

HOUSE OF ASSEMBLY

Thursday 3 December 2009

The **SPEAKER (Hon. J.J. Snelling)** took the chair at 10:30 and read prayers.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (10:31): I move:

That standing orders be so far suspended as to enable the sitting of the house to be continued during the conference with the Legislative Council on the bill.

Motion carried.

EASLING, MR T.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (10:32): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: On 23 November 2007 Thomas Frank Easling was acquitted by a District Court jury of multiple charges of indecent assault and unlawful sexual intercourse alleged to have been committed on youths who had been placed in his care when he was a registered foster carer. Since February 2008 parliament has heard calls for a royal commission or other commission of inquiry to inquire into the investigation and prosecution of criminal charges against Mr Easling.

By letter dated 25 August 2008, Mr Easling's solicitors, Iles Selley, wrote to me on behalf of Mr Easling to provide a detailed post-trial written submission seeking an inquiry into 'the investigation conducted by the Special Investigations Unit of the Department for Families and Communities and his subsequent prosecution'. This was a comprehensive submission drafted by Mr Easling, Mr Selley and Mr J.D. Edwardson QC about why Mr Easling considered an inquiry was warranted. The submission encapsulated all matters of complaint.

In response to this letter and the calls for an independent inquiry, I instructed the Crown Solicitor to provide me with advice about Mr Easling's allegations about the probity of an investigation of him and about the subsequent unsuccessful prosecution of him for child sex offences. This request was made to the Crown Solicitor on 3 October 2008.

To advise sensibly the Crown Solicitor has had to review the transcript, summing up and Mr Easling's submission in detail. I have now received the report from the Crown Solicitor on his review of Mr Easling's trial, which I tabled today.

I received the report of the Crown Solicitor about the review of Mr Easling's trial on Friday, 27 November 2009. In his report on the review conducted, the Crown Solicitor has advised that, in his opinion:

- Neither the trial evidence nor the submission from Mr Easling's lawyers disclose any evidence that the investigation of the allegations against Mr Easling was conducted with bias or impropriety.
- Neither the trial evidence nor the submissions from Mr Easling's lawyers disclose any evidence that the evidence of any complainant was tainted by contamination or collusion. The trial judge also closely considered this issue and rejected it, describing it as 'mere conjecture'.
- There was a legitimate case to answer against Mr Easling, comprising eight independent complainants out of a total of 60 spoken to who were placed with Mr Easling, each independently alleging that they were abused. Also, both the committing magistrate and the trial judge independently found a case to answer.
- These complainants, being placements, were primarily street kids, some who had been in trouble, some who had problems, some of whom used drugs. They alleged abuse at the hands of Mr Easling occurring some years before the trial in circumstances where most

said they had been trying to forget the abuse. There were some inconsistencies in some of their evidence as to some matters. These were legitimate issues as to the credibility of witnesses of this type. They were for the jury to consider, but none was such as to indicate that the complainants were necessarily untruthful about the charged events or that they should not have formed the basis of a legitimate prosecution.

- It was appropriate to prosecute Mr Easling.
- The prosecution was conducted ethically, properly and appropriately.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Mr Speaker, this is an important matter and I would ask the Leader of the Opposition not to interject out of order.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: It is an important question, I agree. I continue:

- The acquittal of Mr Easling means that the jury had a reasonable doubt as to his guilt. It does not necessarily connote any adverse conclusions as to the conduct of the investigation or the conduct of the prosecution.
- The acquittal of Mr Easling means that he remains fully entitled to the presumption of innocence. If some think that the report detracts from Mr Easling's innocence and has the effect of retrying Mr Easling, it plainly does not do so. An objective assessment of the trial evidence was unavoidable because Mr Easling and his supporters demanded a review and inquiry, and attacked the strength of the case against him.
- Neither the trial evidence nor the submissions of Mr Easling's lawyers provide any basis for any further inquiry into the objectivity or propriety of the investigation, the decision to prosecute or the conduct of the prosecution.

The Crown Solicitor came to these conclusions after personally undertaking the task of reviewing 2,665 pages of evidence and summing up, and the 59 pages of complaints made by Mr Easling's lawyers. He has provided a very detailed review and advice. This was done so that the issues would receive the most senior and careful legal consideration available to government, and I plead with those who would express an opinion about this case to do what the journalists and the members of parliament have not done—and that is, read the entire case, read this report.

In answering the criticisms made by Mr Easling's lawyers that the prosecution case had no credibility owing to a corrupted investigation and should never have been prosecuted, the advice and, in particular, the review closely analyses the trial itself and states that there was a fair investigation and a strong case against Mr Easling. The review articulates aspects of the strength, and weakness, of the prosecution case together with the strength, and some weaknesses, of Mr Easling's case to illustrate that one cannot conclude that the prosecution case had no credibility as against the case proffered by Mr Easling, contrary to the assertions of Mr Easling's lawyer, and hence that there is no basis for any further inquiry, as has been requested by Mr Easling, his lawyers and the member for Davenport.

This report highlights some truths about Mr Easling's trial, including some tactical advantages that the defence achieved—not always legitimately—and disadvantages that the prosecution suffered during the trial. The report raises these matters to shed light upon claims that the investigation and prosecution of Mr Easling were unwarranted.

The Crown Solicitor has made it plain, in his report on his review of these claims, that both investigation and the prosecution of Mr Easling were appropriate and properly conducted. This report demonstrates that Mr Easling legitimately had a case to answer and, having faced trial, was acquitted by a jury who had reasonable doubt. As expected in our criminal justice system, Mr Easling had the opportunity to face his accusers in court and make his defence. He received the full benefit of the system. I move:

That the 'Review of the Easling Trial' report be published pursuant to section 25 of the Defamation Act 2005.

Motion carried.

COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL

Adjourned debate on second reading.

(Continued from 16 July 2009. Page 3570.)

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (10:45): The Rann government welcomes this bill. We think it is a wise measure. We have never been opposed to doing this, but the difficulty that presented itself to the government was that South Australia had different de facto legislation from other jurisdictions.

Much as the Leader of the Opposition will not want to hear this, the reason we have different de facto legislation from the other states is that her party, led by the former member for Hartley, Mr Joe Scalzi, insisted, when we were doing our same-sex legislation, that the legislation recognise domestic partners who did not have a sexual relationship. That was insisted upon, not merely by the former member for Hartley but by a majority of the parliamentary Liberal Party. They insisted, if we were to get equality for same-sex couples, that also non-sexual domestic partners were to be part of the arrangement.

I understand that the member for Heysen did not support that personally, but her party did—and it insisted on it. The difficulty in referring the law about de factos to the commonwealth is that they will not accept the full reference if it includes non-sexual domestic partners. As Attorney-General, I have been trying to seek some way around that, and now I have. So I will be moving amendments to the leader's bill, but I emphasise that on the principle of the bill we are of one mind. Indeed, the Rann government would have done this much earlier if it had found the legal means to do it.

We now have and, as I have said in the past and demonstrated by any number of examples, the Rann government is happy to support private members' legislation wheresoever it comes from. We have supported private members' bills from Independents; we have supported private members' bills from minor parties, and we have supported private members' bills from the Liberal opposition. We did it only at the last sitting, supporting the member for Davenport. This is something the Liberal Party would never ever do when it was in office. When the Liberal Party was in office, it would adjourn private members' bills from the Labor opposition into oblivion.

Mrs REDMOND: I rise on a point of order. The Attorney is rabbiting on about things which have absolutely nothing to do with the bill before the house and, given that he has already taken up a fair bit of private members' time in his previous ministerial statement, with our consent—

The SPEAKER: No; there is no point of order.

Mrs REDMOND: Relevance, sir, is a relevant point of order, I would have thought.

The SPEAKER: Second reading speeches have always been given a certain amount of latitude. The Attorney is speaking on the subject which is the referral of powers. The Attorney.

The Hon. M.J. ATKINSON: The whole house and the member for Heysen in particular gave me leave to make that ministerial statement, so it was done with her consent. When she says it was done without consent, that is completely false.

Members interjecting:

The SPEAKER: Order!

Mrs Redmond: I never said that.

The Hon. M.J. ATKINSON: You did say that.

The SPEAKER: The leader and the Attorney!

The Hon. M.J. ATKINSON: You said I did it without consent.

The SPEAKER: The Attorney! The Attorney needs to stick to his second reading speech.

The Hon. M.J. ATKINSON: The Rann government has a long record of conceding that it does not have a monopoly on legislative wisdom. It has again and again used private members' bills as the vehicle to change the statute law of this state and it did it only yesterday when the member for Fisher's bill on spent convictions passed both houses of parliament.

We have a long record, a record that the Liberal Party does not have in government, because the Liberal Party would either adjourn private members' bills from the opposition into oblivion or it would oppose them, vote them down and then introduce substantially the same bill as a government bill. I invite members opposite to go and look at the record during the Brown and Olsen government. With those words, the government supports the bill.

Mr HANNA (Mitchell) (10:51): I rise to support this important measure for South Australia. The Liberal opposition has moved a bill to allow the property and other issues arising from de facto relationships to be adjudicated in the Family Court rather than the District Court. The Family Court is a more appropriate jurisdiction in a number of ways.

The Attorney-General, it seems, cannot help but take a partisan approach to every point that comes up in this chamber. One wonders whether that is a suitable qualification for an attorney-general, but the fact is that this measure should have been introduced by the government, as other states have done.

I appreciate the point about South Australia having different de facto legislation, but with the resources available to the government, this is something that should have been brought in by the government at least six months ago—and it was about that time the opposition brought in this bill. It is true that the government has amendments which improve the bill. I am happy to support the bill and the amendments.

Mrs REDMOND (Heysen—Leader of the Opposition) (10:52): First, I acknowledge, finally, the government's support for this bill, which I note I introduced when I was the shadow attorney-general in May, and I only did that then because this government had failed to respond in any way to a lengthy letter from the Law Society of South Australia in which they had detailed the many reasons why it was a very good idea for us to fall in line with the other states and refer the power to make decisions over de facto property settlements to the federal sphere.

I notice in his opening comments that the Attorney-General said that the 'government welcomes it', 'considers it a wise measure' and that they never opposed it. Technically, that is true, they never did oppose it, but for the Attorney to imply that they did not have the resources to attend to this matter because it was such a complex issue because of the difficulty that our state has because of the definitions—and I accept what the Attorney says about what went through in the earlier de facto relationships legislation—and that that little problem created such an enormous difficulty that this state was unable to move for all that time, forcing me to bring in this matter as a private members' bill in May—and I do thank the government for finally acceding to our request to get this through so that it will pass through this session of the parliament—is just a nonsense.

My bill is four clauses long. You have five amendments taking up 1½ pages. You have the entire resources of government at your disposal. You could have addressed it—and well you know it, Attorney, had you chosen to—but for some perverse reason the government chose, through you, to take no action on this matter over months. The Law Society wrote an extensive letter detailing that not only they but the legal profession and, indeed, the judges, who are always complaining that they have too much work and this would actually relieve them of some of the work that they fill ill-equipped to do because it is not stuff that they would normally be having to do—they would much rather be getting through the case lists which are already too heavy in our criminal and civil system—agreed that it was a good idea.

Yet, in spite of those requests, the Attorney remained mute for months and months and months, and even after our bill was introduced in May, did nothing to help this bill get passage. I had to send a copy of the letter from the Law Society to every member of this place so that everyone could see that this government was just trying to block things by not proceeding, and now the government has finally decided it will accede—and I do thank the government for that. However, to suggest that it is a great thing for this government to say, 'We take these private members' bills'—you sure do. I mean, you have taken private members' bills like the one from the member for Schubert and said, 'Oh, our great initiative about drug driving.' You have taken private members' bills and then call it your own initiative when you finally get dragged kicking and screaming, as usual, to follow the initiatives of other people in this place and then claim it as your own initiative—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mrs REDMOND: I will simply close by saying that I do welcome, finally, that the government has seen the sense of this measure. I only wish they had seen it a lot sooner, but I look forward to letting the members of the legal profession know that we have finally seen some sense in the chamber and the matter will proceed.

Bill read a second time.

In committee.

Clause 1 passed.

New clause 1A.

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

Page 2, after line 3—After clause 1 insert:

1A—Commencement

- (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply in relation to the commencement of this Act or any provision of this Act.

This amendment is to enable constitutional authority over companion couples to be referred to the commonwealth when the commonwealth is inclined to accept the referral, whenever that may be.

Mrs REDMOND: Madam Chair, I indicate that the opposition will be agreeing to the amendments as tabled, and therefore I am happy for us to deal with all the amendments en bloc if possible.

The CHAIR: No, they deal with separate clauses. We have to take them clause by clause, but we can do it quickly.

New clause inserted.

Clause 2.

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

Page 2, lines 5 to 26 [clause 2(1), (2) and (3)]—Delete subclauses (1), (2) and (3) and substitute:

- (1) In this Act—
 - companion couple relationship* means the relationship between 2 adult persons (whether or not related by family and irrespective of their gender) who live together as a couple on a genuine domestic basis, but does not include—
 - (a) the relationship between a legally married couple; or
 - (b) a de facto relationship; or
 - (c) a relationship where 1 of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind;
 - de facto relationship* has the same meaning as in section 4AA of the Family Law Act 1975 of the Commonwealth;
 - financial matters*—
 - (a) in relation to the parties to a de facto relationship—means any or all of the following matters:
 - (i) the maintenance of 1 of the parties;
 - (ii) the distribution of the property of the parties or of either of them;
 - (iii) the distribution of any other financial resources of the parties or of either of them;
 - (b) in relation to the parties to a companion couple relationship means any or all of the following matters:
 - (i) the maintenance of 1 of the parties;
 - (ii) the distribution of the property of the parties or of either of them;
 - (iii) the distribution of any other financial resources of the parties or of either of them.

- (2) Words or phrases in the definition of *financial matters* that are defined in the *Family Law Act 1975* of the Commonwealth have the meaning set out in that Act.

These amendments set out definitions that take into account South Australian companion couples and introduce definitions to bring the bill in line with the commonwealth language and definition.

Amendment carried; clause as amended passed.

Clause 3.

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

Page 3—

Lines 7 to 9 [clause 3(1)(a)]—Delete:

'de facto partners arising out of the breakdown (other than by reason of death) of de facto relationships between persons of different sexes' and substitute:

the parties to de facto relationships arising out of the breakdown (other than by reason of death) of those de facto relationships.

Lines 10 to 12 [clause 3(1)(b)]—Delete paragraph (b) and substitute:

- (b) financial matters relating to the parties to companion couple relationships arising out of the breakdown (other than by reason of death) of those companion couple relationships.

The member for Heysen would make an outstanding ministerial staffer, keeping me up to the mark on the committee stage. The amendments recognise and separate the two types of relationships to be recognised in the bill: de facto couples and companion couples. The amendments also adopt commonwealth language.

Amendments carried; clause as amended passed.

Clause 4 passed.

Title.

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

Delete 'matters relating to de facto relationships to the parliament of the commonwealth' and substitute:

Financial matters relating to the breakdown of certain relationships to the parliament of the commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth.

This amendment is self-explanatory and also adopts commonwealth language.

Amendment carried; title as amended passed.

Bill reported with amendments.

Bill read a third time and passed.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (R18+ FILMS) AMENDMENT BILL

Second reading.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:02): The Classification (Publications, Films and Computer Games (R18+ Films) Amendment Bill 2009 amends the Classification (Publications, Films and Computer Games) Act 1995, which I shall refer to as the South Australian Classification Act. The amendments do two things: first, new section 40A of the act will prohibit an occupier of premises (other than adults-only premises) at which films with a classification lower than R18+ are sold displaying material for a film classified R18+ at the premises unless:

- the material is displayed in a different area (including, for example, in a different aisle or on a different shelving case, stand or table) from that in which material for other films is displayed;
- the area is marked as an area displaying material for films classified R18+ by a notice complying with subsection (2) displayed in a prominent place near the area;

- the surface area of the material that is on display (for example, the front cover of a DVD container where that is on display) is not more than 300 centimetres; or
- unless, at all times while on display, the material bears no images or marking other than:
 - (i) the name of the film in letters of 10 millimetres or less in height; and
 - (ii) the determined markings relevant to its classification.

A notice required to be displayed under this new provision must contain this statement (printed in legible type of at least 15 millimetres in height and of a colour that contrasts with the background colour of the notice):

R18+ FILMS AREA—THE PUBLIC ARE WARNED THAT MATERIAL DISPLAYED IN THIS AREA MAY CAUSE OFFENCE.

It is a defence to a prosecution for an offence against subsection (1) to prove that the defendant—

- did not know, and could not reasonably have known, that the material was on the premises; or
- took all reasonable steps to prevent the commission of the offence.

When introducing this bill in another place, the Hon. Dennis Hood MLC advised that the thrust of the bill is to put R18+ films quite separately from children's films. Secondly, the bill inserts a new section 69A into the act. This provision will prohibit an occupier of premises (other than an adults-only premises) at which films with a classification lower than R18+ are sold:

- exhibiting for promotional purposes at the premises a film or part of a film classified R18+; or
- displaying for promotional purposes at the premises a poster, pamphlet or other printed material for a film classified R18+.

A similar defence to that already described is provided to this offence. The Hon. Dennis Hood also advised that new section 69A will prohibit the showing of trailers or other promotional material with a rating of R18+ or greater. These measures are expected to complement the existing restrictions on the sale and exhibition of R18+ films and promotional material while imposing small costs on businesses that sell or rent films.

I agree with the Hon. Dennis Hood that many parents would support these measures. For these reasons, the government is happy to support the second reading of the bill and to take it through all stages.

Ms CHAPMAN (Bragg) (11:05): I indicate that the opposition supports the bill and looks forward to its swift passage through the house.

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

MOTOR VEHICLES (PRACTICAL DRIVING TESTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March 2009. Page 2105.)

Mr RAU (Enfield) (11:06): I want to say a few things about this bill. First, the current Motor Vehicles Act requires that certain health professionals have to give notifications when people, according to them, are unfit to drive, and drivers over the age of 70 are required to undergo a medical assessment of driver fitness. All drivers over the age of 85 are required to take an annual practical assessment if they drive or ride any motor vehicle other than a car. I am sure all of us have relatives or friends who are a little older and appreciate the sensitivity involved in removing or potentially removing the degree of autonomy that a driver's licence provides to people of that age. I have some concerns about the extending of practical driving assessment provisions to include periodic compulsory practical driving assessments for people over the age of 85.

The statistics are an important element in this, because before we go around, first of all, imposing more red tape on people and, secondly, challenging this very important degree of autonomy that people derive from their holding a driver's licence, I think we have to be very sure that there is a degree of danger or risk to the community that is of such a level as to require that interference with the otherwise free behaviour of people.

I have to confess that, in the last year or so—and I have read a number of things over the last year, and I do not want to elevate this bill to something that is a major philosophical milestone, but there is a book called *The Road to Serfdom* by Friedrich Hayek. In that book Mr Hayek discusses the merits or otherwise of governments interfering unnecessarily with the liberties of individuals.

An honourable member: Does he talk about the bikies bill?

Mr RAU: No; he does not specifically talk about that bill. However, he does talk about the role of government and the question as to whether government should make it its business to go around intruding into the private lives of individuals. I have to say that I have some sympathy for the general thrust of his arguments in that, if there is not a good reason in the public interest and if there is not a genuine risk to people, which might for example require the criminal law to make it illegal to go around murdering or assaulting people (which is entirely reasonable, and even Mr Hayek would be happy with that), we have to be very careful about intruding into the private domain of individuals.

I realise and recognise that a motor vehicle in the hands of the wrong person is obviously a lethal weapon. The problem I have with the honourable member's proposal is that I am not convinced that there are statistics or objective evidence sufficient to warrant classifying this particular group of individuals as being more of a danger, in terms of the risk to which they expose other road users, than other groups.

In fact, as far as I am aware, the most dangerous group of people on the road is young men between 18 and 25 (I think the statistics bear that out), because they kill themselves at an enormous rate. In fact, the honourable member, as a member of the legal profession, on many occasions would have had to have regard to actuarial material in assessing future economic loss, or whatever, in relation to a claim by a plaintiff, and there is a demographic hole in respect of males clustered around this age group of 18 to 25. The life expectancy of a male before they get to 25 is in some respects less than it is after they have turned 25. That sounds a bit odd, but the fact is that when you pass through that demographic danger zone, which is 18 to 25, and you pop out the other end, the risk of you then dying from one of those reckless self-induced injuries has dramatically reduced and you are left with the perils of age and the sort of risk that any person has every time they wake up in the morning and leave their home.

Whilst it is clear that that sort of demographic material is available and supports restrictions on people aged 18 to 25 (and I think the legislative framework we have does impose a fair degree of scrutiny over those drivers, for good reason), I am not convinced that the particular demographic that this is directing its attention towards is of sufficient identified risk to warrant this sort of measure.

I know that in his life the honourable member must have had elderly friends, relatives, parents, friends of parents, grandparents, and so on, and he would be aware that every bit of autonomy these people have, particularly as they are getting on, is a very important element in their lives. If they are in a hostel (not a nursing home), the fact that they are given a walker makes a huge difference to their life, because it means they can move around themselves without having to press a button or call for assistance. The fact that they have a bed that has poles on it, which enables them to get up or move around in their bed or get to the toilet by themselves, which to those of us in here who are able-bodied would seem to be an insignificant matter, is not an insignificant matter. It is a very, very significant matter for those people. You can imagine the impact of depriving a person or, at least, threatening to deprive a person of the autonomy that they derive from having a licence to drive a motor vehicle.

When I am balancing this up, I am balancing up in the mind of the elderly person who might be affected by this measure the threat, the fear, the concern, the anguish and the anxiety, perhaps, that this prospect might raise to them on the one hand and, on the other, the mischief that will be fairly addressed by the suggested measure. With respect to the honourable member, when I go through that balancing exercise, I feel as if the mischief that the measure is directed towards does not outweigh the concern that all of these people will have raised in their mind.

We all know that elderly people—and all of us are rapidly entering that zone—tend to dwell on things, become concerned about things that they should not be concerned about. If they hear something on the radio about anything at all, then they fret and tell their friends about it, and then they all worry about it. We have seen it countless times on countless different measures.

I am concerned about the idea of this measure going through and raising a degree of anxiety amongst people who are probably quite okay as drivers. If they really have a problem, their GP or a family member, if they are sufficiently concerned, will probably put up the flag for them. I know they are sensitive issues, as well, but on balance this measure does not stack up because the interference with the freedom of these people to get on with their life in a way which is free of anguish, fear and anxiety and which maintains their autonomy outweighs the benefit (which I perceive from the statistical background) attached to the measure proposed.

Mr HANNA (Mitchell) (11:16): In my second reading explanation, I set out the evidence which supports the proposition I have put forward to the parliament requiring people over 85 to undergo practical driving tests every two years. There is a balancing act, as the member for Enfield recognised, between people's individual rights and the interests of the state in having safety on our roads.

I would suggest that the evidence supports this measure, which has been enacted in other states. The member for Enfield draws support from Mr Hayek, who has something of a fundamentalist hue when it comes to libertarianism. If that argument were to be followed through to its full extent, the member for Enfield's and Mr Hayek's preference would probably be to live in prehistoric times when the law of the jungle prevailed rather than the rule of law.

In any case, I do sympathise with the sentiments expressed by the member for Enfield in favour of individual rights against domination by the state unduly, the undue interference of the state in the private affairs of people. However, I have very good reason to believe that the member for Enfield's colleagues on the government benches do not share his concern for civil liberties, so I will now seek to test this with a vote.

Second reading negated.

FRANCHISING (SOUTH AUSTRALIA) BILL

Mr PICCOLO (Light) (11:18): Obtained leave and introduced a bill for an act to make provision for applying the Franchising Code of Conduct made under the Trade Practices Act 1974 of the Commonwealth as a law of the state; and for other purposes. Read a first time.

