employees nominated on the one hand by the commissioner and on the other hand by unions representing public servants. There would be a commission of several members to hear these grievances.

Essentially, my amendments relating to this schedule retain the degree of democracy that we have with the current arrangements. There are many examples of fairly detailed and specific issues within agencies where local knowledge could be of value, and the appointments from the panels of public sector employees, to which I have referred, could be very useful in coming to decisions in respect of such matters. There is also the issue of fairness. If an aggrieved public

servant wishes to take a matter to the commission, I believe they will have more confidence that there will be a fair outcome—whether or not it favours them—if there is this representation.

I am really therefore addressing amendments Nos 12 and 13 together. I think it is important that we essentially retain the current arrangements in relation to the grievance commission rather than move to the government's model, which runs the risk of giving people less than a fair hearing.

**Mr GRIFFITHS:** I support the member for Mitchell's amendments, which mirror the amendments proposed by the opposition. In his contribution this evening, the minister has commented on the fact that he feels that expanding any review tribunal will only delay the process for a determination to be made.

The basis on which the opposition framed these amendments and eventually deciding to support them, was that, while a single commissioner certainly would have expertise in areas, there was a thought that matters could be brought before the commissioner for a determination which would no doubt involve issues that the commissioner may not have experience in and about which he or she would require additional information to be provided. That, in itself, is a time-consuming process. Using the provisions of the current section 61 of the Public Sector Management Act 1995, which provides for a three-person review commission, it ensures that a wider level of expertise is brought into the one forum, which will ensure that information may not necessarily have to be sought from other sources. Hopefully, determinations can be made far quicker and with a perception of the issues involved, ensuring that there is a fairer and more equitable treatment of the review issue that has been debated so as to ensure that absolutely the right decision is made.

So, while what we are proposing may go back to the 1995 act and not support what the government is trying to do with this bill, we actually believe that it is far fairer and not necessarily a slower way of actually dealing with a complaint.

**The Hon. J.W. WEATHERILL:** We have really made our points about that before. It is a bit odd that the industrial commission is good enough for the more serious matters, yet we need a three-person tribunal for less serious matters. It does seem a little unwieldy. I do not know whether the point about having people on the tribunal that know about these things and therefore submissions are not needed is well made. To me, that would raise some natural justice points—if there were people who actually knew something that perhaps other people did not know about. That should be out in the open. We are not really talking about matters that should be beyond the ken of some well-credentialed person and personnel management issues of the type that are being raised.

There is, though, one element of what the member for Mitchell raises to which I am prepared to give some consideration, and that is the process of consultation with organisations prior to the appointment of such a person. I think it is proper. Precisely how we achieve that, once again, I would like the opportunity to consider that between the houses.

**Mr HANNA:** Just to break the issues down a little, the amendment we are currently dealing with does two things. It is not inconsistent with the clause in the government legislation, but it adds two things. It provides that, before making an appointment of a presiding commissioner or an assistant commissioner, the minister must invite representations from public sector representative organisations on the proposed appointment. So, this is the element of consultation to which the minister refers, and I appreciate the minister's offer to consider that further.

The second thing that the amendment does is to stipulate that a commissioner must have appropriate knowledge and experience of principles and practices of personnel management in the public sector. I do not think that is something which anyone would disagree with but, nonetheless, I consider it best to have it stated in the legislation. Perhaps the government will consider incorporating such a requirement when it considers that other matter.

Amendment negatived.

**Mr HANNA:** I move:

Clause 2, page 42, lines 5 to 12—Delete clause 2 and substitute:

2—Panels of nominees

- (1) For the purposes of proceedings before the Commission there is to be—
  - (a) a panel of public sector employees nominated by the Commissioner for Public Sector Employment; and

- (b) a panel of public sector employees nominated by public sector representative organisations.
- (2) The minister may, from time to time, invite the public sector representative organisations to nominate employees to constitute a panel.
- (3) If a public sector representative organisation fails to make a nomination in response to an invitation within the time allowed in the invitation, the Minister may choose public sector employees instead of nominees of the organisation and any employees are to be taken to have been nominated to the relevant panel.
- (4) A person ceases to be a member of the panel if the person—
  - (a) ceases to be a public sector employee; or
  - (b) resigned by notice in writing to the Minister; or
  - (c) is removed from the panel by the Minister on the ground of misconduct, neglect of duty, incompetence or mental or physical incapacity to carry out duties of the member satisfactorily; or
  - (d) has completed a period of 2 years as a member of the panel since being nominated, or last renominated, as a member of the panel, and is not renominated to the panel.