Mr PICCOLO (Light) (11:18): I move:

That this bill be now read a second time.

Tuesday 1 December 2009 when I gave notice that I would seek leave to introduce this bill was an important day on the journey to reform franchise law in Australia. Tuesday was one year to the day since the federal parliamentary Joint Committee on Corporations and Financial Services handed down its report on its inquiry into franchising in Australia.

The report was aptly titled, 'Opportunity not opportunism: improving the conduct of Australian franchising.' That is what this bill I am introducing today is all about: it is about giving Australians—mum and dad investors—the opportunity to establish their own business but provide them with sufficient protection from those who wish to prey on them through naked and crude opportunism.

Many of them have used redundancy or retirement savings to buy themselves a 'job' as the sector puts it. Had the federal government responded to the recommendation flowing from the report in a timely and fair manner, I would not be introducing this bill today. At the outset I reaffirm—

Mr Griffiths interjecting:

Mr PICCOLO: Well, let us not talk about federal Liberal at the moment. At the outset I reaffirm that reform of the franchising code of conduct should occur at the national level. As I have said previously in this place and elsewhere, in the absence of action by the commonwealth, the state parliaments are left with little option but to introduce laws at a state level to create a fair, transparent and competitive playing field in the franchising sector.

The federal report followed an inquiry undertaken by the Economic and Finance Committee of this parliament, which handed down its report on 6 May 2008. It received overwhelming bipartisan support from this house. The Western Australian government also looked into franchising in response to the closure of franchises in that state as a result of action by multinational franchisors.

All three inquiries recommended a range of measures to improve the franchise sector and to weed out the rogues and charlatans in the industry. All three inquiries felt that important economic and social equity objectives could be achieved through the reform of the franchising code of conduct.

At the core of the recommendations were objectives to improve competition and fairness in the sector. Both the South Australian and federal inquiries reached the same conclusions in some key policy areas; namely, the sector could be improved by introducing:

- good faith dealing provisions;
- improved dispute resolution mechanisms;
- imposing financial penalties for breaches of the code; and
- compulsory requirement for termination clauses in franchise agreements.

The bill addresses three of the policy areas, as the issue of termination clauses will be addressed by the federal government in the reform package announced on 5 November 2009. Before I address the specific provisions of the bill, I wish to explain why I have chosen to introduce this bill on the last day of the sitting of parliament before the state election. This bill does the following. It honours a motion passed by this house on 10 October 2009 where the house:

- noted the reports by the Western Australian government, the Economic and Finance Committee of the South Australian parliament, and the federal Parliamentary Joint Committee on Corporations and Financial Services inquiry into franchising in Australia;
- welcomed the announcement by the federal government that it would release a paper outlining a range of options to address concerns; and
- called on the federal minister to undertake reform of the franchise code as a matter of urgency, and that such reforms should be broadly consistent with the recommendations made by the two parliamentary reports.

The fourth part of the motion states as follows:

While the house acknowledges that reform is best undertaken at the federal level, it will closely monitor the progress of action and consider state-based legislation in the absence of any real progress made within a reasonable time period.

In my view, and in the view of franchisees (and some franchisors, I might add), the reform package announced on 5 November meets the criteria established in the motion.

The second reason this bill is important is because it outlines the scope of reform and legislative model available to state and territory governments to introduce reforms to franchising should they choose to do so. This reason is particularly important because, if the federal government fails to act, the states should aim for uniform reform across the various jurisdictions, as different codes would create unnecessary compliance costs for the sector, potentially creating an unfair playing field and thus having the ability to reduce competition and create inefficiencies in enforcement activities by regulatory agencies. Additionally, the introduction of the bill keeps the issue of franchise law reform on the political agenda.

The bill will also facilitate further public debate within the sector, and feedback from various stakeholders would, in all probability, lead to a revision of the bill when it is reintroduced after the state election, should I be fortunate enough to be re-elected.

The Franchise Council of Australia, despite its public statements to the contrary, continues to oppose any meaningful reform of the code, which reflects its interest in protecting the big end of town. This bill also flags to the federal government that the states and territories are serious about franchise law reform. Overall, the objectives of the bill are to fill in the gaps that exist in the current Franchising Code of Conduct and other trade practices and consumer law at the national level.

The bill is deliberately constructed to complement existing federal law on the matter, to avoid any possible conflict with section 109 of the Commonwealth Constitution and sections 51CAA and 51AEA of the Trade Practices Act. In this regard, I am indebted to the advice provided to me by Associate Professor Frank Zumbo from the University of New South Wales. Associate Professor Zumbo is a nationally recognised expert in the area of trade practices and consumer law, and has written widely in this area of the law.

While the policy positions adopted in the bill are mine, it was the advice provided by Associate Professor Zumbo on the structure of the bill that helped me to ensure that it did not fall foul of the commonwealth's wide corporations powers.

I also thank parliamentary counsel for their advice and fine tuning of the bill. I accept personal responsibility for any policy errors in the bill, of course. Additionally, I acknowledge the research assistance provided by the parliamentary library.

To arrive at this point today has been a long and tortuous journey. On 5 February 2007 I first raised concerns about the state of franchising in this state as a result of complaints to my office from constituents of mine. I was able to convince the Economic and Finance Committee to undertake an inquiry into this sector. Simultaneously, I liaised with the WA inquiry. On 6 May 2008 the Economic and Finance Committee of parliament handed down its report. On behalf of the committee I gave evidence to the federal inquiry.

When the federal inquiry handed down its report on 1 December 2008, I thought the light was finally appearing at the end of the tunnel. Then the darkness descended. A glimmer of light shone on 31 May 2009 when the federal minister announced that the government would hold targeted consultation to seek final input into options for reform. The fog descended onto the reform process almost as fast as it partially rose. On 21 June 2009, the federal minister announced that he would seek comments on an options paper he was releasing. It was an extensive and finely tuned paper. It only lacked one thing—options.

On 5 November 2009 the minister announced a range of reforms. In my view, those reforms were inadequate. The reforms to policy proposed in my bill have the support of the South Australian Premier. I understand that he has communicated with the federal government the view that it would be desirable for the federal government to lead this reform process, as the state government is committed to a cooperative federalism and the COAG reform process which are achieving significant advances in harmonising business regulation nationally.

This bill overcomes constitutional restrictions by applying the Franchising Code of Conduct set out in the Trade Practices Act Regulations 1988 of the commonwealth as a law of South Australia. I seek leave to insert the remainder of the explanation in *Hansard* without my reading it.

Leave granted.

Secondly, the act will be given broad coverage to ensure that franchisors do not seek to shift the jurisdiction in which the franchise agreements are entered into. Importantly, section 4 of the bill requires all parties to an agreement to 'act in good faith' in their dealings with each other. Acting in good faith means to act fairly, honestly, reasonably and in a cooperative manner.

This is the provision that the FCA strongly opposes. It stated its opposition to this provision in evidence to the SA parliamentary committee. The FCA states that the provision would give rise to widespread litigation. In my view this is a complete nonsense. The FCA and other critics acknowledge that the courts have already found that an 'implied duty to deal in good faith' already exists. A number of Canadian provinces have good faith dealing provisions in their franchising codes without a flood of litigation occurring.

In evidence to the SA franchise inquiry Professor Andrew Terry, who can, I think in fairness, be referred to as a close friend of the FCA, said the following: 'I should mention that very few franchise countries have in their franchise agreement a right to fair dealing. Canada is the best example...'

When I asked the question, 'Do you think that we should have similar provisions in our code?', Professor Terry responded: 'I think that, in the whole issue of franchise regulation, this sort of issue is the most important to me. I have no problem with the right of fair dealing being included in a code...'

The Manitoba Law Reform Commission in its final report on franchising in May 2008 said: 'the statutory provisions [for good faith dealing] essentially codify the common law duty of good faith in the franchise context.'

The bill creates the office of commissioner of franchises. The commissioner would have the power to mediate, conciliate and to arbitrate. The office of commissioner of franchises would provide an efficient, effective and low cost mechanism for parties to a franchise agreement to resolve their disputes. It would overcome the deficiencies in the existing mediation provision provided for by the current franchising code of conduct.

Part 3 of the bill outlines the commissioner's powers and obligations under the bill, including the right to collect and publish certain information. The current lack of reliable information regarding franchise disputes covers up the market failure that is occurring in the sector.

Part 4 of the bill provides for pecuniary penalties to be applied against parties who the courts find have breached the code. Section 15 ensures that there is no doubling up of liabilities. So, a person who is liable to pay a pecuniary penalty under commonwealth law would not be liable to pay a pecuniary penalty under the proposed SA law.

Section 17 enables a court to impose orders for compensation while section 18 facilitates action for damages.

Section 19 of the bill gives power to the Governor to make regulations contemplated by the act, or as necessary or expedient for the purposes of the act.

The bill will create in South Australia a fairer, more efficient and competitive environment for franchising to flourish in. The duty to act in good faith will, in my opinion, foster a more ethical approach to business in the franchise sector.

In my speech to this House on 10 October 2009 I outlined the reasons why franchise law reform is necessary. I do not intend to repeat those comments today. Mr Speaker, a week does not go past that I do not receive details from a franchisee who has been treated badly by their franchisor. When a franchise fails it is usually the franchisee who suffers. The human toll is at times beyond comprehension. Assertions by some FCA spokespersons that franchises only fail because of lazy or incompetent franchisees are insulting and distressing to those franchisees who have lost their homes, savings, and at times their families, because of the unfair and unreasonable behaviour of some franchisors.

Mr Speaker, this bill will not help those who make poor business decisions. It will not help those who do not exercise due diligence before signing a franchise agreement—you cannot legislate for that—however, let us promote opportunity and not opportunism. I commend the bill to the house.

Debate adjourned on motion of Mr Griffiths.

TAXATION

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (11:37): I move:

That this house condemns the Rann government for allowing it to be the highest taxing state government in the nation.

It is a pleasure to stand before the chamber for some time to address this motion and to put forward the exceptionally numerous concerns which have been put to me by the people of South Australia, who I have met with over the last 3½ years, who are very concerned about the level of taxation increase in South Australia in the last eight years.

We know from the review of comparative budget figures provided from '01-02 through to '09-10 budget estimates that state taxation revenue has increased by some 61 per cent. It is interesting when you look at the identification of specific areas. In payroll tax revenue increased from \$601 million to a \$915 million budget, a 52 per cent increase; taxes on properties, \$731 million in '02-02 through to \$1.428 billion in '09-10 estimate, a 95 per cent increase; taxes on gambling, \$312 million in '01-02 through to \$400 million in '09-10 estimate, a 28 per cent increase; taxes on insurance, \$223 million in '01-02 through to \$338 million in '09-10, a 52 per cent increase; and motor vehicle taxation, \$324 million in '01-02 through to \$445 million in '09-10, a 37 per cent increase. Overall, in those five key areas there has been an increase in taxation from \$2.193 billion to an estimate in this financial year of \$3.526 billion—61 per cent.

South Australians that I speak to recognise that taxation needs to be paid. They recognise that state taxation policy contributes significantly to the provision of important services and infrastructure; but in every case they talk to me about the fact that taxation policy in South Australia needs to be fair and has to provide them with the opportunity to pay those levels of taxation and, where that taxation may relate to businesses, to still ensure that there is an opportunity for a profitable bottom line. That is what they are primarily concerned about.

The Commonwealth Grants Commission certainly highlights some very damning statistics. If you look at the state taxation efforts across nine key areas for each state in the nation, South Australia taxes itself some 12 per cent higher than the national average. Sadly, we have held this position since the election in 2002 when the Rann government came to power. The Institute of Public Affairs confirms that South Australia poses the largest state tax burden on businesses of all states.

High taxes are the last thing that businesses need in difficult times. I note that other states have certainly reviewed their taxation policy. Oppositions and governments have come out with impetus opportunities to ensure that businesses have the chance to remain profitable. In our case, we have just continued to send out the bills and tell people that they have to pay this, but it has made it extremely difficult.

There have been numerous cases in the media in recent months where businesses have been screaming about the level of land tax in particular and the fact that that land tax impost is really making it very difficult for them to keep up their current rate of employment. I have some further examples that I will quote soon about this, but these people are screaming out for

assistance. That is why there needs to be a change of government, to ensure that there is a government in place that does want to pursue taxation policy review to ensure that, yes, income levels are what need to be provided for services, but, importantly, that we have some taxes that actually help people.

We know that since Labor came to power some 2,300 more businesses in South Australia are liable for payroll tax. I do recognise that the threshold for payroll tax has been increased, and in my time in the chamber it has increased from \$504,000 to \$552,000 to \$600,000; but to have an additional 2,300 businesses paying land tax means that those people suddenly have gone over that threshold, they have grown their business to a certain size, they are encouraging people to come and work for them, they are aggressively going out there and quoting for opportunities for work and jobs, and suddenly the impost burden is upon them.

We need to make sure that we get this right. We need to make sure that we are competitive in this national area, otherwise we run the very serious risk of more and more interstate companies coming into South Australia and taking work away from South Australian companies. That is an observation that the Civil Contractors Federation has made, certainly in relation to some of the large infrastructure projects occurring around the state.

As I drive through the Northern Expressway project, continually going back to my electorate and through to Adelaide, it is amazing to see the number of interstate registered vehicles that are involved in that project. I know that concerns were expressed in the media some months ago about the number of interstate contractors involved in the desal project; so we have to get this right.

Mr Pengilly: The Northern Expressway.

Mr GRIFFITHS: I quoted the Northern Expressway, member for Finniss. We need to make sure that we get it right. If we look at the 12 per cent impost of our taxation effort above the national average, there are some really key figures that stand out, which have to be detailed as part of this argument. Land tax—the bane of every person's existence—126 per cent more severe than the national average.

Mr Kenyon interjecting:

Mr GRIFFITHS: We're going to make sure we make it more efficient. Stamp duty—22 per cent more than the national average; gambling taxes—19 per cent more than the national average; insurance taxes—44 per cent more than the national average; and overall taxation is some 12 per cent. Interestingly, in five of the nine key areas we have the highest taxing effort in the nation, so we need to make sure we get it right. Payroll tax, as I mentioned before, has gone from \$590 million in '01-02 to some \$915 million this financial year. Again, I recognise that concessions have been made, but we are making it extremely difficult.

The Treasurer and the Premier will continually get up and talk about job opportunities that have been created. I think the last figure I heard the Premier quote was some 104,000 jobs have been created since he came to power; but, interestingly, if you do the comparisons on national job growth over that same period, there would actually be 20,000 more jobs in South Australia if we had experienced the same level of growth. We need to make sure that we start keeping up.

Payroll tax is a heavy burden upon small businesses. For example, a business with a payroll of \$800,000 a year pays more tax in South Australia than any state other than Victoria. We can look at the fact that in Western Australia, Queensland and Tasmania payrolls up to \$1 million do not incur any payroll tax liability at all. We need to make sure that we start working on this to give our businesses the chance for a future.

Stamp duty on conveyances: again, we have the second most punitive stamp duty regime on conveyances in the nation. An example that really hit home related to the terrible decision that was made to close Mitsubishi and the effect that had on the southern suburbs. It was quoted that a medium value home in South Australia of some \$360,000 would attract stamp duty of about \$15,000; however, in Queensland—where the government was, I know, attempting to attract workers from Mitsubishi—a home of the same value would result in a stamp duty liability of \$4,000. It makes it very hard for us to be competitive.

We want to increase our population, we want to make sure that more people move to our state, but we need to ensure that the tax policies that we have in place are an incentive for them to come and not a disincentive. If we do not get it right it will be very hard to ensure that we have the future generation of staff that we need to help us move forward. For example, if you purchase a

property for \$500,000 in New South Wales you pay \$17,990; in South Australia, though, you pay \$21,330.

I now wish to talk about land tax, which is actually the most—

Mr Kenyon interjecting:

Mr PENGILLY: I rise on a point of order, Madam Deputy Speaker. I refer to standing order 131: constant interjections from the member for Newland.

The DEPUTY SPEAKER: There is no point of order, member for Finniss. If you were quiet all the time I might have noticed.

Mr GRIFFITHS: The comments made by the member for Newland do not bother me in any way. We have to consider the issue of land tax.

The Hon. R.J. McEwen interjecting:

Mr GRIFFITHS: The member for Mount Gambier also has a minor contribution. I have been in his community recently, and it was interesting to note that many people down there were concerned about land tax as well. Land tax is an issue that is really hitting people. I had a discussion with a regional business owner only a couple of weeks ago, and he provided me with some amazing figures on nine properties that he owns around the state. In the 2006-07 financial year he had a land tax liability of \$1,989; in 2007-08, he had a land tax liability of \$5,093; in 2008-09, he had a land tax liability of \$19,900; and in 2009-10, he had a liability of \$53,748.

This man came to me and asked, 'How can I afford to run my businesses? I am highly geared with debt, I employ a good number of people throughout the state.' He has invested significantly and is creating job opportunities for people, but he is very concerned about the fact that, through no fault of his own but because of property value increases and no adjustment at all being made to land tax, he is suddenly faced with a situation where his land tax liability has gone from \$1,900 up to \$53,748. What sort of an answer can I give this chap? How can I give him an answer when this government has been in power for eight years and shows no inclination to review it? Whenever land taxes are brought up the Treasurer says to people, 'Sell a block, sell a property'—

The Hon. R.J. McEwen interjecting:

Mr GRIFFITHS: Well, for eight years you have been part of the cabinet that has actually contributed towards this, so I want to put my argument forward. The member for Mount Gambier can get up and say whatever he likes about this, but he will not convince South Australians that he is making any difference.

We have to focus on land tax; it has to be reviewed. The Treasurer has shown no inclination at all to do anything about it. I recognise that it is possible that he may bring something out before the election—he does have a contingency sum available to him in the budget which he uses for various purposes—but surely the people of South Australia will see through any such effort and recognise that he has had eight wonderful years where land tax has increased enormously. Let me quote an example: two financial years ago, in 2007-08, \$220 million came from land tax from private property owners and, in 2008-09, \$330 million came from private property land tax.

That is a 50 per cent increase, or \$110 million extra, taken from property owners in South Australia, reducing their capacity to further invest in property, to keep rents at a reasonable level or make a profit. It is making it very hard. In this financial year there is another 10 per cent increase on land tax, so it is \$363 million. In 2001-02 I think there were 69,000 people paying land tax; the land tax bills are being sent out to 118,000 people this financial year. Of course, there are some errors in that because some will be identified as principal places of residence, but with the assumption of a 5 per cent margin 112,000 people will pay land tax in South Australia.

South Australians are a relatively conservative community; many people have deliberately chosen to invest in property as a way of funding not only their lives but their retirement from the workplace. I feel very fearful for these people, because with a \$110,000 threshold for site value land tax kicks in at a low valuation point. These people are being severely disadvantaged. Their land tax is increasing enormously and it is making it very difficult for them to meet the cost of owning these investment properties.

I have no doubt that when rent reviews are undertaken the impost of the cost of owning these properties becomes a significant factor in the rent being charged. It is not just the people who rent these properties, who live in them or operate businesses from them; it is also the people who purchase goods and services from those people. In essence, it actually flows out to all 1.6 million South Australians who are being severely hurt by the impost of land tax, and the Treasurer has shown no inclination to review it.

The opposition might be criticised for the fact that it has put out a policy that talks about an increase in the threshold from \$110,000 to \$250,000 site value. The essence of that is that it removes 57,000 land tax payers from the responsibility of paying land tax. It still leaves an impost upon the remaining people who have properties valued at more than \$250,000, and we understand that that is an issue and certainly want to work on that. Part of our commitment in relation to a land tax policy is to ensure that we review this and try to do absolutely as much as we can to ensure that South Australia returns to a competitive environment when it comes to land tax.

If we do not get it right we will get a lot more letters like the one received by the Leader of the Opposition from Defence Force Housing that suggested to a potential purchaser of property in South Australia that they not buy in this state but go to another state where the land tax regime is much easier to manage. Unless we get a change of attitude about this—and all members have to accept some responsibility for this—we will create a circumstance where our state is not seen as being an ideal location in which to invest.

For the future of our economy it is absolutely imperative that we get this right. Land tax, in its quantum, represents significant dollars—approximately 10 per cent of the state taxation policy revenue. At a function on Monday night I was questioned about what the Liberals would do, and members in this chamber will obviously question me about that as well. One chap said to me, 'Reduce it by half.' I said, 'I cannot give you that commitment because we still have to pay for services and infrastructure.' However, it is the efficiencies of how you actually manage your expenditure that determine indeed what your revenues need to be. That is where the constant criticism from the member for Waite has been in the past, that the state of South Australia in the last eight years has had an expense problem and not a revenue problem.

There will be many members who might jump up and down and have contrary views to mine on this. This is one that I am particularly passionate about because I hear so many examples of people who are severely impacted by this. For example, one of my own constituents has been constantly in contact with me about the fact that in 2007-08 he had a land tax bill of \$880, in 2008-09 it went to \$15,915 or a 1,708 per cent increase based on his figures and in 2009-10, \$24,106—a 51 per cent increase again.

This chap has had one of these properties on the market and an interstate investor came to look at the property and was interested in it but was very concerned about what the land tax responsibility would be if he purchased it and has decided to go away. We need to improve it.

The Hon. R.J. McEWEN (Mount Gambier) (11:46): I think that speech said everything that people are saying generally about the opposition.

Mr Pengilly: Come on, Rory. You're a twit!

The Hon. K.A. MAYWALD: Point of order! I think it is unparliamentary to call a member within the house a twit.

The DEPUTY SPEAKER: I did notice that I thought that interjection came from somebody who, only minutes ago, was complaining about interjections. My ears will be very alert.

The Hon. R.J. McEWEN: All Mr Bean from Backstairs Passage has done is reaffirmed what I wish to say, which is that they say one thing and do another. Today was an opportunity for the deputy leader to show that he had some potential and that he was going to lead the opposition into the next election with some policy alternatives. He has failed abysmally because he has put nothing on the record in terms of what the opposition intends to offer.

In fact, I need to go back to *Hansard* but I think he actually said that they will go to the next election with a commitment to have a look at taxation. If they try that on, they will be savaged by the people of South Australia, because the Liberals, under their previous leader, gave a commitment that they would hold a tax summit and, as a consequence of that tax summit, they would offer to the people of South Australia before the next election a significant change to not only the way we gather taxes but also the quantum.

However, the problem he has and the problem that the opposition will have next March is that they want it both ways. Over recent times, we have heard them come into this place and criticise the government for things it has failed to do and most of them have been related to not spending enough money. In fact if you go to today's Notices of Motion, you will find the word 'condemned' all the way through. The government is condemned for failing to spend money on this, this and that.

There is a lovely list that I have seen which has every member of the opposition demanding more for his electorate, led by the Opposition Whip. Many of them have all these demands on government to spend more on roads and hospitals, on child protection, on the environment, on sports stadiums, on stormwater, on waste water—it goes on and on.

The one thing they cannot have is their cake and eat it. Do you know what I think they have done today? They have squibbed on both, because I think they will come into this house today and put on the record that they will go to the next election without a policy. Remember the last election? They went to the people and said, 'If you elect us, then we will develop a policy on water.' Do you know what they have said today: 'You elect us next year and then we will develop a policy on taxation.'

Deputy Leader of the Opposition, the people of South Australia will not wear it. What they want from you lot is actually some genuine commitment as to where you intend to cut taxes and therefore where you intend to cut expenditure. The other thing that the deputy leader will remember in the lead-up to the last election, other than promising that they would develop policies of all the sorts of things, is that they also said that they would slash 4,000 public servants, but when they were asked where, do you know, they didn't have anywhere. They could not tell us a single place where it was going to happen. Do you know what will happen in this next election? They will do the same again.

The people of South Australia have a right to see the outcome of the tax summit that the previous leader committed he would hold on behalf of South Australians. They have a right to see where all these tax savings are going to come from. The opposition keeps going back to land tax, and keeps making all these grand announcements, where the deputy leader has just admitted that at best their policy will actually have a 1 per cent impact on revenue—at best.

Suddenly they are saying that the best they can do is to have an impact of 1 per cent or less. In a \$13.5 billion dollar budget, where they want to spend two, three, four or five billion more, the only reduction they are promising is a meagre little bit in land tax. You cannot have a meagre little saving in land tax, no other new taxes and deliver all these things that have been promised and will continue to be promised to South Australians.

The deputy leader mentioned that recently they visited the South-East. Yes, and in that visit, they squibbed it on many fronts. One thing they would not do is tell the people of the South-East where they stood on all the promises and commitments they made at the last election. You would have thought that the first question they would have been prepared for was to let the people of the South-East in my electorate know where they stood today in terms of all those things they told us they would do if they were elected. Mr Gandolfi and Mr Kerin spent much time in my electorate promising all sorts of things.

Wouldn't you think that they would have gone back last week and said, 'We've come back; we need to let you know that we stand by all those promises or we have changed our mind.' No way! That is in microcosm a problem they have next March for the whole of South Australia. Electorate by electorate, they are going to be asked, 'Please tell us what you intend to do to honour the commitments you made last time and the new commitments you put on the record since.' And then the most difficult question: 'Given that you want to spend more and raise less, how the hell do you think you are going to run the state?' Do you know what the real answer is—

Mr Venning interjecting:

The Hon. R.J. McEWEN: Here we go, we are getting some suggestions now. The buffoon from the Barossa, at last, is putting some suggestions on the record. Yes, he is going to cut things. Remember, he is going to cut the cloth. We are waiting to hear—

Mr Venning interjecting:

The Hon. R.J. McEWEN: Here we go, we have a \$13.5 billion budget and he is going to save the state by cutting advertising.

An honourable member interjecting:

The Hon. R.J. McEWEN: It depends how you add it up. Over \$14 billion if you are talking about—

Mr Williams interjecting:

The Hon. R.J. McEWEN: Mitch will have it over 20. Mitch will spend 20 and collect 10—that is the way they look at it. The people of South Australia are not going to take a great interest in what we say in this house today, but they will take a great interest in what they are told by the government and the opposition in February and March next year. They will reflect on all those things which the opposition has criticised the government for and on which they have said they must spend more money. They will add that up first, and then they will reflect on all these taxes the opposition said that they would cut from their tax summit (which they have failed to tell us about), and do you know what will happen at the end of it? None of it will add up, and when none of it adds—

Mr Venning: And we will get rid of two ministers.

The Hon. R.J. McEWEN: There's another saving. None of it will add up, and the problem they will then have—a problem they have had for quite some time and a problem they will continue to have until they totally refresh the people they elect on this side of the house—is that—

Mr Venning: You're one of them.

The Hon. R.J. McEWEN: I am doing it in my own time, Madam Deputy Speaker—what the people of the Barossa are saying behind their member's back that he should have done some time ago. Let him explain that in his electorate. He chooses to interject and, if he chooses to interject, Madam Deputy Speaker, then at least he has to sit there and listen to the facts for a minute. I did not come here to single out the member for Schubert, but he has to know, like the rest of them, that at some stage between now and next March he will be held accountable for the gobbledegook that they have put on the record in this place over the last four years, that is, the things they have promised, day by day, item by item.

Someone is going to add them up, and then they are going to say to them, 'What new taxes are you going to introduce, because, you know something, you can't provide them with the revenue you have,' and that is the minute they will hit the wall. That is the minute when credibility hits zero. They have no credibility, and if they have now said to the people of South Australia that they are not taking forward a significant alternative tax regime and all they are promising is a review, then it is worse than zero.

Mr KENYON (Newland) (11:55): I am pleased to be able to oppose this motion today, because, quite frankly, it is lazy. Like so many of the motions we see from the opposition, it is just another lazy motion. It is not even original; it is just repeating the same rhetoric that we heard Iain Evans, the member for Davenport, say in his 2006 budget reply speech. At the time he said, 'The Rann government is the highest taxing government in the state's history.' On 15 April this year, Martin Hamilton-Smith, the member for Waite, said, 'This is the highest taxing government in South Australian history.' To be honest, those two stole the line from federal Labor in 2001 when they were talking about the Howard government.

The fact is that every government is the highest taxing government in history, because the economy grows and, as the economy grows, in pure dollar terms your tax base grows; it cannot be helped. Unless you are smashing the economy and destroying it, you cannot but be the highest taxing government in history. It is not possible. Even if you wanted to be a little more technical and say that you can go on the Grants Commission assessment of relative tax effort or the tax effort ratios of other states, again, they are technical definitions but they do not take into account the relative size of South Australia's tax base. We are trying to raise a certain amount of money, we have a smaller population to do it, and that is how it works.

The 2008-09 Mid-Year Budget Review shows South Australia at 2,121 per capita, which is lower than all other mainland states for taxation per capita; a little over 2,600 in Western Australia and 2,400 in Victoria per head. On top of that, we have survey after survey showing that Adelaide is a commercially cheap place in which to operate and do business.

The real measure of a government's attitude to tax is not the amount of money that it raises, because that will grow as the economy grows. The real measure is that, when you have the opportunity to cut taxes, do you do it? The answer clearly is: yes, the South Australian Labor

government reduces taxes when it can, and it has been doing so from its very first budget. I will go back as far as 2004-05 when it reduced payroll tax from 5.67 per cent to 5.5 per cent. That was \$22 million ongoing per year. It increased the first home buyer's stamp duty concession from \$130,000 to \$250,000, saving an average of \$2,800 roughly, it abolished mortgage duty for first home buyers, it abolished lease duty and it abolished cheque duty—that was one budget.

In the 2005-06 budget, the land tax free threshold was raised from \$50,000 to \$110,000, remembering that it was the Olsen government or the Liberal government before it that reduced it from \$100,000 to \$50,000, I think it was, so it actually raised taxes. There was the introduction of specific land tax exemptions for home-based businesses, residential parks, broader access to primary production exemptions in rural areas—there's one for you, I bet your blokes like that. The total land tax package (cuts to land tax and concessions to land tax) estimated at \$264 million over five years from 2004-05 to 2008-09, and currently (this year) it is \$63 million a year. It abolished the stamp duty on water licence transfers.

In the 2006-07 budget: rental and remaining mortgage duty rates were cut by a third from 1 July 2007 and a further third from 1 July 2008, and they were fully abolished from 1 July 2009. So they are gone—done. Payroll tax was reduced in the 2007-08 budget from 5.5 to 5.2 per cent, with a further reduction to 5 per cent from 1 July to 2008. Total payroll tax relief is \$337 million estimated over the four years. So, when the Treasurer has had an opportunity to cut taxes, he has done it, and that is the test of a government.

The test of a government is that, when it gets a chance to cut taxes, does it take it or does it go and spend more? By any measure, the Treasurer and the government has taken every opportunity to cut taxes. They have identified them, identified the costs, found the savings and cut tax; whereas all we have got from the opposition is the very first stage—whinge. Identify the problem, elucidate the problem. The opposition has done that. It has done it for the last eight years, but it has never put up a policy on how it might actually do it.

It did not take any sort of tax policy to the last election, other than to say, 'We'll have a look at it when we get into government because we can't do it now,' and it is getting to the same point. It is 3½ months out from election and all the shadow finance minister can do is come in here and say, 'Taxes are bad.' That is the limit. That is his argument: 'You tax a lot.' He identified five taxes of concern, whinged about three of them and never suggested how he would cut one of them—not one. He did not come in with a single—

The DEPUTY SPEAKER: Order!

Mr GRIFFITHS: Point of order, Madam Deputy Speaker. I included the details of the Liberal land tax policy in my contribution.

The DEPUTY SPEAKER: Order! If he claims to have been misrepresented, the honourable member can make a personal explanation. The member for Newland.

Mr KENYON: As far as I am aware, the Liberal policy does not include elucidating how it will cut taxes. It does not elucidate what it will do with land tax. It is a review.

An honourable member interjecting:

Mr KENYON: You have a review; that is it. You come in with nothing, not a single bit—nothing, just a whinge. Time after time all we see from the Liberal opposition is whingeing, whining, carping, negativity, no positive policy, no outline and no detail about what they are going to do—just the usual standard rubbish.

Mr WILLIAMS (MacKillop) (12:01): I was not going to speak on this matter but I have heard some rubbish. The member for Mount Gambier on his last day in the parliament made an absolute doozy. The member for Mount Gambier and I entered the parliament at the same time. At the time neither us belonged to one of the major parties. I am rather proud of the fact that I rejoined the party with which I had been affiliated before and which matched my philosophical beliefs. The member for Mount Gambier did the opposite. He, in fact, decided to take the 30 pieces of silver. My price was much higher than his—much higher.

The DEPUTY SPEAKER: Order! Member for MacKillop, the minister has a point of order.

The Hon. A. KOUTSANTONIS: Take a seat, mate. The honourable member just said that the member for Mount Gambier took 30 pieces of silver—indicating bribery—to join the cabinet. I ask him to withdraw immediately.

The DEPUTY SPEAKER: The member for MacKillop, I think, knows that that is a reflection on the member for Mount Gambier, and I invite him to withdraw.

Mr WILLIAMS: Madam Deputy Speaker, if the member for Mount Gambier is offended by my referring to his taking 30 pieces of silver, I will withdraw. Notwithstanding that, Madam Deputy Speaker, the member for Mount Gambier suffered a 20 per cent swing against him at the last election. I think the people of Mount Gambier in a significant way showed their displeasure.

I recall the member for Mount Gambier coming in here and arguing a point about his wanting to live in a society, not an economy, because the previous government was motivated to move one public servant out of Mount Gambier. I remember a press release he put out at the time said that he would fight the removal of any public servant out of Mount Gambier because it was important for the local economy and that he wanted to live in a society, not an economy. More recently, he has been an ardent supporter of shared services, an ardent supporter—

The DEPUTY SPEAKER: Order! There is a point of order. The member for MacKillop will resume his seat.

The Hon. A. KOUTSANTONIS: My point of order is relevance. The motion talks to taxation levels. This is a personal attack on an individual member.

The DEPUTY SPEAKER: I do note that the motion does not refer to the member for Mount Gambier, and I ask the member for MacKillop to return to the topic of the motion.

Mr WILLIAMS: I certainly will, Madam Deputy Speaker. I just want to make sure that the speech of the member for Mount Gambier is referred to in its context. It was nothing more than a broad spray. I say to the house that the member for Newland tried to defend his government's position. I am delighted that the member for Newland wants to go to his people in Newland saying, 'I am proud to be part of a government that has taken this state to be the highest taxing state in the nation.' I think that is a great thing for him to say. That is a brave thing to say. 'We in the Labor Party are proud to be part of a government that has taken this to be the highest taxing state in the nation.'

The people in my electorate do not like the fact that they are taxed more highly than people in other states, and they particularly do not like it because the level of services they get out of the government is less than they would expect if they were living in another state, and therein lies the dilemma for this government. It has taken South Australia from a relatively competitive position to an uncompetitive position, and we have got nothing for it. If the member for Newland wants to know what our taxation policy is, what our monetary policy is and what our fiscal policy is, the reality is, member for Newland, that every time one of your ministers gets questioned about the level of services being provided by their agency they say, 'We're spending more money on this function than has ever been spent before.'

That is probably right, but it points to the problem—inefficiency. 'We spend more money but we still cannot get the services delivered.' That is the reason the people of South Australia will take the opportunity in a few months to elect a new government—a government that does have a vision, a government that is committed to running efficient service delivery and a government that will build infrastructure in the state and look towards the future. We will make sure that the state's economy is well-founded to move ahead into the future rather than run a government where, in every budget, the expenditure has blown out considerably and only been saved by unexpected increases in revenues. That is the reality of the last eight years of budgeting in South Australia. Every budget has blown out on the expenditure side, only to be saved by unexpected revenue gains. That is a fact that has been noted time and again by the Auditor-General. It is an irrefutable fact.

One of the things I would have expected over the last period if the state was being well managed, with the great increases in revenue that we have seen—a budget going from about \$8.23 billion, I think, to \$14.23 or \$14.24 billion, which is a significant increase in eight years—is that South Australia would have been able to build its total economy and position itself to take advantage of opportunities in other areas.

In the eight years that the Liberal Party managed this state, we took the state's exports from \$3 billion to \$9 billion. The state's exports today are still at around \$9 billion. The state has, indeed, been stagnant. That is why the government—relative to the other states of this nation—has increased the taxation rate. That is what we are talking about; increasing the taxation rate. The economy has been stagnant because the government has failed to take opportunities to build the

underlying economy to drive up our exports like we did by increasing them dramatically during the 1990s to \$9 billion. They have stagnated ever since.

South Australia will only grow through export growth by getting dollars coming in from outside of the state to help us build, and that is an area where this government has really taken its eye off the ball. Unfortunately, we have seen export industries stagnate, if not die, across the state. For example, yesterday morning I attended a function at which I was told that labourers are being flown in to work on the desalination plant that is being built at Port Stanvac because the vast majority of the contracts have been given to interstate companies, and those companies are flying in labour from interstate to work here during the week and then flying them home, whilst companies here in South Australia are laying off staff.

That is the sort of thing where you are building in inefficiencies. If you are getting the tax dollars, you have to use them wisely. One of the ways to use them wisely would be to make sure that South Australian contractors are used in these major projects. If the member for Newland went out and spoke to any of the associations that represent contractors in any of the engineering or industry fields, he would very quickly be told that one of the flaws in the current South Australian economy is that there is very limited use by government of local contractors, particularly on major contracts. The major contracts are being taken up by interstate contractors. When these contractors are flying in unskilled labour, I think it is a disaster for the state.

I commend the deputy leader for bringing this motion to the house. I think this will be one of the key debates as we go forward. South Australians, unlike members of the government, are not proud to be the highest taxed taxpayers in the nation at the state level, because they certainly do not get results from that level of taxation. They are not getting efficient or good service delivery. They are not proud of it. We will represent them well and we will ensure that both taxation and service delivery is done efficiently and effectively in South Australia when we are elected by the people in March next year. I commend the motion to the house.

Motion negatived.

GUNN, HON. G.M.

Adjourned debate on motion of Mr Bignell:

That this house acknowledges and congratulates the member for Stuart, the Hon. Graham Gunn MP, for his service to the Parliament of South Australia.

(Continued from 14 May 2009. Page 2794.)

Mr KENYON (Newland) (12:13): This is the last day of parliament for this session. I saw the Hon. Mr Gunn in the corridor this morning, and it struck me that today is his last sitting day in the parliament. I had a real sense that it is not a changing of the guard, but probably the best way to describe it is that an era is passing, the Hon. Mr Gunn having decided to retire. There is a very large gap. I think it was 1985 for the Premier and it is over 10 years between people coming into the parliament. so, it is a significant achievement to have been here for such a long time.

Even in the last few days of his parliamentary career, he is still making a contribution. He is still whacking the government on behalf of his constituents and he is still talking about Sir Humphrey whom he so famously talks about. He is still here doing his job to the very end without letting up.

It says a lot about the character of a person when they come in here and work as hard on their last day as they did on their first day, work with a constancy of effort and with unwavering support from their constituents. He has never taken a backward step from his constituents. He never backs down and never backs away from defending people he believes are right.

I am pleased to have spent what I hope is my first term in the house with the member for Stuart. A lot of the traditions in this house are passed down from member to member, and without the long corporate memory of people such as the member for Stuart we would lose that quickly and the place would become unworkable and chaotic.

I am pleased to have been here while he has been here. I wish him and his wife the best in retirement. I hope it is a long one and I hope he has a great deal of time to enjoy it—and I bought a parliamentary tie this morning in honour of the member for Stuart. I wish him the very best and congratulate him on a fine career.

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) (12:16): I first came to this building in 1977 and Graham was already an institution. I was elected in 1985, but I had heard all these stories about this wild man from the Outback, a wild man from the bush. I did not know what to expect. I knew that he gave public servants a hiding. I knew that he was never likely to be described as a greenie, although in some areas he is a conservationist.

It was only by coming into this place that I got to really know Graham. I was elected in 1985. Of course, he is the father of the house which means that when he goes I will be the father of the house. I want to say a few things about Graham. He always keeps his word. In the past 24 years, whether I was a minister or in opposition or Premier or a backbencher, if Graham has told me he will do something or that he will take a certain position he has absolutely stuck by it, even if he has been under pressure in some way to change his view.

You get to know people when you work with them on committees. I got to know people like Murray Hill and the late Ted Chapman very well through the Public Works Committee. That was my first committee—apart from the Printing Committee when we once had a meeting in the lift going between floors; it was declared open and closed. Someone told me that the Printing Committee was the springboard for progress.

I got to know Graham even better when we were both on an Aboriginal affairs committee. I had been on the committee and I then became minister for aboriginal affairs. We travelled around the state and we stayed in Outback communities. We did some really good bipartisan work, whether it was about the Ooldea lands, Maralinga or the Pitjantjatjara lands.

Graham believes that politics and ideology are common sense. He always said that he did not want any nonsense, and if there was no nonsense he would be incredibly cooperative. If the politics was taken out of the situation then he would work with us.

I particularly want to pay tribute to his really positive, constructive role on the Aboriginal affairs committee. I hope we will always keep politics out of that area. So often in Aboriginal affairs there is that sense over the years of getting three steps forward and two steps back, but I found Graham to be a most productive person, whether up in the APY lands talking to the elders or flying around the state. We got to know each other really well and I found him an extraordinarily honourable person in every sense of the word, even when we had disagreements.

I think he has been a bit hard on public servants but, even so, no-one has ever doubted that he was acting on behalf of his constituents rather than by way of malice. It has been the same in this place: it has never been about malice and it has never been personal but, rather, it has been about putting the views of his constituency—which at various times has been about the size of various nations in Europe. At one stage he had an electorate the size of Spain and in order to serve those electorates he would either fly his plane or travel thousands of kilometres every month, sometimes over a week.

I pay tribute to his wife Jan. They have been a fantastic team. I like the way in which Graham has dealt with people, whether Aboriginal people or people in Outback communities, in a straight and direct but frank, open and honest way. I have also enjoyed the fact that if you put a case to Graham that might be seen to be against his previous position he will give it consideration and get back to you.

Some 39 years is apparently not the record, but I think it will be the 21st century or late 20th century record. I thank him on behalf of this side of the house for his decency. He is one of the great characters of this parliament. I have to say that there were times during debate when he was angry and I did not quite understand what he was saying, but I thank him for educating me about the Outback and, most particularly, for putting decency and practical common sense into a bipartisan handling of Aboriginal affairs. I salute you, Graham, and wish you well for your retirement. I know we both have a common love of history, and I am sure you will be back at the mother of parliaments one day soon.

Mrs REDMOND (Heysen—Leader of the Opposition) (12:22): It is a particular pleasure for me to be the Leader of the Opposition on this auspicious day when we are farewelling one of the greats of this parliament in the Hon. Graham Gunn. I cannot imagine what it must be like to have come here for 39 years and 10 months. That is an extraordinary record, and very few will ever even contemplate making that level of sacrifice for the people of this state. So, I congratulate you, first of all, Mr Gunn, on that extraordinary length of service.

However, it is not just the length of service. The fact is that he is leaving here with a motion of this type on the books, that I am confident everyone in this place will support, and many speakers will wish to put on the record their thanks to the member for Stuart for the guidance he has given them, the integrity he adopts in everything he does and the corporate knowledge that he enables us all to have the benefit of. Sometimes we might not want that corporate knowledge and the benefit of it, but it is a wonderful thing that we have someone here like the member for Stuart. I was saying on the radio this morning when talking to Andrew Male, immediately following the Premier, that it is amazing to think that the member for Stuart has served with not only the people who are now present in the chamber but also with the parents of some of the people who now serve in this chamber. If longevity is a measure, certainly the member for Stuart measures up in that regard.

However, he measures up in many other regards as well. I related on the radio this morning the fact that on my very first day in here we were getting ready to make our maiden speeches and the member for Stuart sauntered over in his usual way and said, 'You can read your first speech, your maiden speech, but don't expect to read anything after that or I'll come and take it away from you.' So we all had to get used to the idea that we were under threat that if we dared to read a speech we might find that someone sauntered past and whipped it out of our hands and we were left standing; so we had better get used to being able to speak and think while we did so because Gunny was not going to let the traditions of the house fall so far that we were not able to get up and speak about things.

I also acknowledge the fact that the member for Stuart is someone who, if he does not agree with you, leaves you with no doubt about that, but he does not do it with malice. I have never seen him be malicious towards anyone in this chamber. He accords everyone respect and, in return, everyone accords him a great deal of respect. I notice that whenever Gunny gets up to ask a question the entire chamber falls into silence because we all wait with bated breath. It is rather like when the member for Enfield gets up to announce his latest natural resources management titles. We all wait with bated breath to see what it is that the member for Stuart is going to bring to our attention.

I challenge any member of this house to be more vigorous in their advocacy on behalf of their constituents than the member for Stuart has been, and I particularly suggest that he has a high regard for the integrity of the people in his electorate and will always win against any over-zealous public servant who might care to take him on. I must say, I pity the poor copper, or whoever it might be, who pulls up the member for Stuart, or tries to enter premises, or tries to stop the member for Stuart going anywhere in his electorate, because he will be unfailingly polite and firm and, indeed, immovable in his defence of the rights of the people in his constituency whom he has served so well and so long.

I can only imagine. I have a relatively small electorate of about 1,000 square metres. In the member for Stuart's current newsletter there is a map showing the area he represented when he first went into parliament way back in May 40 years ago. So, next May, it will be 39 years and 10 months he will have served when he finishes his time—and you do not get that long for murder, Gunny! The map shows his area, and then the other side of the state. The constituency, like others, has moved, but he has virtually represented two thirds of this state and, as the Premier pointed out, some of the electorates he has held have been larger than some of the countries in Europe. It is an extraordinary effort just to serve that constituency. I know that when I go to different places in my little constituency, each one has their own personality, families and history, and I try to keep up with all of those. But, to do it over those vast areas, and to have to fly yourself around the electorate, is an extraordinary tale. I look forward to one day reading a book by the Hon. Graham Gunn about many of his adventures.

He is a man who can be comfortable in the company of people from any walk of life, and one, I am confident, who would not change himself to fit anyone else's image of what they think should be seen. Gunny is Gunny wherever he is and whoever he is talking to, and he is absolutely reliable. As I said, if he says he does not agree with you, he will tell you why and he will tell you he is not going to back you, or whatever it might be, and he will explain his reasons and no-one is ever left in any doubt.

I cannot believe that the day has finally come when he has said, 'I do not have to be here,' and he is actually going back to the farm and is not going to come back. I think the ghost of Gunny will probably walk these corridors for many years to come, and long may it be so. Good luck in the future, Gunny, and my best to Jan and all the family. I hope you enjoy your retirement.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (12:28): It is a pleasure to be here to do this, particularly as I have to fly to Hobart later this afternoon and will not be able to make the traditional valedictory comments when I would have normally said something about the father of the house leaving us.

In one sense we are glad that Graham has made this decision to go voluntarily because we tried many times to get him to go involuntarily but it never worked. Particularly at the last election when a tidal wave swept a few Liberals from this place, on the figures, he seemed to be one of the most precariously placed but we found he was just standing there not even getting his feet wet. He was not worried in the slightest. I have to say that we have a secret plan to win the seat of Stuart. We are going to get our candidate to change his name to Gunn and people will vote for him out of habit. I shouldn't have let that out.

When you have been in this business for a while you know that there are two things: a person's political positions, many of which I agree with Graham, but I think about 98 per cent I don't; but there is also personal integrity, and Gunny has bucket loads of personal integrity. I cannot remember any time when we have discussed things that he has ever let you down on exchanged confidences.

I can honestly say that no-one has ever lived for their electorate more, and it has changed a lot over the years, as we have heard. If he wanted to get something done for his electorate genuinely, he would come and see you first. He would not use the chamber to grandstand; he would come and see you first, and see if he could get it done that way, over and over, and he got a lot done for his electorate that way.