2A—Proceedings—constitution of Commission and other matters

- (1) The Commission will, for the purposes of hearing and determining proceedings, be constituted of—
  - (a) the presiding commissioner or, at the direction of the presiding commissioner, an assistant commissioner; and
  - (b) a member of the panel of nominees of the Commissioner for Public Sector Employment selected by the presiding commissioner for the purpose of the proceedings; and
  - (c) a member of the panel of nominees of public sector representative organisations selected for the purpose of the proceedings—
    - (i) by the applicant for review; or
    - (ii) if there are 2 or more applicants and they do not agree on the selection of the nominee—by the presiding commissioner.
- (2) The Commission may sit contemporaneously to hear separate proceedings.
- (3) If proceedings part heard when a person ceases to hold office as a commissioner, or ceases to hold office as a member of a panel on retirement or resignation from public sector employment, on resignation, or on completion of a period of 2 years as a member of the panel, the person may continue to act in the office for the purpose of completing the hearing and determination of the proceedings.
- (4) The presiding commissioner or assistant commissioner is to preside at the hearing of any proceedings of the Commission.
- (5) A decision in which any 2 or more members of the Commission concurred is a decision of the Commission.
- (6) A member of the Commission who is a public sector employee is not subject to direction as an employee in respect of the performance of duties as a member of the Commission.

Although I made some general remarks about both of these amendments together, this is not, in fact, consequential. This amendment has the effect of constituting the commission as three people, namely, the presiding commissioner and two panel members—one from a panel nominated by the Commissioner for Public Sector Employment and the other from a panel nominated by one of the unions. We have just canvassed the reasons for doing so. I think that the reasons provided by the member for Goyder and myself remain valid, notwithstanding the minister's remarks.

In relation to delay, I point out that there is a provision within the amendment which provides that, if the union does not make a nomination in response to an invitation to constitute a particular commission, then the minister may choose a public servant to take their place. So, there is a failsafe mechanism there to prevent undue delay being caused by tardiness on the part of a union.

**The Hon. J.W. WEATHERILL:** I make no remarks.

Amendment negated.

**The ACTING CHAIR (Hon. P.L. White):** Does the member for Goyder wish to proceed?

**Mr GRIFFITHS:** I move that amendment No. 16 in my name be considered.

**The ACTING CHAIR:** The honourable member can only proceed with subclause (7), and I presume that the member does not wish to proceed with that.

**Mr GRIFFITHS:** No, I do. But again it is on the assumption that the amendment is supported. We wish to ensure that these matters can be dealt with quickly and it was felt to put some form of time limit in place other than where an opportunity might exist by application to extend the consideration. I move:

Page 42, after line 5—Insert:

(7) The commission must endeavour to complete any review within three months and must, in any event, proceed as quickly as a proper consideration of the matter allows.

Amendment negated.

Schedule passed.

Schedule 3 and title passed.

Bill reported with amendments.

**The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (21:48):** I move:

That this bill be now read a third time.

I thank all members for their contribution. We have made undertakings to consider certain matters between the houses, and I hope that we can ensure a speedy passage of the bill in the other place.

Bill read a third time and passed.

#### **STANDARD TIME BILL**

The Legislative Council agreed to the bill without any amendment.

#### **KAPUNDA HOSPITAL (VARIATION OF TRUST) BILL**

The Legislative Council agreed to the bill without any amendment.

#### **STATUTES AMENDMENT (TRANSPORT PORTFOLIO—ALCOHOL AND DRUGS) BILL**

Received from the Legislative Council and read a first time.

At 21:50 the house adjourned until Wednesday 18 February 2009 at 11:00.