I am sure that there are many people in the Liberal Party room who would secretly be a little bit happy that he is not there, because he terrifies the living daylights out of everyone, is my understanding. I was not here but I do remember his role as speaker. Ralph Clarke still remembers you fondly. He said, I think, he was the only person to ever been named and removed from the chamber for what was a look; it was a look he said. 'Don't give me that dirty look. You're out of here son!' He knew how to keep order. He treats everyone genuinely, regardless of where they are from, and very fairly.

I should also place on record the great hospitality from Graham and his family, and his brother, the Mayor of Streaky Bay, whenever we're out that way. I understand that Graham has vowed that now that he is going he will not spend too much time telling the Mayor of Streaky Bay how to do his job. I find that maybe a little hard to believe, but I do look forward to being out there to see Graham.

Can I also say that, as a bit of a blokey bloke myself, who likes to fish and, God forbid, even a shoot now and then, I know that Graham has some sporting interests that are very similar to mine, I look forward to being out in that beautiful country spending some time with Graham and his brother slaughtering a few whiting and doing the things that we enjoy doing.

Graham, good luck in the future, mate. I was thinking we might need a new agent-general in London one day, or something like that, ideally suited to someone of your status, but, no, I had better leave that alone, because the Premier is starting to get upset. I do look forward to getting some time out there. I promise you, Graham, that I will not try to break your record.

I will not be here this afternoon, so for those others who are voluntarily retiring, like I said, all my best: Rory McEwen, of course, was a minister with us, and two women on our side, Trish White and Lea Stevens; and Liz Penfold. I wish good luck to everyone, better luck to our side. Can I honestly say that I sincerely hope that every one of our retirements this time are voluntary.

Graham, it is good that you are going, because, frankly, I think it is the only way that we would ever have got rid of you. Congratulations.

Mr WILLIAMS (MacKillop) (12:33): I am also delighted to join in supporting this motion. Can I say to the Minister for Transport that I think Graham and I were hoping that he would get an appointment as chairman of the Native Vegetation Council rather than as agent-general in London. He has my full support for that, although London is not a bad gig, Graham; we won't knock it if they offer it to you.

It was alluded to in an earlier debate that when I came him here I was an Independent. Graham Gunn has a very keen eye for politics. I remember the first day I met Graham. I walked in here off the street. It was the only the second time that I had been in the building, and I was wandering around. Next thing, this chap came along and said, 'You'd be young Williams, wouldn't

you?' He grabbed me and said, 'Now, you're going to need some fine accommodation,' and he led me upstairs to a room on the first floor, and it was one of the better offices. He said, 'I think you will be comfortable here and we'll get one of those big settees.' He said, 'A man from a country seat like that, you might need to have a sleep in the afternoon from time to time.' He was the most accommodating person I met (probably in the last 12 years, actually). Graham couldn't do enough for me. That was my introduction to the parliament.

My relationship with Graham has only grown from that day. He is a man that I have had a great opportunity to spend a significant amount of time with. Quite often we share a cup of coffee in the morning, and generally Graham will ask how things are in the South-East. We will talk about land prices and sheep prices, how the crop is going, where it is raining and where it is not, and discuss agricultural matters across the state.

As the Premier said, I have had the opportunity to go to the Far North of the state—Graham has taken many of his colleagues there. When members of the government struggle to work out why Graham continues to get so much support in that very marginal electorate, they only have to go into the electorate with him to see where the support comes from. You can go to any corner of his electorate, and he is instantly recognised and loved.

He will walk into the local school and he will know the young teacher, who has just been shifted into the middle of nowhere after spending her first 21 years in Adelaide in the bosom of her parents. Out in the middle of nowhere Graham will walk up to her and have a kind word, and ask how she is getting on. The old bushies who have been out there for 100 years, Graham knows them all, he knows their stories, he knows all about them. He says to them, genuinely, 'I'm here, I'm at work. Do you have any issues? Is there anything bothering you? Is there anything I can do to help?' I concur with those who have already said it: I reckon I do a reasonable job in my electorate but I have never seen a member of parliament more dedicated to their electorate than Graham Gunn.

I will reveal to members opposite that, since I have known him, Graham has had, both in the house and indeed in the party room, a set of fundamentals for which he has always argued the case. Shadow ministers bring into the party room, at their peril, recommendations that we support government legislation which gives new powers to authorised officers. Gunn has a list of what powers are reasonable and a book of those that are unreasonable, and, more often than not, he wins the debate in our party room. Sometimes we do not win the debate on the floor of the house, but he is absolutely consistent.

In Graham's opinion, at least, authorised officers should be somewhat curtailed; native vegetation has its place, and it should not be out of its place; and outback roads should have a speed limit which is in context with outback roads that have perhaps one or two cars going by every couple of hours. To Graham, some of these things are immutable.

Graham, I have no idea how much longer I will stay in this place but I would like to say that I agree with most of the things you have argued are immutable, and I hope that I and some of the colleagues you leave behind will carry on that tradition and protect those principles you have held so dear. You have taught all of us a considerable amount about how we hold legislation within the realms that our constituents would expect us to do. That has been one of the important lessons you have taught me.

It has already been said, and I can only repeat it, that Graham holds the highest ethical standards. Everyone knows that, if you give your word or make a statement, you live by that, and I believe that is why you are so respected by both sides of the house. I think we are all collectively saddened that you will not be here on a daily basis, and I hope that we see you from time to time. I am sure that you would be most welcomed by all your colleagues here who have served with you, and we look forward to seeing you in the future.

I hesitate to say that our loss will be Stuart's gain. I am not too sure that he will be as delighted about your retirement. However, from my knowledge of your wife Jan, I think she will be delighted—

The Hon. G.M. Gunn: She's up there.

Mr WILLIAMS: She is here now; she was not a moment ago. Jan, I think you will be delighted to have Graham at your beck and call every hour of the day. I am sure that he will be delighted to fall into that role—there will be no little job undone. Graham, can I say congratulations on the time that you have spent here, congratulations on what you have done for the people whom

you have represented, and thank you very much for your friendship. I wish you and Jan and your family all the best for the future.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (12:40): I will only speak briefly but I also wish to acknowledge Graham Gunn. Whilst I know that is unparliamentary, I would rather refer to him as Graham Gunn, if I can have the indulgence of the house and the chair.

I first met Graham Gunn when I was a ministerial adviser some 23 years ago and, particularly when Lynn was the minister for agriculture, Graham often had views and issues that he wanted to raise with government in those days. I can echo the words of my colleague that Graham always came very constructively to government and put very forceful views but always did so in a very professional manner and did not take opportunities, as many of us do, myself included, to use the theatre of politics to make a point.

Graham has been an incredibly successful politician. I think he does our profession proud for the fact that he has been able not only to represent a rural seat but also to understand the broad range of issues that this parliament has to deal with, not just purely from the electorate's point of view. Graham Gunn was a fine speaker, although, I must say that I was the victim of many an error in judgment by the then speaker—not that speakers normally make errors, sir, but in Graham's case, there were at least three, maybe four occasions when he kicked me out of the parliament. I was suspended, I think, three or four times.

It is true that Ralph Clarke was suspended for raising an eyebrow. God's honest truth: I was sitting there and Ralph raised an eyebrow in disgust at a decision by the speaker and he was booted out. Graham was a bit of a machine gun when he sat in that seat; he had a revolving door. I must admit, though, that nothing will ever eclipse the performance of the member for Kavel's father and former speaker Peterson. That was one that I will never forget. I never thought somebody could be named three times whilst leaving the place. Thank God for the Liberal Party that it was not a fourth time: that would have meant a suspension from the house for nine days and he would have lost his seat.

Graham has been an outstanding member. To his family, his wife, Jan, he has been able to straddle business, personal life and parliament very effectively over a long period of time. You are a tribute to the house, Graham.

Can I say just on the chance that there will be a speaking list later, if I can also have the indulgence of acknowledging the retirement of Lea Stevens, somebody I have known for many years, a very good minister in this government, an outstanding member of parliament and somebody who has served her electorate and her party very well. I wish Lea all the best in the future. Trish White, who came into the parliament (as did Lea actually) just after me, was also a very good minister. She has had a good career in parliament and been a great representative, and I wish Trish all the best for the future.

Mr HAMILTON-SMITH (Waite) (12:43): I would like to add my words to those of earlier speakers. The member will be missed. I am wondering whether he will be missed by his good wife, Jan, because I get the feeling that she will be seeing a lot more of him over the next few years. I have to say—and I do this in a muted way, because I know that the member has a house in my electorate—that I suspect that he is going to have a good deal of trouble getting his good wife, Jan, to remove herself permanently back to the farm. I get the distinct impression that, along with Harold Allison and one or two others, I am going to be seeing the good member over the coming years. I am sure that he will be forthcoming with advice on regular occasions in my electorate office where he will always be welcome. I can guarantee to Graham that I will be passing those words on in the party room in the years ahead as they are passed to me at my local office.

I was a teenager when the member for Stuart joined the parliament. Some of us here probably were not even born then because it goes back that far. It is really the changing of the guard. In a sense, Graham takes with him our memories of an earlier generation of MPs, because the parliament has changed a great deal over the time that Graham has been a member. In some respects, they were gentler times. I do recall the member regaling me and others about the quality of debates in the 1970s; some of the great debaters in the place during the 1970s and early 1980s; and some of the great characters that the member has seen in his time here. There have been some great characters and some great times, and it has been 39 very important years for South Australia. The member has been part of some of the key decisions this state has experienced in that period.

He takes with him quite a bit of corporate memory and that corporate memory will be missed. Along with others, I have enjoyed some trips to the Far North with the member. We have had good yarns from Arkaroola to Birdsville and from Heathgate to Innamincka, most recently. In fact, I thought we would still be there now when it rained before our aircraft took off the other day. It has been fantastic going up to his electorate. I can endorse the comments made by others that, when you visit the electorate with Graham, you really get a feel for what being a good member in a marginal seat is all about. Graham is a great character in Stuart, a great character in the Far North and a great character in the Australian parliament.

I am going to miss him. During debates in the party room, I am really going to miss him saying, 'I don't need to be here. If you disagree with me, I don't need to be here; I can leave now.' I can tell you that was pretty exciting when we were a marginal government and there was only one seat the difference and everyone was thinking, 'Well, gee, Gunny, if you don't need to be here and you take off, where will that leave us?' I can also say that I really miss the excitement of the Economic and Finance Committee when we were in government and Graham was the chair, and opposition members were the likes of the member for Port Adelaide, the member for Mitchell—

The Hon. R.J. McEwen interjecting:

Mr HAMILTON-SMITH: Yes, the member for Mount Gambier was there; the member for Fisher. There we were in Economic and Finance—there was Gunny and me and the rest at one stage. It was a pretty rocky time. I think it was our Star Chamber, Graham. Poor old Graham pulled out whatever hair he had remaining during that four years, let me tell you. It has been a fantastic experience knowing you, Graham. You take with you 39 years of experience in this place. All the characters, all the personalities who have worked with you go with you in a way, and we will certainly miss you, mate. All the best in your retirement. To Jan and the boys, I just say: you gave him to us 39 years ago, we are giving him back. I have a cafe right next door to my office in Mitcham, so, Jan, feel free to come down and have a yarn with me and Jane any time if it gets too much; all right. I am sure you will love it.

The Hon. R.J. McEWEN (Mount Gambier) (12:48): I am just going to tell one quick story because all of us are going to tell wonderful stories about Graham. You learn more by the mistakes you make than by anything else in this place, and I learnt one thing; that is, Graham Gunn feared one person—Dorothy Kotz. How did I learn that? Because part of this committee to which Martin just alluded one day voted down an NRM levy. Graham looked around and said, 'Someone needs to tell the minister, I'm busy. Rory, would you mind telling her?' I went to Dorothy Kotz's office. I said, 'Minister Kotz, I have been asked to tell you on behalf of the Economic and Finance Committee that we have voted down an NRM levy.' Well, I went looking for Graham and I could not find him, and when I eventually found him, I have never seen a smile like it. He thought that young fellow is wet behind the ears and have I taught him a lesson today!

He has taught many of us lessons in this place and they are wonderful lessons, and I think we will all leave this place saying we are much the richer, the state is much the richer and this parliament is much the richer for that remarkable man. Graham, you are an absolute honour and a treasure.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (12:49): My contribution will also be brief, but I could not let this moment pass without making a contribution to acknowledge the enormous amount of time, effort and good things that the member for Stuart has done for this state and for his community. I came into this place as a very young girl, very green in the way of politics, and I learnt some very early lessons from the member for Stuart. I have to say that we got off to a fairly rocky start, but, through the years, I have learnt to grow extremely fond of the member for Stuart, Graham Gunn. I have enjoyed very much our discussions over lunch, and I have certainly learnt a lot in the way of politics from Graham, particularly about how to get things done in your electorate.

There is no better master of how to service an electorate and look after the people you represent than Graham Gunn. Certainly, he has been a great example to me as a member of parliament in terms of how you go about—in an honourable way, with integrity and dignity and with an unflinching commitment—supporting the people who vote you into this place. He takes his position and his responsibilities extremely seriously. He is a tremendous person.

I join with the member for Mount Gambier in saying that it has been a great honour to serve in this place with him. I certainly wish him, Jan, and his family all the best for the future. I know that he never looks back, he always looks forward. I certainly wish him well with the career he will

embark upon once he leaves this place, because I know that we will not have heard the last of the Hon. Graham Gunn.

The Hon. I.F. EVANS (Davenport) (12:51): I will also not be long. I support everything other members have said. I had the pleasure of being the environment minister in the former government. People have spoken of Graham's passion for his view in representing his constituents. I think it is fair to say that Graham gave me an education in the Native Vegetation Act, because every time I tried to raise something Graham would clarify the matter for me in no uncertain terms.

We had long discussions about marine parks and, if I recall, he certainly loved the emergency services levy. All those issues meant that Graham and I had some long and interesting discussions, but I think that Mitch Williams, the member for MacKillop, makes the correct call on Graham. Graham came here, I think, with a passion for his community and his constituents. He is that style of MP. We all choose our own style as MPs, but Graham had a passion for his community, which he and Jan have represented for well over 40 years—and I acknowledge the tremendous effort of Jan in supporting Graham.

Graham represented his constituents brilliantly. He was not here to be a populist for the media; he was here to represent his constituents. I think the reason he had such a long and successful career was because of his passion and his capacity to do that. Graham always told you up front what his view was. He was not someone who went behind your back and changed his mind. If he had a view, you knew what his view was. Congratulations to both Jan and Graham on what has been an outstanding contribution to their community and to South Australia in general.

Mr PEDERICK (Hammond) (12:52): I, too, wish to congratulate the Hon. Graham Gunn, the member for Stuart, for his service to the parliament. Before I entered this place many people would say to me, 'I know the member for Stuart, Graham Gunn' or 'My family knows Graham Gunn—he is held in very high regard throughout the community.'

As a member entering this place, it was great to receive very sage advice from Graham on a whole range of issues. Graham left absolutely no doubt about how a member of parliament should perform his or her role, either in this place or out in the community. I have received very good advice over the last 3¾ years. As everyone has indicated, Graham is very direct in what he has to say. He is very firm in his beliefs, and I believe this is why he has remained the member for Stuart for almost 40 years.

I certainly acknowledge the support of his wife, Jan, and his family. I just hope that the family are ready when Graham does leave this place because he has indicated on several occasions that he might return to the farm. Certainly, I have enjoyed the camaraderie with Graham. You can have a discussion with Graham and you can have a different point of view. I have certainly always respected his point of view and he respects the fact that you have a different point of view; but then, moving forward, he does not hold a grudge.

Graham, as I believe he has done in his whole political career, just gets on with the job, because he knows that tomorrow is another day. Graham has given me advice about the Speaker, and I note the comments made today. He said, 'Even when the Speaker is wrong, he is right.'

The Hon. A. Koutsantonis: They were the days!

Mr PEDERICK: They were the days.

Mr Williams: Don't raise your eyebrow.

Mr PEDERICK: So I do not raise my eyebrow, absolutely, member for MacKillop. It has been pleasing to talk to Graham, a fellow farmer, and engage in conversation with him about the good yields from his property on the West Coast this year and hear how the harvest is going, and filling the box in eight minutes, and all that sort of thing. I have shared his excitement, because it is great when there are good yields. It is just sad when the money is not there, but every farmer enjoys it when it is pouring into the bin. I will certainly miss those discussions that we have had but, hopefully, I will run into Graham down the track and have many discussions with him either about being in this place or out in the farming communities.

I certainly wish Graham and his family all the best in the future. It has been a great career that has spanned almost 40 years. Thank you Graham Gunn.

Mr GOLDSWORTHY (Kavel) (12:55): As other members in the house have stated, Graham was elected to this place for the first time in May 1970. He entered the parliament with my

father, amongst other newly elected members, at that election. As we know, he also served with the fathers of a number of current members: the member for Schubert, the member for Bragg, the member for Davenport and the Minister for Police, from memory. So, Graham has served with at least four or five second generation members of parliament.

As other members have said in their contribution to the house, there are no greys with the member for Stuart. There is black and white; there is no in between. He is a man who knows exactly what he wants and where he is going, and he communicates that very well.

I knew Graham, obviously, prior to 1970, when he and my father were running in that election. So, I have known him since I have been a young lad. He has been to our family home on a number of occasions and I know that members of our family, particularly my father, have visited the member for Stuart's electorate, which previously was called Eyre, I think, before the name was changed to Stuart. I also remember quite clearly a time when I was working at Ceduna. One afternoon we were in the hotel, and who should roll up but the member for Stuart. There was great fanfare in the bar when he came in, and we had a drink with him.

Graham, as we know, is strong of character and resolute in his approach. He has been an outstanding local member. I regard him as a good friend. He has given me sound advice over the last eight years that I have been a member of this place. Congratulations to Graham and all the best to his wife Jan and his family. I know he has been well supported by them and his staff. Best wishes for the future to the member for Stuart.

Honourable members: Hear, hear!

Mr BIGNELL (Mawson) (12:58): It is a wonderful honour to stand here today and say thank you to all those who have made contributions to this motion. Some very funny anecdotes and some great stories have been told about the member for Stuart's 39 years and 10 months as a representative of the people of his area in the Parliament of South Australia.

I think the one thing that shines through is that everyone has said that Graham is a man of his word and a man of great integrity. No greater honour can be paid to a man. I congratulate him on everything that he has done for the people of his electorate and the people of South Australia.

From one of the newest members in the place to the man who is currently the longest serving member of any parliament in Australia, thank you on behalf of the people who have come into this place since 1970 for your guidance, your words of wisdom and the example that you have set on how to behave in this place, and also on how to behave in your electorate and how to go in to bat for the people you represent. Graham is a fine, upstanding member of this state and we thank him very much.

I would also like, through you Mr Speaker, to ask Hansard to provide the member for Stuart with four bound copies of all the tributes that have been paid to him: one for Graham and Jan—and, Jan, I wish you all the very best with Graham in your future together—one for each of Graham's sons and one for the Streaky Bay museum, where I know a lot of his memorabilia and political notes and everything else will be stored into the future. Congratulations Graham: we salute you. I commend this motion to the house.

The SPEAKER (13:00): The member for Stuart was elected to this place a couple of years before I was born, so as the baby of the parliament I should make some remarks to the father of the parliament. The member for Stuart does pride himself on being the most right wing member of this place and without him that mantel will have to pass to others. I am sure that others are ready to take his place.

When I took the office of speaker his advice to me very early on was not to rely too heavily on his rulings—as I was threatening to do. I have taken that advice. An example of the man is that when the position of speaker for a number of reasons was no longer available to him after the 1997 election, he took that loss without any rancour at all. He saw himself as a servant of his party and he would serve his party in the best way he could; and that is a great mark of the man. He was not bitter at what happened.

Likewise, he has contested marginal seats for his party and held seats that otherwise would not have been held. When other members of his seniority would have sought a safer seat to contest, the member for Stuart, knowing that the only way his party would hold the seat, continued to serve his party by contesting those marginal seats; and, again, that is a mark of the man.

Finally, his advocacy for the supremacy of the parliament is a recurring theme of the member for Stuart. Over his years he has shown tremendous courage. He has been willing to take on the executive, especially when his own party was in government. He showed tremendous courage in holding the executive to account and performing his duties as a member of this place and a parliamentarian.

With those remarks I thank the member for Stuart for his good advice and friendship since I have been a member of this place. I also thank Mrs Gunn and I wish them both well.

Motion carried.

[Sitting suspended from 13:03 to 14:00]

PUBLIC EDUCATION FUNDING

Ms BEDFORD (Florey): Presented a petition signed by 6,436 residents of South Australia requesting the house to urge the government to immediately resolve the public education funding dispute by increasing funding for schools, preschools and TAFE colleges.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett): Presented a petition signed by 2,244 residents of South Australia requesting the house to urge the government to abandon its plan for a new Marjorie Jackson Hospital and instead rebuild and revamp the RAH at its current site.

NAIRNE RAILWAY STATION

Mr GOLDSWORTHY (Kavel): Presented a petition signed by 197 residents of Nairne and greater South Australia requesting the house to urge the government not to demolish the railway shed at the Nairne Railway Station.

HERITAGE LISTED BUILDINGS AND NATURAL HERITAGE PLACES

Mr HANNA (Mitchell): Presented a petition signed by 31 residents of the City of Onkaparinga and greater South Australia requesting the house to urge the government to take immediate action to reprioritise the budget funding for our state heritage listed buildings and natural heritage places.

PAPERS

The following papers were laid on the table:

By the Minister for Sustainability and Climate Change (Hon. M.D. Rann)—

Climate Change and Greenhouse Emissions Reduction Act 2007, Review of the—
Report 2009

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

Planning and Local Government, Department of—Report 2008-09
Proposal to Establish of a Super School at State Sports Park, Briens Road, Gepps Cross—
Report

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

Land Management Corporation—Addendum—Report 2008-09

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

Australian Energy Market Commission—Report 2008-09

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

Justice, Department of—Incorporating the Attorney-General's Department—
Report 2008-09
Legal Practitioners Conduct Board—Annual Report 2008-09

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

Trustee (Charitable Trusts) Amendment Bill 2009—Draft Report and Amendment Bill

By the Minister for Environment and Conservation (Hon. J.W. Weatherill)—

Adelaide and Mount Lofty Ranges, Eyre Peninsula, Kangaroo Island, Northern and Yorke,
South Australian Arid Lands and South Australian Murray Darling Basin Natural
Resources Management Boards
—Response to Reports relating to Levy Proposals for 2009-10

By the Minister for the River Murray (Hon. K.A. Maywald)—

Water Resources Management in the Murray-Darling Basin: Critical Water Allocations in
South Australia—Response to Report by the Natural Resources Committee

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION ACT REVIEW

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) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today I have tabled the results of a review prescribed under section 21 of South Australia's Climate Change and Greenhouse Emissions Reduction Act. The purpose of the section 21 review is to assess the degree to which South Australia is achieving the objects of the act and the need for additional legislative measures, including mandatory measures. The key objects of the act relate to greenhouse gas emissions, renewable electricity, sector targets, energy efficiency, research and development, commercialisation of renewable energy and technologies, consultations and climate change adaptation.

The Premier's Climate Change Council was consulted during the preparation of the review report. That consultation further included a stakeholder engagement group consisting of nearly 100 business, environment and community organisations. The submissions received are included in the report and factored into the government's response, which will also be tabled today. These findings relate to the progress being made in this state with regard to tackling climate change and repositioning our economy to excel in a low carbon global economy. They are also relevant to, and impacted by, the federal effort to pass an emissions trading scheme.

South Australia remains the only state in the nation to have passed climate change legislation, and this government remains committed to ensuring that the commitments made under that legislation are met. This review does not reveal that achieving the objects of the act will be easy—certainly it will not be easy—particularly in the absence of federal legislation to cap carbon emissions and set a price on carbon. However, it does show that South Australia is progressing positively towards meeting our targets, and it reinforces that results can be achieved if tough decisions are made, if clear commitments are enshrined in law and if targets are backed up with the necessary programs and actions required to ensure that they are achieved.

I am extremely disappointed with the results of yesterday's carbon pollution reduction scheme vote in the federal Senate. The climate change deniers, led by Tony Abbott and the right faction of the Liberal Party, voted down the CPRS in the Senate, referring to the scheme simply as a new tax, whilst appearing blind to the critical importance of that legislation. It is a mechanism to put a price on carbon and to move Australia down a low carbon path, a direction in which we must begin to move both for the sake of our economy and for the sake of the environment. We must also remember that Australia has ratified the Kyoto Protocol and, regardless of the success of further international commitments, we have greenhouse emissions reduction obligations under that agreement.

The CPRS provided a mechanism for Australia to achieve those commitments, to provide leadership at the Copenhagen Climate Change Conference that is beginning next week, and to be on the front foot as the world rapidly pushes towards a lower carbon future. Taking action to address emissions is also part of our global responsibility. Although Australia has a small population in global terms, we have one of the highest emissions intensity levels in the world, largely based on the carbon intensity of Australia's electricity supply. According to the Garnaut Report, which draws on International Energy Agency data:

The emissions intensity of Australia's electricity supply is the highest of any OECD country. It is 98 per cent higher than the OECD average—

98 per cent higher—

and 74 per cent higher than the world average. There are only eight countries in the world with an emissions system that is more emissions intensive than Australia: Bahrain, Botswana, Cambodia, Cuba, India, Kazakhstan, Libya and Malta.

As the report I am tabling today outlines, the greenhouse gas intensity of the South Australian economy has reduced between 2000 to 2007, and prospects for an acceleration of the historic rate of reduction of greenhouse gas intensity are good. So we have seen a reduction in greenhouse gas intensity in South Australia.

The data clearly shows sharp improvement, particularly starting in 2006-2007, which can be attributed in part to the substitution of greenhouse gas intensive electricity from Victoria by South Australia's wind power. And there is the key to it: we are investing in renewable energy as a state, and what we are seeing is our greenhouse gas intensity reducing.

South Australia's emissions intensity is significantly below the national average and continuing to decrease. This government is taking action to ensure that that trend continues and has actively reinforced its commitment to renewable energy generation as a replacement for more carbon intensive forms of electricity.

In June 2009 the state government announced a new renewable energy target of 33 per cent of South Australia's electricity generation to come from renewable energy by 2020. That will put us in absolute leadership position. A renewable energy industry plan is currently being developed. A \$20 million renewable energy fund has been established to underpin the growth of renewable energy and to assist the development of renewable energy industries in the state.

Our performance in the area of renewable energy has shown that our policies are working. South Australia has been leading the nation in renewable energy uptake. The state has nearly half of the nation's wind energy capacity, with further wind farms under construction. I am further advised that South Australia has 15 grid connected PV systems per thousand households, more than double the installations of any other state. South Australia has also attracted more than 90 per cent of the nation's investment in geothermal exploration.

Starting on 7 December 2009 over 60 governments from around the world will meet in Copenhagen to negotiate a global deal on climate change. Kevin Rudd will be part of those negotiations, but will now be unable to step forward with a legislative carbon cap and a mechanism to ensure that it is achieved.

I will be leaving for Copenhagen next week to chair the state's and region's network's Climate Leaders Summit, which will focus on gaining commitments from subnational governments from around the world and reporting back on targets that were set last December during the previous summit in Poznan, Poland. I was chair of the Poznan summit for the states and territories, and I was pleased to have achieved a strong statement of actions from the leaders who attended.

We committed to a range of actions including: establishment of renewable energy targets; improvements to the greenhouse performance of government operations; exchange of information about best practice policy and research; provision of assistance to at least one region in a developing country; and exchange of leaders, practitioners and experts between subregional governments.

Based on the conclusion that 80 per cent of all climate change decisions will be made at state and regional levels, this summit in Copenhagen will be extremely important to the near-term actions that will be taken to address climate change. While in Copenhagen I will also be taking part in a roundtable focused on speeding the introduction of electric vehicles to the world's markets and holding a series of bilateral meetings with other government and business leaders.

Despite the disappointing CPRS results forced yesterday in the federal parliament, this government will continue to take action to address climate change within our state through our interactions with the federal government and internationally. I am convinced that this is not only in the best interest of our environment and part of our responsibility as global citizens but also in the best interests of our economy.

WATER PRICING

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I rise today to inform the house of the water prices for the 2010-11 financial year. Members would be aware that the government is obliged to set water prices in accordance with National Water Initiative principles established under the Howard Liberal government in 2004. These principles oblige the government to set prices to recover the capital and operating costs of the water system in each state.

Members will recall that in December 2007 the government announced the first in a series of significant water price increases to recover the cost of the government's record investment in water infrastructure and to better reflect the value of water. This record investment to secure South Australia's water supply and decrease our reliance on the River Murray includes the new 100 gigalitre desalination plant powered by renewable energy.

The Adelaide desalination plant is at an advanced stage of construction, and is on track to deliver the first water 12 months from now. The investment also includes the Network Water Security Program to connect the north and south metropolitan water supply systems, and River Murray water purchases for South Australia's critical human needs, as well as rebates to encourage the public to buy water-conserving products.

Water prices will rise in real terms by 21.7 per cent on average (before inflation) from 1 July 2010, with the fixed annual water supply charge rising by \$4.80, or 3 per cent. The average South Australian household water bill will increase by \$1.62 a week in 2010 under these new water prices. Sewerage charges will rise in real terms by 0.8 per cent for metropolitan customers and 1.3 per cent for country customers, with actual rates to be announced before July 2010. The new water prices for 2010-11 will apply only to water used from 1 July 2010, and they compare favourably with the current 2009-10 prices charged interstate.

South Australians have been doing their share to help us through the drought. During the 2008-09 financial year the average South Australian household consumed about 190,000 litres, a 32 per cent drop compared to the 2002-03 drought year, when annual household use averaged 278,000 litres.

Pensioners and commonwealth low income Health Care Card holders will continue to be assisted in adjusting to the new prices, with concessions of 20 per cent of the total annual water bill, from a \$95 minimum to a \$200 maximum. The existing \$95 sewerage concession also remains in place.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:15): I have to report that the managers have been at the reconvened conference on the bill, which was managed on the part of the Legislative Council by the Hons J.A. Darley, R.D. Lawson, B.V. Finnigan, S.G. Wade and P. Holloway, and we there delivered the bill, together with the resolution adopted by this house, and thereupon the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses that the following resolutions be agreed to:

As to Amendment No.1

That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 6, page 4, lines 19 and 20 [clause 6(6), inserted subsection (5), definition of prescribed summary offence]—Delete the definition of prescribed summary offence and substitute:

prescribed summary offence means—

- (a) a summary offence that results in the death of the victim or a victim suffering total incapacity; or
- (b) a summary offence (other than a summary offence of assault) that results in a victim suffering serious harm:

serious harm means—

- (a) harm that endangers a person's life; or
- (b) harm that consists of a loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or
- (c) harm that consists of serious disfigurement:

And that the House of Assembly agrees thereto.

As to Amendment No 3

That the Legislative Council no longer insist on its amendment.

As to Amendment No 6

That the Legislative Council no longer insist on its amendment.

How marvellous that men and women should dwell in unity.

ECONOMIC AND FINANCE COMMITTEE

Mr RAU (Enfield) (14:16): I bring up the 70th report of the committee, entitled Consumer Protection for Farmers: Reaping a Fair Harvest.

Report received and ordered to be published.

PUBLISHING COMMITTEE

Ms THOMPSON (Reynell) (14:16): I bring up the report of the committee for the third session.

Report received and adopted.

QUESTION TIME

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:17): My question is for the Premier. How can the Premier be trusted to deliver on yesterday's Adelaide Oval announcement when a little over a year ago the Premier listened to the same experts and promised to deliver a different result? In a radio interview on 2 June 2008, the Premier said:

We listened to the AFL, to Andrew Demetriou, we listened to the SANFL, we also listened to the Crows and Port Adelaide, so ultimately we went out and listened to experts. We listened to the football community in South Australia and they said back a redevelopment of AAMI Stadium and that's exactly what we're doing.

And then yesterday the Premier said:

Port and Crows strongly support this, SANFL strongly support it, the AFL and Andrew Demetriou strongly support it and so does the South Australian Cricket Association.

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) (14:18): This election campaign will not just be Liberals versus Labor: it is going to be Liberals versus footy, Liberals versus cricket, Liberals versus sport, Liberals versus a world-class hospital. That is the key point. The fact of the matter is that the time you were talking about, football was opposed to leaving AAMI Stadium and I said, quite rightly, that we were going to back what football wanted for football, not what someone else wanted for football.

Here we have a situation today, however, where we said to all the codes, 'When you are united come and see us and then we will back you in, but we are not going to back a divided house'—like the Liberals are. The point is that, talking about consistency, I have a document here: the state Liberals' plan for a new stadium at Riverside West. This is very interesting, actually. The document states:

If Adelaide Oval were to emerge as a viable city option, this would satisfy the state Liberals' stadium vision.

An Isobel Redmond statement. I guess the thing is that I have been consistent in saying I will back what footy wants for footy and I will back a united front by cricket and football. You have had eight different stadium designs and one that would bankrupt the state.

Members interjecting:

The SPEAKER: Order!

AGRIBUSINESS SECTOR

Mr BIGNELL (Mawson) (14:20): My question is to the Minister for Agriculture, Food and Fisheries. How is South Australia's agribusiness sector performing in comparison with the rest of Australia?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (14:20): I thank the member for Mawson and acknowledge his keen interest in primary industries and the fact that half of his electorate contributes to our wonderful agribusinesses in South Australia.

Mr Venning: Is he the only farmer over there?

The Hon. P. CAICA: No, he is not. He has an electorate, Ivan. You probably own half the businesses that I am going to talk about, Ivan. There is no doubt that the agribusiness sector and, indeed, the agricultural industry more widely has faced some tough challenges in recent years, particularly in relation to the prolonged drought, climatic variability and difficult global market conditions, including the high Australian dollar. Yet, Mr Speaker—

Ms Chapman: And Labor governments.

The Hon. P. CAICA: It is very interesting that the very good member interjects about the Labor government, but, of course, I did notice last week—I think it was last week and I am sure the leader will correct me if I am wrong—that you held a community cabinet meeting in Mount Gambier and that in the three or four months (or whatever) before the election, you are going to go out there and listen to people to find out what they are feeling in the country areas. Of course, you only have to ask me, because in my short time as agriculture minister, I have been the length and breadth of the state. So, you do not have to go out there, I can tell you what is going on.

Mr Pisoni interjecting:

The Hon. P. CAICA: I am sure you venture a long way out of Unley, I understand that. Yet, despite these difficulties, the South Australian agribusiness sector—

Ms Chapman interjecting:

The Hon. P. CAICA: —they don't like good news—has shown itself to be remarkably resilient. Indeed, in its most recent report, the Westpac and Charles Sturt University Agribusiness Economic Performance Index for the September quarter showed that South Australia was 'the best performing state in Australia'. The index, which is the average of results for business performance, employment and investment indicators, is based on a nationwide survey of 1,200 businesses and includes agricultural producers, as well as suppliers to agriculture (the so-called 'upstream' agribusinesses) and related transport, manufacturing, wholesale and retail (or the 'downstream') agribusinesses. The report goes on to say:

The positive performance state-wide was a result of positive business performance and capital expenditure during the quarter, and, most notably, the strong business performance results in the producer sector.

Upstream agribusinesses, producers and downstream agribusinesses all reported positive economic performance. All sectors reported positive results in business performance and capital expenditure.

It is also worth noting that both upstream and downstream agribusinesses reported positive employment conditions, and all the South Australian regions reported positive economic performance, with the South-East reporting its best results since the inception of the index, as well as being the best performing in South Australia.

The report also found that 81 per cent of agribusinesses in South Australia felt confident about the performance of their business over the next 12 months, this being a significant improvement on the June quarter result of 66 per cent. Most encouragingly, these findings build on the generally positive performances of South Australian agribusinesses in the June quarter, along with the expectation by the report's authors that economic performance will move further into the positive territory in the December quarter, with substantial improvement expected across all sectors.

The outstanding performance of the South Australian agribusiness sector is a tribute to the resilience and adaptability of the people who work in this important sector. It also reflects, despite what the opposition might think, the commitment of this government in supporting this sector to increase its capacity to perform successfully in increasingly competitive domestic and global markets.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:24): My question, again, is for the Premier. Given that the Premier announced yesterday that the SACA and the SANFL have agreed to continue to keep talking, why did he then not ensure that a legally binding agreement between the parties was signed before the state election next March? The government announced yesterday that a legally binding agreement between the SACA and the SANFL must be signed by 1 July 2010. The Premier told the press yesterday:

If any of the parties walk away from a deal this money is off the table for good.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:25): I would love nothing more than to have a legally binding agreement today—or yesterday or tomorrow.

Mrs Redmond interjecting:

The SPEAKER: The leader will come to order!

The Hon. K.O. FOLEY: What I find extraordinary is that there is barely a person in the streets of Adelaide today or in South Australia who does not think that this is a great move forward for sports in our state, except the Liberal Party.

Mr Williams interjecting:

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

The Hon. K.O. FOLEY: The Leader of the Opposition on radio today said that she has never been to AAMI Stadium. Then she said, 'But I've been to AFL matches, you know, like, around the local comp in the city.' They are not AFL games.

Mrs Redmond: I know that.

The Hon. K.O. FOLEY: Where did you go to an AFL game?

Mrs Redmond: In Melbourne.

The Hon. K.O. FOLEY: Melbourne? She prefers to go to watch football in Melbourne but not in her home state. As I said, if I can just have a slight indulgence of the house to talk about my football brilliance, an open-air stadium is essential for footballers, such as me, who could kick a footy fairly well, but—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —we need the wind behind our back for it to be a decent kick.

The Hon. P.F. Conlon: To go 30 metres, you mean?

The Hon. K.O. FOLEY: Just to get a little bit of distance in me old drop punt.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: With all due respect, I would never try to suggest to the leader, with her passion for the arts, whether or not we should have a roof over an arts centre, whether we should have shag pile carpet or whether we should have a great big orchestra playing in whatever. With all due respect, I do not think that the Leader of the Opposition is qualified to make a statement that we should have a roof over a football stadium.

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: A point of order, Mr Speaker. My question was about the need for a legally binding agreement to be signed before March.

The SPEAKER: Yes. I do uphold the point of order. The Deputy Premier must answer the substance of the question.

The Hon. K.O. FOLEY: Thank you, sir; I did digress. Talking about my football experience does require a fair bit of digression from anything, to be honest.

The Hon. P.F. Conlon: And invention.

The Hon. K.O. FOLEY: And invention.

An honourable member interjecting:

The Hon. K.O. FOLEY: I played football with the working grade punters in C grade—right where the real people play footy.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: I did play B grade football, but it was not a lot of games. I was noted for my cricket experience.

An honourable member interjecting:

The Hon. K.O. FOLEY: That is true. Interjections opposite are making me go off course. I would have loved nothing more than to have a signed agreement, but to recap where this has come from and where we are today is important in the context of where we go forward. I refer to the suggestion yesterday by the leader that this was cobbled together in four days as a response to their plan. I wish it was only four days. It has been long (and at some points tortuous) but incredibly satisfying that, in the end, we have got these parties together. When these parties—

Mrs Redmond interjecting:

The SPEAKER: The Leader of the Opposition will come to order!

The Hon. K.O. FOLEY: I would ask the leader to talk to her Liberal Party colleague, a great South Australian, a great Liberal, Ian McLachlan, because I can tell members what Ian McLachlan thinks about this deal: he is over the moon. He thinks this is extraordinary, and he would be very disappointed—

Mrs Redmond interjecting:

The SPEAKER: The leader will come to order!

The Hon. K.O. FOLEY: —if the Liberal Party was not to allow the redevelopment of his beloved Adelaide Oval. He would be very disappointed. The respective groups had a meeting in Melbourne about four weeks ago, as we said yesterday—senior members from both the SACA, the SANFL, the Chairman of the AFL (Mike Fitzpatrick) and Andrew Demetriou. What is called a term sheet was signed, quite a detailed document—

Mrs Redmond interjecting:

The SPEAKER: Order! The Leader of the Opposition will come to order.

The Hon. K.O. FOLEY: The leader knows little about process, and that is evidenced by their slapdash, mickey mouse, Disneyland fairytale in the West End precinct. At that meeting they debated, discussed and reached agreement on what they agree with and the issues that must be agreed for this to go forward.

In any complex negotiations there is a set of stages. The document that was signed (and I sighted it for the first time in Victoria shortly after that meeting when I was there to meet with Andrew Demetriou) was an enormous step forward. Mike Fitzpatrick and Andrew Demetriou were both surprised and delighted that they got that far at that meeting. That document commits both parties to agreeing that this is the right option, the option that both parties want, and these are the issues that need to be resolved so that we can finally get a legally binding document.

Some of those issues are going to take some time—hello! Before they are prepared to commit, they want council approval. You do not get council approval, least of all from the Adelaide City Council, within 24 hours—point 1. The other thing is that they have to agree on a design. They have to agree on issues such—

Members interjecting:

The SPEAKER: Order, the members on my left!

The Hon. K.O. FOLEY: It is not going to happen? Mr Speaker, there is even a chance that we could get it signed off before the election: 1 July is an end date. There has to be agreement on issues such as the facilities for each of the codes; they have to work through corporate facilities; they have to work through whether or not there will be a naming rights sponsor allowed at the oval.

There is a strong view, to which I accord myself, that the Adelaide Oval in itself is a great name. However, they are issues that have to be sorted through.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: So, she knows more than Ian McLachlan, Andrew Demetriou and Rod Payze? That is what the leader is saying. Never having been to AAMI Stadium, she is smarter than the most experienced administrators in sport in this nation. Other issues that are to be resolved are issues such as car parking and exactly how that will be configured. They have made clear what they want. That is not an unreasonable ask, and I do not think that that will be a major issue.

There is also the issue of the membership model. The membership model will be the most complex piece of arithmetic in all of this exercise. They have to build a business model that will accommodate SACA members, AAMI Stadium members, Crows members, Power members and the general public admission members. They have to work out a division and distribution of earnings and they have to work through issues such as the management structure of the stadium marketing authority. They are just some of the issues that have to be resolved. They have to consider appointing architects and engineers and there are, no doubt, a number of other critical issues.

It is impractical and ridiculous to suggest that that could have been done in a matter of weeks or even one month or two. I can say that there was some strong opinion that 1 July was too short a time frame for all of this to be resolved. We insisted on 1 July, and we will be doing all we can to get it done beforehand. But also remember, Mr Speaker, that we do go into a caretaker period, and that takes a whole month or more out of the process.

However, importantly (and I will conclude on this), this was not a Labor government proposal that we brought out from the bottom drawer to somehow gazump the Liberal Party. This is a proposal brought to this government—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —by no-one other than Mike Fitzpatrick, the Chairman of the AFL, Andrew Demetriou, who in my opinion is the finest sports administrator in Australia; Leigh Whicker, the most experienced and finest sports administrator in South Australia; Rod Payze, a man of enormous experience and respect; and Ian McLachlan who, I think, if not the greatest chairman that SACA has had, is very close to it, who for six years has worked tirelessly to improve—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I said 'if not, one of', okay. Don Bradman may have been a great cricketer but whether he was the best chairman, I was not around in those days. I was a great chairman of my cricket club, but not many would suggest that I was a great cricketer.

The Hon. P.F. Conlon: Did you bat or bowl?

The Hon. K.O. FOLEY: Well, did I bat or bowl? Digressing again if I may on the last day—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —when I was chairman of the cricket club, all of a sudden I was able to become captain of the B grade and, as soon as I became captain of the B grade, the use of me as a strike spin bowler multiplied enormously.

These people have come to government with what they consider to be the best plan, what they want, and we as a government have embraced it because we are a government that leads from the front, we are a government that can manage this state, we are a government that has the experience, the track record and the capability to make the hard decisions for leading this state.

Make no mistake, this state would not be in as good a position economically and financially as it is today had it not been for the Rann Labor government. If government in this state wants to maximise economic opportunities, there is only one government capable of doing it over the next four years—and that is the Rann Labor government.

TRANSPORT, NORTHERN AREAS

Mr PICCOLO (Light) (14:36): Will the Minister for Transport outline the investment being made by the state government in transport in the northern and northern peri urban areas?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:36): I thank the member for Light, Tony Piccolo, former mayor of Gawler. His experience as mayor has made him uniquely able to approach the government—in fact pester us on a regular basis—for intelligent programs in the north.

Mr Hanna interjecting:

The Hon. P.F. CONLON: My cynical friend over there has things done for him when he has good ideas. He is the only man I know who went green more through envy than ideology.

Ms Chapman interjecting:

The Hon. P.F. CONLON: Now I have Vickie Chapman saying, 'Still beat you'. This woman is the former next big thing who, every time I see her, goes one step backwards; so I do not think I should be lectured on success by the 'member for nothing to brag about'.

Ms Chapman interjecting:

The Hon. P.F. CONLON: But, please, do go on. As they say, she is the former next big thing—and can I say that the Deputy Premier is a much better cricketer than the Premier.

Of course, we have made enormous investment and commitment to investment in the north. I remind members that prior to the Labor government it was very much the forgotten north. It is now the engine room—

Mr Pisoni: That is why the Premier lives at Norwood.

The Hon. P.F. CONLON: I am sure that witticism meant something to those on that side. Unfortunately, it is lost on me.

The truth is that we have made the north the engine room for investment. Of course, the south is not forgotten with the extension of the train line to Seaford. Some \$2 billion has been committed over 10 years to totally renew and transform the public transport system. As a result of intelligent advocacy, we are able to accelerate that, in particular in the north, with \$293.5 million from the commonwealth to fast track works on the 43 kilometre Gawler line, which involves resleepering, electrification of the line, the upgrade of stations and the purchase of new rolling stock—the biggest purchase of rolling stock in the state's history; the biggest investment in transport in the state's history.

The first stage of works on the Gawler line is scheduled to commence in the first half of 2010. We already have an expression of interest out for the complete electrification of the rail system, costing \$400 million. Electrification design works will be underway next year, with major site installation works in 2011, and the first electrified Gawler line service is to commence in 2013, which involves the purchase of 64 new electric trains. I think almost half of those are committed to the Gawler line, it being 43 kilometres and in such a growth area.

However, it is not just about trains in the north. People would also be aware that, of course, we are funding the biggest and most expensive road under construction at present in the Northern Expressway. I note that my friends on the other side, as Paul Caica says, hate good news. That is why Isobel Redmond is out saying you need a roof. I think that is to keep the drought out.

We are funding the \$564 million Northern Expressway, being built as we speak, which will make a connection from just south-west of Gawler through to Port Wakefield and the Port River Expressway. For people travelling from Gawler it is an enormous boon, and for freight travelling to our newly deepened port it is an enormous boon.

It is not just about big projects; it is also about small projects. I place this on the record, despite the interruptions of the opposition who do not want to hear about a former mayor and a great local member working for his electorate. We saw Graham Gunn go today—a guy who did not do the cheap, tacky politics of his colleagues but who worked for his electorate—and what we have in Tony Piccolo is another man who places his electorate first, not his advancement in some tacky, disunified, treacherous rabble.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: They will calm down after a while, sir. I did notice that when they were not faking their laughter they were getting very quiet between answers yesterday. They were thinking, 'Oh, my god, what has happened to us? Why didn't McLachlan tell us?' But, as I said, it is not just about the big works; it is the unique capacity that Tony Piccolo has brought as a former mayor. I have to say this: I will have a competition with the Leader of the Opposition. I bet Tony Piccolo can tell you every road in his electorate, and I bet the Leader of the Opposition cannot. I bet she cannot tell you every road in her electorate. The truth is that, as a former mayor, he has known how to bring together local government—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: We will have a competition. I do not reckon she will get out of the starting blocks. But, let us face it: she may know more about the roads in her electorate than she knows about football, because she has never been to the football.

The Hon. M.J. Atkinson: She says she knows every road.

The Hon. P.F. CONLON: She knows every road—we will have a go at that.

Mr PISONI: I have a point of order, Mr Speaker.

The SPEAKER: The member for Unley.

Mr PISONI: Despite a written answer, the minister is drifting from the relevance of the question.

The SPEAKER: Yes, the Minister for Transport, I think, perhaps has digressed from the substance of the question.

The Hon. P.F. CONLON: I do apologise, sir, but the interjections, that do not stop when I am trying to explain to people what a great local member Tony Piccolo is, are very diverting.

An honourable member interjecting:

The Hon. P.F. CONLON: I have got a written answer? I haven't, but I have to tell you that, if I did have a written answer, I would not have it supplied by David Pisoni, because his stuff in writing is very unreliable—isn't it Marty? But I do love it when he interjects. It is the little jobs as well, and it is Tony's—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I love their pain. It was Tony's being able to bring together the Gawler council, the Light council and the state government that meant we saw works like the resealing of the Jack Cooper Drive (Tony can tell you all about that); \$1.4 million for a roundabout near the Wright Street junction; \$700,000 on the Adelaide Road and 19th Street intersection; \$330,000 out at Xavier College (and I know his great commitment to the people there); and \$11,000 on median treatments. They may mock, but this is a man who delivers for his local electorate, not by going out and saying, 'Give it to me because I'm marginal,' but 'Give it to me because it is a good idea and we've got a good case.'

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: That is what Graham Gunn has been able to do for his electorate, with a Labor government. It is about putting the people in your constituency before your own shallow political ambitions. That is why the Leader of the Opposition should go out and learn about roads in her electorate. There is no doubt that the Labor government has been very good news for the north. What I would say is that the continued election—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —of Tony Piccolo, mio amico, will see a continuation of that good work.

CREDIT RATING

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:46): My question is for the Treasurer. If spending \$67 million to upgrade the Magill Training Centre would result in the loss of the government's AAA credit rating, as minister Rankine has previously warned, what will spending \$450 million on the Adelaide Oval do to the government's credit rating? Credit rating agency Standard & Poor's indicated on 4 June 2009 that South Australia would retain its AAA credit rating because:

South Australia has a history of capital under-expenditure and is therefore less likely to achieve its forecast debt levels.

The government has indicated that the planned \$450 million contribution involves new spending and funding from other projects being brought forward, both resulting in increased debt levels.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:47): I think the deputy leader really has to stop getting Rob Lucas to write his questions, because that is leading with a chin. What would—

Mrs Redmond interjecting:

The Hon. P.F. Conlon: Language!

The Hon. K.O. FOLEY: What did she say?

The Hon. P.F. Conlon: She said you're full of crap.

The Hon. K.O. FOLEY: I'm full of crap? Oh, Mr Speaker! I take offence at those remarks from the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: No, seriously—

Members interjecting:

The SPEAKER: Order, the house will come to order!

The Hon. K.O. FOLEY: I am shocked at the vulgar language of the Leader of the Opposition, and I ask her to withdraw and apologise, sir.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The word—

Members interjecting:

The SPEAKER: The house will come to order! The word is unparliamentary. I did not hear the remark, but if the leader did say it she needs to withdraw.

Mrs REDMOND: Sir, I withdraw it; it should have been 'rubbish'.

The Hon. K.O. FOLEY: Exactly right, because if you have a no swearing policy there are other words you can use. Right, you've learnt a lesson; that's very good. Leader, let's just say, whether you like it or not, you're just like the rest of us. You not the non-political leader that you'd like everyone to imagine you as. The leader is just like any normal politician.

The issue of the debt: what would their multibillion-dollar City West development do to our AAA credit rating? It would catapult it out of the bloody universe.

Mr WILLIAMS: Point of order, sir. I ask for your ruling. In consideration of your last ruling, sir, is the use of the word 'bloody' in the house unparliamentary? If so, I think the Treasurer should restrain himself and apologise.

The SPEAKER: I think that, without making a definitive ruling on the use of the word 'bloody', in an abundance of caution and in a spirit of bipartisanship I ask the Deputy Premier to withdraw.

The Hon. K.O. FOLEY: Sir, as I said, I apologise. But, as I said, Isobel's just like the rest of us.

Back to the AAA credit rating. The silly, wild, uncosted policies and ideas of members opposite, where they will sell a billion dollars worth of land that does not exist, sell West Lakes football stadium, which they are not allowed to, take the train from Keswick into the city—what do you reckon that's going to do to the AAA credit rating? Hello? Goodbye AAA credit rating.

This government has made it clear that the vast majority of this money is already allocated in the forward estimates, it is already provisioned for. We have already asked for, and are very hopeful of receiving, a sizeable commonwealth contribution. The impact of this statement will, in terms of additional capital expenditure over the next four or five years, in the worst case scenario be \$150 million over five years and in the best case scenario \$50 million.

Let us look at what the opposition's proposition does to the state. They cost their own stadium at \$800 million. Well, we all know that that is not a legitimate number; it would have to be a billion dollars. The \$350 million to shift the Keswick rail yards—

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Yes; but you forgot the overpass for the grade separation. You forgot about it.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Despite what the Minister for Infrastructure has repeatedly said and the advice received from the transport people. You need to have grade separation. I understand that that is the advice of Rod Hook, the head of the infrastructure department—

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Sorry; here we go again. Let us not believe Andrew Demetriou or Mike Fitzpatrick, Leigh Whicker or Ian McLachlan. Let's believe Isobel. Let's not believe Rod Hook and senior government bureaucrats; let's believe Isobel when it comes to trains. The Leader of the Opposition is a walking genius! I do not know why we need all these experts working for government in these areas; the Leader of the Opposition can pop out there and fix all the ills of the world.

The reality is that the advice this government has been given is that Isobel's Disneyland, Wonderland or Las Vegas on the Torrens would be worth billions of dollars. Even Rob Lucas said it; he said it would be \$2 billion or \$3 billion. So I say to the poor excuse of a shadow treasurer, the deputy leader, who has no bite, no punch and no ability, that you have to get up a lot earlier and do your homework because your policies would bankrupt the state.

Mr GRIFFITHS: I rise on a point of order.

The SPEAKER: Order!

Mr GRIFFITHS: This man continues to offer personal reflections.

Members interjecting:

The SPEAKER: Order! I think the Deputy Premier has finished his answer.

ADELAIDE OVAL

Ms CHAPMAN (Bragg) (14:52): My question is to the Minister for the City of Adelaide. Given the minister's opposition to the Victoria Park grandstand, does she support the \$450 million Adelaide Oval redevelopment?

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) (14:53): I thank the member for Bragg for her question. She must be one of the only people in Adelaide or South Australia who does not support bringing back the AFL to the city. I have been on record many times supporting the return of AFL to the oval. It is a no-brainer. Whilst I may not be an experienced footy player—in fact, I have never played footy—at least I have been to AAMI Stadium many times, and many people in my electorate—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —have already told me—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —that having footy in the city is a no-brainer. It is astounding that those opposite oppose it. I am lost for words. They can try to make it a negative, they can try to oppose it, but surely even the opposition can understand that having footy at the Adelaide Oval is a smart idea.

When the last Liberal government was in office it allowed all sports to be Balkanised; they allowed them to be Balkanised by separating the codes, investing in soccer in one place, investing in sports in another. So there were plenty of infrastructure investments that were used for one day a month. How stupid is that? Changing rooms, car parks, cooking areas used for one day a month when, if the facilities were shared by various codes, it would be more efficient. It is smarter to invest in a multipurpose stadium that can be used by several codes than to keep building more facilities. I repeat: it is a no-brainer. The only issues that need to be resolved are the details. You should commend the Deputy Premier—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —for bringing the warring parties together after years of conflict—

Members interjecting:

The SPEAKER: The member for Hammond!

The Hon. J.D. LOMAX-SMITH: —and finding a way through. Okay, I agree that there are some difficult issues that still have to be resolved. The Deputy Premier has spoken about that. Okay, there are nearby residents who, like any group of residents, might argue about on-street parking and noise and all those issues. It has to be managed; there has to be a way through this.

Of course, parking is an issue that we can talk about but it is for the next six months to resolve those issues. Let us face it: the best parking in the whole of South Australia is in the city of Adelaide. We have the most parking spaces of any place in the whole of South Australia and they are within a short walk of the Adelaide Oval. With a bridge it will be even better; it will be a joy. In fact, I will be able to walk from my house across the new bridge and go to the footy.

It will be easy to get to and the issues about the management of the process can be resolved. It is not beyond the wit of man or, indeed, woman—it is probably easier for a woman—to sort out the outstanding issues. I understand people might argue about parking on the Parklands but, again, these matters can be resolved; and, frankly, footy at the oval is a no-brainer.

WATER PRICING

Mr WILLIAMS (MacKillop) (14:56): My question is to the Treasurer. Why did the Treasurer today in his ministerial statement fail to reveal to the house and the public of South Australia what will be the actual dollar per kilolitre charge for water for 2010-11 and will the government now reveal the dollar per kilolitre charge for each of the tariff levels?

I have taken the opportunity to check the record going back to the year 2003 and, in each of the previous years, the government, when announcing the water prices for the following year, has been big enough to reveal the actual per kilolitre charge. Today, they refused to do that.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:57): It is gazetted and, when it is gazetted, it is in the *Gazette*, and I have just been advised by my colleague that it is in the press release. We have gone public on it. I just did not want to bore the house with too many statistics. The press release is out there; you've got it up in the leader's office by now, no doubt. I would have hoped that after—

Members interjecting:

The Hon. K.O. FOLEY: The TV have got it in a press release; they will put it up on the television.

The SPEAKER: Order!

The Hon. P.F. Conlon: A secret press release!

The SPEAKER: Order!

The Hon. K.O. FOLEY: With all due respect—

Mr WILLIAMS: Point of order.

The SPEAKER: Order! I will take the point of order in a minute. The member for MacKillop.

Mr WILLIAMS: I would hate for the Treasurer to inadvertently mislead anyone, sir, but my information is that it is not in the *Gazette*.

The Hon. K.O. FOLEY: No; it's not published yet.

Mr Williams: You said it was in the *Gazette*.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Speaker is on his feet. The Deputy Premier.

The Hon. K.O. FOLEY: I said it will be gazetted.

Members interjecting:

The Hon. K.O. FOLEY: I don't know when the *Gazette* comes out. What I do know is that it's in here, and I have to tell you that the media, these guys up here—the brilliant TV reporters that we are lucky to have in this state—my guess is that they will not say, 'To advise you of what your water charges will be, viewers at home just sit there and listen to Kevin Foley say it in parliament.' No, they will not do that. What they prefer is to do what we do, and *The Advertiser* also needs to have it. They will repeat on screen what is there if that is what they want to do.

Mr WILLIAMS: Read it out.

The Hon. P.F. Conlon: You read it.

The SPEAKER: Order!

The Hon. K.O. FOLEY: What a nonsense.

The SPEAKER: Order!

The Hon. K.O. FOLEY: You want me to read it all out? All right.

The Hon. P.F. Conlon: No, don't; they've got some more questions.

The Hon. K.O. FOLEY: No, we've got more questions. Get a press release for the opposition, if any of my staff are listening. Can we have some press releases from my staff? The media are fully aware of what the kilolitre charges are across the band, but can I say, on the last question time of the parliament, you really have to be able to do a lot better than this.

Mr Williams: You're hiding it.

The Hon. K.O. FOLEY: It is in the press release.

Mr Williams: It's not published.

The Hon. K.O. FOLEY: It's going to be published in the next *Gazette*. You don't put it in the *Gazette* before you announce it. Then we would be accused of not announcing it on time.

Mr Williams: You didn't announce it; that's the point. You are hiding it and you know it.

The SPEAKER: Order! The member for MacKillop.

WATER TRADING, HIGH COURT CHALLENGE

Mr WILLIAMS (MacKillop) (15:00): My question is for the Premier. Has the Premier, or any person representing the Premier, contacted the Victorian Premier, John Brumby, expressing

his concern at the statement made yesterday by the Victorian Minister for Water, Tim Holding, and what action, if any, has the Premier requested? Yesterday, on radio, the Victorian Labor Minister for Water, Tim Holding, in discussing the proposed High Court challenge by the Rann government stated:

The challenge could be a bid from Mike Rann to distract voters from the Michelle Chantelois scandal. It does seem that, you know, that this issue pops up from time to time when the South Australian government wants to distract their people from other issues.

The SPEAKER: Order! I do not think the explanation had anything to do with the question.

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) (15:01): The minister in Victoria did not say that, although, on water issues, I think that minister has lost his way.

Members interjecting:

The SPEAKER: Order!

CHANTELOIS, MICHELLE

Mr WILLIAMS (MacKillop) (15:02): My question again is to the Premier.

The Hon. K.O. Foley: Show us your policy.

Mr WILLIAMS: We saw that from you yesterday, didn't we?

The SPEAKER: Order!

Mr WILLIAMS: Can the Premier advise the house if he, or anyone representing him, contacted Kerry Stokes in an attempt to prevent the Michelle Chantelois story going to air on the Channel 7 network?

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) (15:02): I have never asked anyone to pull such a story.

LAW AND ORDER ISSUES POSTCARD

Ms CHAPMAN (Bragg) (15:02): My question is to the Attorney-General.

Members interjecting:

The SPEAKER: The house will come to order! The member for Bragg will take her seat.

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop. The house will come to order!

Members interjecting:

The SPEAKER: The member for MacKillop and the Attorney-General.

Ms CHAPMAN: Thank you, Mr Speaker. My question is to the Attorney-General. Why have the responses to the dirty tricks postcards not been provided to the Leader of the Opposition? On 28 October 2009, the Attorney-General in this house stated:

I am sure that the Australian Labor Party will be willing to share the responses with the Leader of the Opposition.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:03): I am sure that, when all the reply-paid returns are in, they will be shared, while, of course, respecting the privacy of the people who respond.

FIREARM PROHIBITION ORDERS

Ms PORTOLESI (Hartley) (15:04): My question is to the Minister for Police. Can the minister update the house on the first year of operation of firearm prohibition orders?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:04): Last week marked the first anniversary of the introduction of firearm prohibition orders in South Australia. Through the past year, 19 individuals with extensive histories of violent offending have been served with a firearm

prohibition order by South Australia Police. These individuals have demonstrated illegal activity involving firearms, serious acts of violence, armed confrontation with police, armed robberies and have significant criminal histories.

These orders are only issued in extreme circumstances to individuals who police believe are dangerous or who have a propensity towards violent behaviour. SAPOL has advised me that 14 of the firearm prohibition orders have been served against either full members or associates of criminal bikie gangs. Criminal bikie gangs present the most serious threat to South Australia out of any organised crime groups due to their impact across all levels of crime.

Last month I released figures that showed that the Crime Gangs Task Force has seized more than 86,000 street deals of illicit drugs, more than \$750,000 in cash, over 160 firearms (including automatic assault rifles) and made more than 550 arrests and reports in just two years of operations.

This highlights the impact that SAPOL's Crime Gangs Task Force is having on the illegal operations of criminal bikie gangs and reinforces the state government's stance to disrupt the criminal activity of these bikie gangs.

Firearm prohibition orders give police the power to search individuals subject to an order any time and anywhere—at their homes, business premises, boat or vehicle—to ensure that they are complying with the terms of the order. This government, unlike those members opposite, is committed to ensuring that our communities are safer and that our crackdown on these criminals and criminal gangs will continue.

While we await the outcome of the High Court challenge, South Australia Police will continue to use laws such as these to target the criminal behaviour of these gangs.

ST CLAIR LAND SWAP

Mrs REDMOND (Heysen—Leader of the Opposition) (15:06): My question is to the Minister for Health. Given that the St Clair land swap is part of the government's 30-year plan, which was agreed to by the cabinet of which he is a minister, how can the minister now review this decision?

The Hon. J.D. HILL (Kaurana—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:06): I thank the Leader of the Opposition for the question. The minister responsible for reviewing council decisions in relation to the revocation of land is the minister for local government. She has asked me on this occasion, by way of delegation, to review that decision. The matter, as the leader would know, went to the courts. The minister—

Mr Pisoni interjecting:

The Hon. J.D. HILL: I have no idea what he said, but it interrupted—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley!

An honourable member interjecting:

The Hon. J.D. HILL: This is Brutus over there; that's right, Brutus would know.

Members interjecting:

The Hon. J.D. HILL: We will not get into Cleopatra or Mark Antony. I think that the members opposite may have a misunderstanding as to the requirement of the minister for local government or her delegate in this case. The job of that person is to look at the decision-making process and the decisions of the council as set out in the legislation. I have had advice as to the function that I have to fulfil, and that is the function that I have to fulfil. The parliament gave the responsibility to do this, to go through the process of evaluating the revocation process, to the minister. That is what the parliament did. There is no other way of doing this other than to have the minister fulfil this responsibility.

NATURAL RESOURCES MANAGEMENT COMMUNITY GRANTS

Ms SIMMONS (Morialta) (15:08): My question is to the Minister for Environment and Conservation. How is the government encouraging partnerships with volunteers and other groups in the community that provide important environmental benefits?

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) (15:08): Members may recall that, in June this year, I informed the house about a \$631,000 program to be provided to community groups to support natural resources management. I think at the time the member for—oh, he is gone—MacKillop said that it would not work, it was all too quick and that people would not get their applications in. We actually got 73 fantastic funding applications in that delivered small grants to community and volunteer groups, school recreational groups, outdoor clubs and progress associations that focused on helping local people deliver local projects in their environment.

They really came up with some terrific results. We have seen a new boardwalk by the Port MacDonnell Landcare Group to protect Shelley Beach, the Minda dunes being stabilised by the Holdfast Bay Dune Care Team and many people learning more about their local environment through school and community native garden programs. The Kersbrook Landcare Group received some funding to give the Kersbrook Stone Reserve a better future by removing weeds, pests and rubbish. Even though this group had what I understand are called the 'tongs of death', a weed killing herbicide tool, to assist them, it—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Right; there you go. The projects we funded will involve thousands of hours of grassroots work by volunteers to help control 33 pest plant species across 34 sites of revegetation, including 37 monitoring sites. We decided to take this further, and in August I announced, with the state NRM program, that there would be an expansion of this Community Grants Program. It is now a \$1.5 million program and goes to 80 groups for Landcare, Coastcare and water care work across the state.

The \$1.5 million includes support for the Spalding Community Management Committee to revegetate the town's old dump site with local indigenous species; the Kiwanis Club at the Barossa for the North Para River Community Restoration Project; and the Great Tracks Clean Up Crew, who will conduct trips to remove road rubbish from the Oodnadatta, Birdsville and Strzelecki tracks. As part of the state NRM program, we will also be setting aside some more substantial funding for projects that demonstrate high-level collaboration between NRM groups, landholders and communities.

I am also pleased to announce today that \$5 million has been committed to support 25 projects of this sort. Projects funded include \$481,000 to implement priority actions identified by the Torrens Taskforce, which includes representatives of the Friends of Gulf St Vincent, KESAB, the NRM board, the city council and some other councils—the Adelaide Hills Council and Charles Sturt council; \$217,500 to the SA Murray-Darling Basin NRM board to work with local landowners in the Riverland and Murray-Mallee in the management of feral deer, pigs, goats and rabbits; and \$205,000 to construct a predator-proof 100 hectare fence to protect adult black flank rock wallabies. The Pintji fence will be primarily managed by Anangu and will help transition young wallabies bred in captivity at Monarto to the wild. They are a critically endangered population.

As I have said, the purpose of this funding is not only to help these projects come to fruition but also to marry the great strength of this initiative, which was an initiative of the former minister for the environment, the member for Kurna. I think he should be very proud of the natural resources management system—it is one of his great achievements in his 60 years on this planet today—and I think that all in the house would join me in acknowledging the member for Kurna's birthday today.

One of the small criticisms that emerged about the NRM process is a slight disconnection with local groups. With these grants programs, we have made the reconnection of these local NRM and volunteer groups with the strength of the integrated natural resources management process. I think that what we are now seeing is the revitalisation of the land care, coast care and water care groups, the backbone of which is their volunteer groups. So, we have married that energy that we can mobilise at a local level together with the strategic planning that the NRM boards give us, and it is a fantastic partnership.

WEATHERILL, HON. J.W.

Mrs REDMOND (Heysen—Leader of the Opposition) (15:13): My question is to the Minister Assisting the Premier in Cabinet Business and Public Sector Management. Given the minister's public statement in Port Augusta on 20 July 2009, 'Lawyers, they are necessary tools but

you certainly wouldn't want a lawyer running the government', why did the minister not rule out leading the Labor Party to the election in 2010?

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) (15:14): Mr Speaker, some of my closest friends are lawyers and, indeed, someone very close to me, standing in my own shoes. I must say that I cannot recall making that statement, but I can rule out ever being leader of this party. The leader of this party, who will be taking us into the election and beyond, Mike Rann, is one of the great premiers of this state.

SINGAPORE AIRLINES

Ms CICCARELLO (Norwood) (15:15): My question is to the Minister for Tourism. What is the latest development between the South Australian Tourism Commission and major international carrier Singapore Airlines to boost South Australia as a premier tourist business and education destination?

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) (15:15): I thank the honourable member for her question. Her electorate is very important on the tourism trail, and there will be a day in January when the eyes of the world will be looking on Norwood.

South Australia's international tourism push has been significant in making sure that we can promote South Australia to the world, and that has involved signing recently a marketing agreement between the South Australian Tourism Commission and the international carrier Singapore Airlines.

I pay tribute to Singapore Airlines because they have not only worked with us significantly over the past few years to market overseas but also they have been a significant sponsor of an event being held today at Chateau Tanunda under the banner of Caribbean Magic, a cricket match between Australia and an international cricket team. The players are: Darren Lehmann, Tony Dodemaide, Phil Emery, Wayne Holdsworth, Geoff Lawson, Peter McIntyre, Bruce Reid, Corey Richards, Peter Sleep, Shelly Nitschke, Kenny Benjamin, Joel Garner, Alvin Kallicharran, Junior Murray, Sanath Kaluperuma, Ravi Ratnayake, Mark Nicholas, Robin Smith, Wayne Phillips and Karen Rolton. The event is an exciting build-up to the test match beginning tomorrow.

The MOU with our partner Singapore Airlines includes marketing in key European and Asian markets, with the agreement including China, the UK, France, Germany and Singapore. Already the government has invested an extra \$12 million over the coming four years to aggressively target domestic visitors, and our MOU is about marketing to the world.

We have been instrumental in working to bring more airlines into our state. Increasing flights from 13 in 2003 to 31 international flights per week coming into Adelaide has been a key goal, which we could not achieved without the close participation and work of the international airlines and, of course, Adelaide Airport.

In view of our proactive attack to bring extra airlines into South Australia, we have taken on the approach of having the routes examined again by developing a bid and winning the 2010 Regional Routes Asia Forum, which will be held on Australian soil for the first time next year in Adelaide.

Adelaide won the rights to host this event by working with Adelaide Airport Limited and the Department of Trade and Economic Development, as well as the Adelaide Convention and Tourism Authority. It is a rare opportunity for South Australia to come face to face with airlines from around the world that will use it to bring their key decision makers to Adelaide to help us get more inbound flights. Certainly, expansion of inbound flights is always a forerunner to getting extra inbound tourists.

Once again, I encourage South Australians to support those airlines that support South Australia. If they go overseas they can support South Australian tourism by booking with those airlines that support South Australia as an inbound destination. This MOU with Singapore Airlines is one of the features we are using to promote South Australia, and we will continue to do so into the future.

TRUSTEE ACT

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: This ministerial statement is about the Trustee Act, and I table draft amendments to the Trustee Act 1936 for consultation. Members will recall during the passage of the then health care bill, the government made a commitment to the parliament that incorporated health advisory councils established under that bill would continue to hold and receive donations and bequests previously held by the local incorporated hospitals in trust for those local hospitals.

This commitment was reflected in the provisions of the Health Care Act 2008 which gave the necessary powers to incorporate health advisory councils to undertake these functions. Donations and other gifts to an incorporated health advisory council will only be tax deductible if the health advisory council is endorsed by the Australian Taxation Office as a deductible gift recipient for the operation of its gift fund. The gift fund, in turn, must be established and maintained by the health advisory council as a valid, charitable trust.

Not long before the act came into force and as the department of health was preparing to progress the applications for deductible gift recipient endorsement of the tax office, the tax office advised that incorporated health advisory councils could not be so endorsed because they were not a public hospital or a charity.

Further, a health advisory council could not be endorsed for its gift fund because any trust established by the health advisory council solely for the purposes of distributing money, property or benefits to government institutions (namely, public hospitals or public ambulance services) would not, in the tax office's view, be a valid charitable trust because of its connection to government. This view was based on statements in certain English and Australian cases that government entities could not be the objects of valid charitable trusts. The tax office's advice caused concern to the health advisory councils and the country community more generally, to whom the commitment was made that health advisory councils would continue to be able to establish and manage gift funds, including any existing ones in their community.

An amendment to the Trustee Act 1936 to address validity of the gift funds as charitable trusts has now been the subject of ongoing discussions with the tax office, and I have now tabled the bill to reassure parliament, the health advisory councils and, more generally, the country community that the government is committed to resolving these concerns.

SWINE FLU VACCINATIONS

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:21): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. J.D. HILL: The commonwealth's Therapeutic Goods Administration (TGA) has announced today that the vaccine against swine flu has been approved for children aged from six months to nine years of age. The free vaccine, released in September this year, was previously approved for children 10 years and over. That vaccine will be able to be provided to children aged over three years, and a vaccine for younger children (Panvax H1N1 Vaccine Junior) will become available for children aged between six months and three years. To be fully vaccinated, children under 10 will require two doses, delivered at least 28 days apart. The TGA and the commonwealth will set a start date soon for children's vaccinations to begin. SA Health will advise the South Australian community of that start date in coming weeks.

Vaccination will be available through GP clinics and through SA Health funded clinics, which have been set up across the state for the purpose of providing swine flu shots. The federal health minister today said that Panvax has gone through a rigorous evaluation by the TGA, including evaluation by the Australian Drug Evaluation Committee, and has been found to be safe and effective for younger children.

So far, 5.1 million doses of the adult vaccine have been distributed to immunisation providers across Australia. More than 470,000 doses of the vaccine have now been distributed in South Australia to more than 1,600 general practitioners and special clinics.

For the main population, the impact of the swine flu epidemic in Australia has been mild to moderate, but for some Australians the impact, of course, has been severe. National statistics show that there have been 190 deaths and 4,962 hospitalisations associated with swine flu. In South Australia, we have had 29 deaths and 550 hospitalisations, with no new deaths or people admitted to hospital since early November.

Swine flu has hit with a vengeance in the Northern Hemisphere's autumn, raising concerns of it returning to Australia for a second wave of the epidemic. South Australians will very soon be able to ensure their young children are also protected from this flu. I would advise people to contact their general practitioner for an appointment or call the national flu hotline (180 2007) or visit www.flu.sa.gov.au to find out how the free vaccine can be accessed.

SECURITY PHOTOGRAPHS

The SPEAKER (15:24): I remind members—I know most have left the chamber—that, if you have not had your photograph taken for the purposes of the new security system that will be introduced early in the new year, it is done on the lower ground floor opposite the attendants' offices.

MARSHALL, MS A.

The SPEAKER (15:24): I also inform the house of the passing of Ashley Marshall on 2 December 2009, aged 67 years. Ashley joined the Office of Parliamentary Counsel in 1970 and served in that office for 32 years until her retirement in 2002.

GRIEVANCE DEBATE

PENFOLD, MRS E.M.

Mrs REDMOND (Heysen—Leader of the Opposition) (15:25): It is indeed a pleasure to rise once again today, having already been a participant in the motion acknowledging the contribution of the member for Stuart, to make a brief contribution this afternoon in relation to the member for Flinders. Next week, it will be 16 years since she came into the parliament, and she has served her electorate as truly as the member for Stuart, if not for quite as long. I know, from when I came into the parliament some 7½ years ago, that Liz was someone who was really passionate about her electorate.

When you compare the size of my electorate with those in the metropolitan area, it looks pretty big, but my electorate is miniscule compared to the electorates of people such as the member for Flinders. She has something like 74 schools in her electorate. I struggle to get around all of the schools that I service.

The member for Flinders has devoted her life to the people in her electorate, often in quite adverse circumstances. Shortly after she came in here she was beset with quite a significant health problem, but she soldiered on and worked hard and tirelessly for the people of her electorate. She has continued to do that throughout her time in this chamber. She has passionately advocated the interests of the electorate.

If you look back at the record of the questions that she has asked in this chamber, they have always been about the interests of the people she seeks to serve. So intent is she on that service that, when you look at her office—and I know some members of her office may be observing today, some may be listening, and some may read it in the *Hansard* afterwards—I am sure that she engages a huge amount of extra staff out of her own money. She must be the only person who actually pays money for the pleasure of being in here rather than getting some sort of a stipend for being here. She invests so much because she thinks that her electorate is the most wonderful place in the world, and she wants to see it do well.

She has been an example to us all in terms of her behaviour in this place. Can I just tell you some of the things that she says? Not many of us have a website on which we talk about our philosophy. Her philosophy states:

- To do my best for the Flinders electorate at all times.
- I will go 'the extra mile' for those who need special assistance.
- The door to opportunity is marked "PUSH"! I will 'push' with persistence.

Her goals are listed as:

- To listen to the needs of the community no matter what their political belief or financial status—

which is more than I can say for some people in this place—

- To consistently build employment, education, health and family relationships.
- To work for the positive benefit of the people of the Flinders electorate in harmony with business, local, state and federal governments.
- To help provide balanced management of the region and the environment.

I do not think there could be in this place someone who works harder or more passionately for her electorate. I, for one, will be sad to see her go. I know that Peter Treloar will be an excellent member when he comes in here to replace her; but, in the meantime, we have had 16 years of exemplary service from the member for Flinders, and I wanted to take a few minutes just to acknowledge that today.

The Hon. S.W. KEY: Point of order. My point of order is that I understand that, because this is a grievance debate—

The SPEAKER: Order, there is no point of order!

The Hon. S.W. KEY: —we will not have the opportunity on this side to compliment the member for Flinders for her service.

The SPEAKER: Order! There is no point of order. The Leader of the Opposition.

Mrs REDMOND: Thank you. I will put it on the record that the member for Ashford simply wanted to make a note that members on that side would happily join in this were it a motion. I thank them for that sentiment. In doing so I also acknowledge Lea Stevens and Trish White, who, of course, are also seeing their last day in the parliament today.

Can I say about the females in this parliament that we actually get on pretty well as a group; much better, I would say, than the boys, on average, and I think all the girls would agree with that. Sadly, this government has not treated its females quite as well as it might have sometimes. That said, the point of my grievance today is to bring to the attention of the house the incredible contribution that Liz Penfold has made to this place and particularly to the electorate of Flinders, and, in doing so to acknowledge not only her but her husband, Geoff, and her staff.

People (other than those who work in this place) do not understand what a tremendous commitment it is. In fact, I think it was the new leader of the federal opposition who, in an article I read some months ago, pointed out that those of us who come in here as members are volunteers but our families are conscripted, and it is often singularly unfair to them. So congratulations and our best wishes, Liz.

Honourable members: Hear, hear!

POKER MACHINE LICENCES

Ms THOMPSON (Reynell) (15:30): I also wish to extend my good wishes to all those members who are voluntarily departing this place, as well as to those we will not see again.

Members interjecting:

Ms THOMPSON: Well, enjoy your new life. I would like to continue with the contribution I made on 19 November about some important issues that have been tested in the Supreme Court recently. At that time I pointed out that the court, in a decision of 3 November, had upheld the importance of club licences being used by and for licensed clubs and of pub licences being used by and for licensed pubs, and there not being unfair competition between the two groups.

Unfortunately, the victim of some aspirations on behalf of a group of hoteliers has been the Hackham Community Sports and Social Club, which is rightly distressed about the fact that, because of the decision that reinforces the roles of clubs and pubs, it will not be able to, effectively, withdraw its licence or utilise it in a way that, under the management agreement that they reached with Club Management Services, the courts have found significantly benefits the hoteliers and removes control of the licence and the club from Hackham Community Sports and Social Club.

The club has written to me expressing its distress about this decision, and suggesting that I do not support clubs or sport in the area. I think it is therefore important to make it very clear for the record that, in my objections to the club licence transfer, I was supported by many sporting and social clubs in the area. I point out that the South Adelaide Football Club was a major objector, and that two of the key witnesses in support of my submission about the nature of club-run facilities

were Greg Beeching, the President of the Morphett Vale Football Club, and John O'Hare, Treasurer of the Workingmen's Club.

It is very unfortunate that the Hackham Community Sports and Social Club finds itself with its hopes dashed. I sympathise greatly with the club and have asked council, which owns the property the club currently operates, to assist it in dealing with the difficulties it faces. The club currently operates at a deficit and has unsecured loans of more than \$80,000. One can see from this that it was looking for another answer when it found itself struggling a little. I think most of us know that all clubs go through cycles when they are not as profitable as they have been at other times. New management committees often come in, but ways for renewal are found within the club. This club looked outside but, unfortunately for the club, that was inappropriate.

However, the letter I received unfortunately does reflect the tone of some of the letters received by other objectors in this case, and I would like to thank the objectors who received an inch wad of papers telling them that they could no longer be represented by me because the matter was going to the Supreme Court, and that they would need to engage counsel themselves or withdraw. Well, I was given leave to represent them, but many people felt very intimidated by that. The story I like the most is that of the quite elderly objector who looked at these things and decided that their place was on the top of the wardrobe underneath the Christmas decorations.

I would like to express my thanks to all those who had the courage to go forward to the Supreme Court as objectors to this case, even when costs were being claimed against them. I particularly thank the witnesses, none of whom, to my knowledge, have ever been in a witness box before, but they came forward on behalf of their community, and the people who came to court every day to show their support for what we as a community were trying to do. I especially thank my assistant, Penny Gregory, who suddenly found herself acting as an instructing solicitor rather than a personal assistant. Her dedication indicates what many of us have from our staff every day. Thank you.

MURRAY RIVER

Mr PEDERICK (Hammond) (15:35): I rise today to again address the dire strait that the River Murray including the Lower Lakes is in today and certainly the dire straits that have been presided over by the Rann Labor government for almost eight years. We see what has happened in the Riverland with growers resigned to the fact that they cannot purchase any more water.

Hundreds of millions of dollars has been invested by individual growers to get enough water to survive, to get their plantings through so that they can keep their businesses alive. We see businesses like National Foods close down the Berri plant and that is only one plant that has closed down in the Riverland. The domino effect of one job lost in a region like the Riverland would be another four or five jobs lost along the way.

If we move further down the river, you get down to Lock 1—and, of course, the river is basically held at pool level above Lock 1, but, below Lock 1, for years now people have not been able to access water from side channels and lagoons. Even though some federal funding was allocated in the \$10 billion plan, none of that money has come forward so that people can relocate pumps onto the main river channel, so essentially it has cut off irrigation in that area.

When you move further down the river, we have had pump stations collapse into the river at Mypolonga. Woodlane irrigation area pump fell right into the river. We have seen massive areas of slumping around the Mypolonga area down towards Murray Bridge and around Taillem Bend where sections of bank have fallen into the river.

At the Long Island Marina, Bob Hall's marina at Murray Bridge, great areas of bank have fallen in there. I actually have a photo of when I was standing by the bank and we have captured a portion of the bank falling in in the distance. It has been a terrible thing for people to have to deal with both economically and socially. We have had a lot of pain for tourist operators, river boat operators and people relying on the river for their irrigation.

Talking of irrigation, we have seen the demise of the irrigation on the Narrung Peninsula and the Meningie areas. Luckily they were supplied with a potable water supply and it could not have been sooner. We have also recently just seen a potable water supply be approved finally for Point Sturt and Hindmarsh Island, and I know that there are constituents on Hindmarsh Island getting organised to make sure they get access to this water, because the quality of the water of the lakes is up around 5,000 or 6,000 EC in salinity.

It is terrible, terrible times for people up and down the river. We have seen structures put in between Lake Albert and Lake Alexandrina. We have seen a 'fish down' in Lake Albert, about 100 tonne or so of fish 'fish down' by local fishermen, but even after that there could be hundreds of tonnes, potentially up to a thousand, in a fish kill in Lake Albert. I hope the government is putting things in place to manage that because it could be a massive problem to have that many stinking, rotting fish in the lake.

We have also seen the structure down at Clayton which, yes, it has provided water for the people south of there in the Goolwa community but it has also divided communities. It seems to be this ad hoc approach that this government has presided over that people have put up with. It is interesting that, when you talk to some people down there, you would think they would be happy with the water. They used to use it for things like watering the golf course and that, and they do not have potable water for those supplies.

I condemn the government for its management and the way in which it has handled the River Murray. There should have been better negotiations at a national level. It has been terrible to see the loss that people have had to endure up and down the River Murray. It just goes to show that things are not working. We certainly need a national body and to take out the recognition of state borders and get on with the job of managing it as a whole so that we can get environmental flows down the river for the benefit of all the people who are stakeholders in the River Murray, not just in South Australia but throughout Victoria, New South Wales and even in Queensland on the Darling side. The whole thing needs to be brought under control by one body so that we can have equity for everyone and manage it so that the bottom end gets the amount of water it deserves.

NORWOOD ELECTORATE

Ms CICCARELLO (Norwood) (15:40): As today is the last day of this parliamentary session before the election, it is appropriate for me to reflect upon my electorate and to pay a tribute to the many men and women who have given their time and talents to make Norwood what it is today and, as the member for Florey pointed out, the centre of the universe. I point out that, when we came to Australia, we lived at Paradise for 1½ years. In fact, I used to catch the tram to Paradise, but then we moved to Norwood. Obviously, Norwood has to be pretty special if one leaves Paradise to live there.

There is no doubt that the big winners in my electorate for 2009 are schools. As part of the Building the Education Revolution, a \$14.7 billion investment across Australia to build and modernise its 9,450 schools, 11 schools in Norwood received a windfall just shy of \$30 million. This is the biggest single school infrastructure investment in the history of Australia and enables all our schools to embark on major construction and refurbishment projects. In conjunction with the Rann government's investment of \$790 million since 2002 in school redevelopment, maintenance and improvement, this funding reinforces our solid partnership with the federal government to deliver the best possible quality education for our children. On visiting every school in the electorate recently, it has been enormously satisfying to see that so many plans are finalised and works well underway. In fact, we approved the latest redevelopment of East Adelaide Primary School last week at the Public Works Committee.

Whilst this sort of funding tends to grab all the headlines, as, indeed, it should, a lot of other assistance is given which sometimes goes relatively unnoticed. Funding for local community groups is just one example. Since 2006, the Rann government has granted over \$1 million to community groups in my electorate—and that is more than a quarter of a million dollars every year. There are more than 165 groups within my electorate, and I work very hard to ensure that they are all aware of any funding opportunities that arise. Therefore, I am pleased that so many of them do apply for funding and that so many of them are successful. There is no better feeling for a local member than handing over a cheque to a group knowing that extra funds will mean that they will be able to deliver an even better service to the local community.

As you are all aware, South Australia leads the nation in volunteering rates and I am proud that the groups in my electorate play a large part. It was wonderful to see so many community groups being represented at the recent community cabinet which was held in the eastern suburbs, and I am extremely pleased that my friendship and association with them all has never been stronger. I have given many speeches in parliament congratulating the groups in my electorate and today I pay tribute to them once again. Thank you to all of you for providing support, assistance and a helping hand, and empowering all of us to become an active participant in local affairs.

Another quiet success story in Norwood over the past year has been the Premier's Reading Challenge. In 2004, 609 local students completed the challenge. Every year since then has seen a significant increase in numbers, and 2009 celebrated 2,447 students reading more books than ever before, including 158 students who, for the first time, received Legend medals. During the last week, I have been attending the school ceremonies to present students with their certificates and medals and, as always, I was delighted to see the joy that students are gaining from reading and that this activity is now considered acceptable and cool. Of course, I particularly rejoice in that as a former librarian of the State Library.

I must also now congratulate a six year old reception student from Trinity Gardens Primary School who read 340 books during the challenge. Well done to Chantel Filipowicz. This achievement was very important, and I am proud of all the teachers and parents who have supported their students and children in turning Norwood into a literary playground.

I could go on talking about the success stories in Norwood this year but, as always, time is against me. However, one story I would like quickly to mention is the Tour Down Under. This was a stunning success for South Australia this year. It was fantastic to host stage 1 of the tour outside the Norwood Town Hall; and 2010 promises to be even better, which will happen in Norwood on 27 January. Norwood will be the home of not only stage 4 of the race but also the Mutual Community Challenge, where individuals and teams can ride the same route as Lance Armstrong in the morning.

I say that 2009 has been a great year for Norwood, and I have enjoyed every minute of it. Thank you to all the residents who have attended my street corner meetings, and thanks to the many groups and volunteers who contribute so much to the diverse and accepting community which I am proud to represent and which I call home. I thank my staff—Paul Edwards, Alex Baker and Sean Bennett—for the great work they do. I also add my thanks to Lea, Trish and all the others who are leaving this parliament. I wish them well in the future.

Time expired.

VICTOR HARBOR-ADELAIDE ROAD

Mr PENGILLY (Finniss) (15:45): I have two electorate issues I wish to raise today. Members of this place will be very familiar with the stories that in the public arena about the Victor Harbor-Adelaide road. Just recently we had yet another fatality down on the bottom end of that road, adjacent to the Waterport Road and Welch Road/Ring Route junction. I have had raised with me on numerous occasions the dangers involved in this junction. In the last 12 months I have had regular communication and discussions with people about the entrance from Waterport Road. You come around the corner and it is 100 km/h until you get onto the Adelaide-Victor Harbor road. There is no 80 kilometre zone.

I have asked for this matter to be attended to; it has still not been attended to. It is a major worry to me that people are entering an accident-prone area such as that intersection at 100 km/h. In the interests of the general travelling public, I make the point very strongly that an 80 km/h zone leading from Waterport Road heading west needs to be put in place urgently before the holiday season.

I also put on the record my ongoing concerns about that entire junction. We were successful last year in having that section of the road reduced to 80 km/h. I believe that has helped, but, obviously, it has not helped enough because we had yet another fatality, as I said. My view is that it needs to be realigned and that a rural roundabout needs to be put in there and the traffic slowed right down. It is the only way this junction will be fixed up. Tens of thousands of vehicles will go through that road every week with the oncoming holiday season. Obviously, a roundabout will not happen in time for that, but it is critical that the department and the government of the day get busy, work with the local authorities and put in place a different format on that road.

The second issue I want to raise relates to Kangaroo Island. I have obtained some information regarding the revenues that the Department for Environment and Heritage's national parks division is gathering on Kangaroo Island through its park operations. Let me make it quite clear that I have no objection whatsoever to the department running commercial entities—it employs considerable numbers of people and it is an economic boost to the island. Apart from all that, some other side benefits are spread across the island in the tourism sector.

However, the Kangaroo Island Council is in dire states in terms of finding funding to do road maintenance activities. Members would have recently heard that it is thinking about wanting to

impose a visitor levy. Income from the department of environment on Kangaroo Island for the last 12 months was \$2.74 million. Now, that is okay, but just bear in mind that the council has been holding out on waste collection fees for a number of years—and I stand corrected if it has been paid. The council is screaming out for revenue.

If the commercial entities that the department is running there cannot be rated, there is something seriously wrong. Of course, you cannot rate crown lands. These are commercial entities. I say to you, Madam Deputy Speaker, some form of contribution from that \$2.74 million should be going to the Kangaroo Island Council to its maintenance structures and to its road-making capacity on the island. It is certainly inequitable and not appropriate that that sort of money is raised and none of the benefit of that money (apart from wages) goes back into the community of Kangaroo Island.

The Kangaroo Island Council is desperate for money, and I intend to follow this through and make an issue of it. This has been an issue for a long time, but I have now obtained these figures. The income from Seal Bay alone last financial year was \$1,417,730. That is before the fee increases took place properly, on 1 April—a convenient date, I would suggest. Because the fee to visit Seal Bay has nearly doubled for families and individuals, it will be an enormous amount next year. Purely and simply, if they want to earn that money that is one thing, but they need to contribute to the community in other ways than just providing employment. They need to pay a rate or have a form of levy on their income to provide for the infrastructure of the rest of Kangaroo Island, whose roads are travelled upon to get to those national parks, which are funded, subsidised and paid for by the local community.

Time expired.

MAWSON ELECTORATE

Mr BIGNELL (Mawson) (15:51): I rise today to thank the Premier and all the ministers who came to the electorate of Mawson last week for Community Cabinet. Since the Rann government was elected in 2002, it has been to all parts of South Australia several times. Some 51 community cabinets have been held around the state. I attended the very first one at Tailem Bend and Murray Bridge, in the seat of Hammond, back in 2002.

Last week, we kicked off with a visit to the Woodcroft Primary School, the state's biggest primary school, with 950 students. It is also one of the state's best primary schools. The Premier spoke to all the students (they were very well behaved) and staff and presented some of the students with their Premier's Reading Challenge medals.

I must congratulate the students at all the schools around the state who have taken part in Premier's Reading Challenge. I think it has been a great thing to introduce a little bit of competition, particularly for those of us who have boys and know that young fellows do not see reading as being cool—that is, until we introduced Premier's Reading Challenge during the Athens Olympics, where we gave them a chance to stand on the dais or stand in front of their school community and receive a medal for their reading ability.

We also went to Hackham East Primary School, and the Minister for Education joined us there. Again, the Premier presented Premier's Reading Challenge medals. We were delighted to see some performances by the students at Hackham East Primary School. Students from that school came to parliament last year and performed for the Premier and the education minister, and earlier this year they performed for the Governor-General of Australia at the Convention Centre. They did the haka, and the boys had their shirts off and the face paint on. That is something about which they have engaged with schools in New Zealand that were on their blog site. Some of the students at the school come from New Zealand, and their parents have been involved in teaching the other students how to do the haka. I congratulate everyone at Hackham East.

The Premier and I also visited a retirement village and a nursing home, as well as meeting with business leaders and other community people in the electorate of Mawson. While we were doing that, other ministers, such as the minister for agriculture, were getting around and having meetings with people to find out what was of concern in the local area, and that is something that the Rann government has done very well over the past eight years. We get out and listen to what people want and then we either go to the ministerial offices or into parliament and make a difference. If you are not engaged with the community you are out of touch, and when you are out of touch you get voted out.

We are a government that has always been very much in touch with our community, and our side of parliament is well served by hardworking local members who are out there listening to communities and coming in and fighting for our fair share in our communities. I am very proud to stand here today and recount some of the things that we have done in the south since I was elected in 2006 to represent the seat of Mawson.

We have an early childhood centre at Woodcroft, which will be opening in January, an ambulance station at McLaren Vale, which was opened in our first year in government, and a market square for Willunga. We have had ongoing support and funding for Hackham West Community Centre and a major renovation for Willunga Primary School. We have more doctors: we now have a record 3,255 doctors in South Australia. We have new buildings for McLaren Flat Primary School and a \$163 million upgrade for Flinders Medical Centre. We have had major growth in the Tour Down Under, including getting Lance Armstrong here for this year's race and also for next year's event.

We have a new Hackham West Children's Centre, we have spent hundreds of thousands of dollars on local sporting clubs, and there has been constant promotion of the McLaren Vale wine and tourism industry. I have played a major role in going to overseas markets to help to grow our export markets on behalf of McLaren Vale winemakers—and, indeed, on behalf of all South Australian winemakers. Wine is the second biggest export earner for the state, it is a very important industry, and I am proud to have backed it for the past four years.

We have had a massive increase in water recycling in the south, and we are spending millions of dollars to make sure that we capture more stormwater in the south to use on our parks and gardens. We have had record spending on road infrastructure. We are electrifying the rail network in South Australia and extending the line to Seaford. These things will benefit the people in the south.

I am proud to stand on my record of the past four years of approaching ministers—probably being a little bit of a pain in the neck—because I put the people before the party. When the people of Mawson need something I will go in to bat for them. I hope that, in the lead-up to the election on 20 March, I can get that message across to people. I look forward to serving another four years in this place.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

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

No. 1. Clause 4, page 5, after line 8—After the definition of *progress payment* insert:

recognised financial institution means a bank or any other person or body prescribed by the regulations for the purposes of this definition;

No. 2. Clause 7, page 7, lines 9 to 13 [clause 7(2)]—Delete subclause (2) and substitute:

- (2) This Act does not apply to—
- (a) a construction contract that forms part of a loan agreement, a contract of guarantee or a contract of insurance under which a recognised financial institution undertakes—
 - (i) to lend money or to repay money lent; or
 - (ii) to guarantee payment of money owing or repayment of money lent; or
 - (iii) to provide an indemnity with respect to construction work carried out, or related goods and services supplied, under the construction contract; or
 - (b) a construction contract for the carrying out of domestic building work (within the meaning of the *Building Work Contractors Act 1995*) on such part of any premises that the party for whom the work is carried out resides in or proposes to reside in; or
 - (c) a construction contract under which it is agreed that the consideration payable for construction work carried out under the contract, or for related goods and services supplied under the contract, is to be calculated otherwise than by reference to the value of the work carried out or the value of the goods and services supplied.

No. 3. Clause 7, page 7, after line 18 [clause 7(3)]—After paragraph (a) insert:

- (ab) provisions under which a party undertakes to carry out construction work, or to supply related goods and services, as a condition of a loan agreement with a recognised financial institution; or

No. 4. Clause 21, page 15, lines 5 and 6 [clause 21(3)(a)]—Delete 'the date on which the adjudicator notified the claimant and the respondent as to his or her acceptance of the application' and substitute:

—

- (i) the date on which an adjudication response is lodged with the adjudicator; or
- (ii) if an adjudication response is not lodged with the adjudicator on or before the last date on which the response may be lodged with the adjudicator under section 20(1)—that date; or
- (iii) if the respondent is not entitled under section 20 to lodge an adjudication response—the date on which the respondent receives a copy of the adjudication application; or

No. 5. Clause 26, page 18, after line 7 [clause 26(1)]—After paragraph (b) insert:

or

- (c) an adjudicator who accepts an adjudication application notifies the claimant and the respondent that he or she has withdrawn from the adjudication.

No. 6. Clause 26, page 18, line 8 [clause 26(2)]—Delete 'those circumstances' and substitute:

the circumstances specified in subsection (1)(a) or (b)

No. 7. Clause 26, page 18, after line 12—After subclause (2) insert:

- (2a) In the circumstances specified in subsection (1)(c), the application is discontinued and the claimant may make a new adjudication application under section 17.

No. 8. Clause 26, page 18, lines 14 and 15 [clause 26(3)]—Delete 'becomes entitled to withdraw the previous adjudication application under subsection (2).' and substitute:

—

- (a) becomes entitled to withdraw the previous adjudication application under subsection (2); or
- (b) is notified by the adjudicator that he or she has withdrawn from the adjudication.

No. 9. New clause, page 18, after line 17—After clause 26 insert:

26A—Claimant may discontinue adjudication

A claimant may withdraw an adjudication application at any time before the application is determined by notice in writing served on the respondent, the adjudicator and the authorised nominating authority to whom the application was made.

No. 10. Clause 29, page 19, lines 30 to 32 [clause 29(1)(b)]—Delete paragraph (b) and substitute:

- (b) if no such amount is agreed—the hourly rate (if any) prescribed by regulation in addition to reasonable expenses; or
- (c) if no such amount is agreed and no hourly rate has been prescribed—such amount, by way of fees and expenses, as is reasonable having regard to the work done and expenses incurred by the adjudicator.

No. 11. Schedule 1, clause 2, page 22, line 33 [Schedule 1, clause 2(6)]—Delete subclause (6) and substitute:

- (6) Section 30(3)—delete 'unless the building work contractor has requested the payment by notice in writing given to the building owner or an agent authorised to act on behalf of the building owner.' and substitute:

unless—

- (a) the building work contractor has requested the payment by notice in writing given to the building owner or an agent authorised to act on behalf of the building owner; or
- (b) the domestic building work contract is a contract to which the *Building and Construction Industry Security of Payment Act 2009* applies (in which case the provisions of that Act relating to progress payments apply).

Consideration in committee.

Mr KENYON: I move:

That the Legislative Council's amendments be agreed to.

Essentially, there have been a couple of amendments in the Legislative Council, the most notable of which has been the removal of the inclusion of 'banks', an amendment that I moved in this house. Since then opinion has changed. The industry came to the view that that was perhaps not in the best interests of everyone and that is why the amendment was included in the first place. I am more than happy to see that amendment removed.

The second amendment relates to the exclusion of 'householders', which was included in the original bill. I included 'householders' in amendments and the Legislative Council has removed them. I will accept that, but my preference is that all contracts and the entire contracting chain be included in the process. I accept the arguments put forward in the upper house that there would be some difficulty for householders with no experience in the building industry—which one would expect contractors to have. Without that experience they are likely to be caught out by the process.

Queensland is reviewing the way in which it goes about it, and Tasmania has recently passed a bill that includes householders. Perhaps the more prudent approach is to observe how Queensland goes about its review and think about Tasmania's legislation. I still have to say that my preference is that the whole contracting chain is included, and I would be more than willing to see this bill reviewed and perhaps amended in the not too distant future.

Finally, some minor amendments that were moved by the Hon. John Darley in another place reflect some suggestions of a meeting we both attended with arbitrators. That was a very enlightening meeting, and some very sensible amendments came out of that, and they have my full support.

The Hon. I.F. Evans: What was that one?

Mr KENYON: It was a meeting put forward by an industry group that we attended. They suggested that the time within which the adjudicator had to make the adjudication should not start until they knew the papers had been served, otherwise the time for response would be very compressed. So it is to stretch that out and make it easier for respondents.

Apart from that, it is very straightforward. There are a number of people to thank. I thank Chris Rankine, who is here, and other members of the industry groups. They have been great supporters of this legislation, and I appreciate that. The member for Hartley played a pivotal role on a number of occasions, and I appreciate her assistance. It would not be possible without the contributions of the member for Torrens and the way she has assisted getting it through the parliament. I thank her for her strong support for the bill.

The Hon. John Darley and his excellent staff need to be thanked. If the truth be known, it is probably more his bill than mine. It has been a very valuable experience for me to be involved, but I think the Hon. John Darley has had a lot more to do with it than me, and a longer involvement than me, and he should be thanked for his contribution. His staff is excellent. He has done very well to employ those people—Connie and Jenny, in particular, are very sharp.

I thank John Thomas, who put me onto the bill in the first place when I sat down at a contractors' dinner. He pointed out that this bill was in existence and that it should be supported. I thank the Attorney-General for his patience with me, and I also acknowledge the patience of parliamentary counsel. I commend the amendments and the bill to the house.

The Hon. I.F. EVANS: So there is no understanding—

The Hon. M.J. Atkinson: Misunderstanding.

The Hon. I.F. EVANS: Well, that depends what I want to say. Just so there is no misunderstanding—about what I meant when I said 'so there is no understanding'—the Liberal Party took a position when David Ridgway was the small business spokesman, which must have been five or six months ago, to support the principle of this bill, and I know that some people have been running around certain organisations suggesting that we were not supporting the bill. Far from it: we supported the principal bill from the time David Ridgway took it to the party room as small business shadow.

I think I am right in saying that I am the only member of the house to actually go to Queensland and look at how this bill operates, even though this is based on the New South Wales model. I went to Queensland—

The Hon. M.J. Atkinson: That is why you went to the Gold Coast?

The Hon. I.F. EVANS: No, I didn't, actually. I went to Brisbane to meet with Michael Chesterman, who is the registrar in the Queensland Building Services Authority, which is the regulatory body for the Queensland government for building matters per se. I went to meet Mr Chesterman rather than the New South Wales people because he had done a review of this sort of legislation not only in Australia but also worldwide, and I think he is generally acknowledged as having reasonable knowledge on this particular issue.

It is unfortunate that the amendments were defeated by the government, and others, in the upper house because I think they actually improved the bill. As the house knows, I come from the building industry so I have a reasonably good knowledge of the issues that relate to the contracting stream in building contracts. I think it is a mistake of the house to have an unregulated adjudicator and nominating authority. We support this bill as it is—we will let you have the bill. However, if this side of the house is in government after the election, I say to the industry groups that we will be instantly reviewing this legislation, not to stop it but to make sure it is going to work.

To put some industry groups out of their misery we will not be going down the Western Australian line; it will be the eastern states' line and, I suggest, the Queensland line, more than likely. I think it is dangerous to have unregulated, unlicensed nominating authorities and adjudicators. This bill now allows those people to be unlicensed and, therefore, not supervised by a government agency.

Mr Chesterman puts to me very good reasons why there should be a government overseer of the regulating authorities. I am not going to hold the house now because I can count, and for the last four years it has been 30 to 15, and it still is today. So I am not going to hold the house long as to why we think that issue is important.

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: Well, we might win by 30; we could pick up that many seats. I'm not sure. We support the amendments, but I say to the industry groups that my concern about this bill is this: this bill has really not been through what would be the normal process of a substantial bill promoted by government. And let's make no mistake, it is essentially promoted by the member for Newland—and I congratulate him on his efforts—with the support of government. The government really has not thrown the whole department behind it to provide advice and to deal with all of the consultation processes as a government normally would.

What is the result of that? The result of that is that we have the government only a month ago saying, 'Well, the banks are in. The member's own amendment brings in banks'. So the opposition ring up the banking industry in Sydney and say, 'Have you seen these amendments?' 'No, no-one's spoken to us about it.' So we flick them over to the banking industry, and they write back a letter, which I read into the *Hansard*. They said, 'Well, actually, this is going to place a cost component on the whole housing industry in South Australia,' and then the industry groups went berserk. And, as the member for Newland said a minute ago, because of the industry groups they are now withdrawing it.

So, after three or four years of discussion about this bill, no-one had even spoken to the bank industry, the government moves its own amendment, and now today they are withdrawing it. Then the government say, 'Well, look, we're going to put homeowners in.' So they put in homeowners and, lo and behold, the upper house says they don't want homeowners in, so they take it out.

Go and speak to Queensland. They are about to put them in, and they are going to extend, in actual fact, the provisions of the adjudicators, the whole system. They are going to extend it not only to financial disputes but a whole range of other things. If anyone had bothered to do any research on it the house would know that.

So this side of the house say we support the principle, we support where this bill is heading. We say it has been through a terrible consultation process, and that is evident by the amendments that have been moved left, right and centre, and positions changing from week to week. We think that it is dangerous for an industry bill to go through that sort of process, because we think that mistakes and unintended consequences will result.

However, we gave a commitment to the industry groups that we would not obstruct the bill; so we are not going to obstruct the bill, but we have made our view very clear. We think there are some issues that still need to be improved in this bill, and if we are successful after the election the

act will remain. We will review it and we will improve it. We are not going to rescind it, we are not going to abolish it or anything like that. You will have a security of payment system guaranteed, but we think there are some improvements to be made.

With those few words, we are happy to support the bill so that the industry can get a tick off before the election. We are crystal clear about where we are going after the election in relation to this particular legislation.

I thank Parliamentary Counsel for their efforts in briefing the opposition, to all of the industry groups, whether it be the NBA, the HIA, all of the subcontracting groups represented by Chris Rankine and others and the Civil Contractors Association. I just thank them for their input into this. It has been a very complex piece of legislation, and the way it was handled made it even harder. The opposition is pleased to support it.

Mr KENYON: I do not necessarily disagree with a lot of what the member for Davenport has said but we now have a bill that, with any luck, is about to become an act. From there we can make improvements as we go; however, the first and biggest step is to get the act. I urge honourable members to get to that point, and we will proceed further after the election.

Motion carried.

BAIL (ARSON) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MINTABIE) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Legislative Council, having considered the recommendations of the conference, agreed to the same.

Consideration in committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

Ms CHAPMAN: As the Attorney has indicated, the conference was successful and the opposition is pleased that the resolution has now been noted and approved. We look forward to the swift passage of the bill.

Motion carried.

RIVER TORRENS LINEAR PARK (LINEAR PARKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 September 2009. Page 3785.)

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (16:14): I am the lead speaker on behalf of the opposition for this bill, and I confirm from the very start that the opposition will be supporting the River Torrens Linear Park amendment bill in its current form and note that a somewhat lengthy debate occurred in the other place. This bill is important, and even though we probably will not be considering it for all that long, because the hard work has been done in another chamber, it is appropriate that I speak briefly on it.

The River Torrens Linear Park Act 2006 provided for the protection of the park and its preservation as an urban park. This bill proposes to extend that protection and preservation to other linear parks. The 2006 act was established in response to the sale of the former University of SA campus at Underdale. There was no legislation dealing with the disposal of land in public ownership which formed part of the River Torrens Linear Park at that time. Uni SA sold the land, a significant amount of which was located across the River Torrens, and extensive negotiations with new owners and prospective developers secured continuing public access to the land.

The 2006 legislation required the state government, state agencies, authorities and local councils not to sell land within the linear park out of government ownership without the approval of both houses of parliament. In essence, this bill extends the provision to other waterways throughout the state. The Minister for Urban Development and Planning in another place identified

that that included areas such as Gawler River, Little Para River, Dry Creek, Sturt River, Field River, Christie Creek, Onkaparinga River, Pedler Creek and Port Willunga Creek, and it is important that these areas be retained and the opportunity for the public to use them supported.

I note that, in the debate that occurred in the other place, concerns were expressed by the opposition on behalf of the Local Government Association about the need to ensure that the LGA was consulted whenever a proposal for another linear park was to be considered, and recognised, very strongly also, that the minister also supported those concerns and moved an amendment to his own bill in the other place which was supported by all members.

It is an issue that I am quite confident has been dealt with appropriately. I commend the government for introducing the bill and ensuring security over these areas and the opportunity for the public access to be continued. I look forward to the bill's swift passage through the house.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (16:17): I thank the opposition for its support of this very sensible piece of legislation.

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

LOCAL GOVERNMENT (ACCOUNTABILITY FRAMEWORK) AMENDMENT BILL

Second reading.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (16:18): I move:

That this bill be now read a second time.

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

Leave granted.

Councils have a significant role in people's lives. They are an important sphere of government, and like other governments have responsibilities and powers which enable them to provide services to support the smooth running of their communities. To carry out their duties they have the ability to impose rates, power to make and enforce laws, and to issue orders binding land owners. However the authority entrusted to councils as local governments must be exercised in the public interest, and councils must be accountable for its exercise.

As councils receive monies from the public (through rates and expiation fees), they must meet the standards of accountability applicable to public administration and management of public funds. Likewise the elected council members and their appointed officers must maintain high standards of probity that apply to holders of public office.

In recent times, concerns have been raised about:

- aspects of the legislative framework to ensure that councils meet those standards; and
- specific instances of failure to meet those standards that may indicate systemic operational problems in some councils.

In December last year, a proposals paper: *Reforms to Improve the Accountability Framework for Local Government in South Australia* was distributed.

This paper outlined proposals to amend the legislative framework for internal and external review of council administration and financial management. These proposals, in turn, built upon earlier legislative amendments (enacted in 2005, that took effect in 2007). These changes aimed to improve council financial management and accountability, and included the introduction of compulsory audit committees, long-term financial plans and infrastructure and asset management plans, and consultation requirements for a council's annual business plan.

Many helpful submissions were received in response to this proposals paper, and the Government thanks all those who contributed their comments. This Bill, developed as a result of that process, deals with a number of matters that fall under the general umbrella of the local government accountability framework.

The Bill also contains unrelated, miscellaneous measures, most of which were the subject of consultation in a draft *Local Government (Miscellaneous) Bill*. The content of that earlier draft Bill has been included in this Bill. As a result this Bill contains a number of technical amendments.

This speech outlines first the accountability framework measures before turning to the other miscellaneous measures.

Accountability Framework measures

'Good public administration'

In addition to the fundamental obligation to act lawfully, there are established standards of good public administration which the public is entitled to expect of governments and public officers. These are based on administrative law principles and the work of Ombudsman and review bodies. This Bill seeks to amend section 8 of the Act to emphasise that a council must achieve and maintain standards of good public administration. The matters in section 8, currently described as objectives of a council, are expressed as principles that a council must observe in performing its roles and functions, and a new principle relating to good public administration is added. Another principle included in section 8, (and I thank the Local Government Association for this suggestion), is ensuring the sustainability of the council's long-term financial performance. This principle is expected to reinforce the work that is being done in the Local Government sector to educate and support councils in this area.

Proposed amendments to section 59 place responsibility on the council's elected members, as the governing body, to ensure, as far as is practicable, that the principles in section 8 are observed by the council.

Proposed amendments to section 132A require councils to ensure that appropriate policies, practices and procedures are in place in order to achieve and maintain standards of good public administration.

Widening the scope of audit

One of the main reforms sought by this Bill is a widening of the scope of an auditor's duties. The former Auditor-General drew attention to the fact that the scope of council audits is narrower than that of State Government departments and instrumentalities under the *Public Finance and Audit Act 1987*.

The Bill therefore deals with this matter by providing that a council auditor must, in future, perform two separate functions. In addition to the existing audit of the council's financial statements, proposed amendments to section 129 provide that the auditor must now also examine 'the controls exercised by the council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities' and provide an audit opinion as to whether the controls are sufficient to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.

In layman's terms, this means that the auditor is not just examining where the money went, but also how a council controls public money; whether its management systems are sufficiently robust and prudent to prevent or detect fraud, wastage, inefficiencies and so on. The purpose of auditing controls is to increase confidence in the way public finances are managed. It is not sufficient that public money is managed well—it must also be *seen* to be managed well. Therefore the auditor will be required to check not only the use of public money, but also the systems of control that a council uses to manage public money.

Transitional provisions in this Bill seek to introduce this reform as soon as possible for metropolitan councils, bearing in mind the fact that each council already has a contract with an auditor. Councils outside the metropolitan area will be given an additional three years to comply with this provision.

Both the audit opinion with respect to the financial statements and the audit opinion relating to the sufficiency of internal controls will accompany the council's financial statements. Further, even the customary audit management letter that provides technical advice to council management is also to become a public document, after the council has had 60 days to consider and respond to it.

The amendments to section 129 would also expand the matters on which a council's auditor must report to the Minister, to include the reasons for any adverse or qualified audit opinion and any matter that in the auditor's opinion ought to be reported to the Minister. The Act already provides that the Minister may, on the basis of a report of an auditor, appoint an investigator to carry out an investigation under section 272, and the investigator may be the Auditor-General.

Purpose of council policies and procedures

To support councils to meet standards of good public administration, the existing requirements for councils to have policies in key areas have been reviewed to ensure that the objectives for those policies are clear.

Therefore, three clauses of this Bill insert over-arching principles into the relevant sections of the *Local Government Act*.

Proposed amendments to section 48 would create new requirements for councils to have prudential management policies, practices and procedures for assessment of projects and would also insert the reasons for these requirements. These ensure that the council—

- acts with due care, diligence and foresight; and
- identifies and manages risks associated with a project; and
- makes informed decisions; and
- is accountable for the use of council and other public resources.

Importantly the proposed amendments provide that when a council seeks a prudential report on a major proposed undertaking, that report must be provided by someone who is independent of the council, and has no personal interest in the undertaking.

In a similar vein, the Bill proposes to amend section 49 which requires a council to have policies on contracting and tendering. The amendment clearly sets out that a council must have procurement policies, practices and procedures directed to:

- obtaining value in the expenditure of public money; and

- providing for ethical and fair treatment of participants; and
- ensuring probity, accountability and transparency in procurement operations.

Proposed amendments to section 270 of the Act are aimed to improve council customer service and complaint handling. These amendments would require a council to have policies, practices and procedures for dealing with requests for service and complaints about the actions of the council. These policies must be directed to dealing with those requests and complaints in a timely, effective and fair way, and using that information for continuous improvement.

Internal review of decisions is an important part of good public administration in each sphere of government. The Ombudsman has previously drawn attention to the need to improve internal review practices within some councils.

The bill makes provision for regulations to support these important policies and procedures. For example, in relation to councils' internal review procedures it is proposed to produce a code that can be adopted by regulations to give councils more guidance on the matters that should be taken into account in reviewing decisions.

A regulation-making power is also proposed for section 110 of the Act relating to the code of conduct which a council adopts for its employees, to provide the capacity to mandate minimum provisions that must be included in codes of conduct for council employees. This would match the regulation-making power that already exists in relation to codes of conduct for council members.

External review by the Minister

Where there is reason to believe that a council has failed to comply with an Act or that an irregularity has occurred in the conduct of the affairs of the council, there is the capacity under section 272 of the Act for the Minister, when appropriate, to formally investigate the matter. This power has been exercised recently in connection with the City of Burnside. Although the need for this sort of intervention is rare, it is relatively common for questions and complaints to be made about the operations of councils.

Dealing with this type of correspondence frequently requires the Minister to obtain information from the relevant council information about how a particular matter has been or is being handled. For the most part, councils are usually very co-operative and helpful especially when the subject matter is routine or uncontroversial.

However, if a query raises doubts about the propriety of an individual's actions, or calls into question the legality of a council decision, a council may be reluctant to provide the Minister with information that is needed to determine a proper response.

The Bill proposes to insert into the Act two new sections, 271A and 271B. The proposed new section 271A provides the Minister with power to ask a council, in writing, for specific information. This provision is not intended to hinder the regular and informal free flow of information between councils and the Minister. Rather, it provides a specific mechanism that may be relied upon where the information being sought might be regarded as sensitive. Proposed new section 271A also protects a council if it divulges information to the Minister that might be confidential or relevant to contractual matters.

Proposed new section 271B provides the Minister with power to ask a council to obtain an independent assessment of its probity or statutory compliance in a matter, or to take specified action (or actions) to meet standards in its conduct or administration consistent with the objects, principles or requirements of the Act. Again this provision is not intended to formalise the normal cooperation that occurs between councils and the Minister. However it provides a mechanism that can be used where necessary to ensure that a council gives due weight to a request for remedial action.

These two new sections are complemented by proposed amendments to section 272 and 273, under which a council's decision not to comply with the Minister's requests under section 271A or 271B might prompt a formal investigation, and an investigation, in turn, might provide a basis for the Minister to give directions to the council.

Changes are made to the provisions for formal Ministerial investigation to update powers available to an investigator and to broaden the Minister's powers of direction following a formal investigation. For example these would ensure the Minister can direct a council if a council fails to respond appropriately to any recommendation of the Ombudsman contained in a report under the *Ombudsman Act*. Complementary changes are proposed to section 274, which deals with the investigation of a council subsidiary.

Removal of vehicles

In response to a report by the former Acting Ombudsman, the Bill proposes to re-write section 237, which deals with a council's powers to remove a vehicle apparently abandoned on a road. The proposed changes give greater protection to the owner of vehicle in these circumstances.

Access to documents

When the Act commenced in 1999, the internet was not as widely used as it is today. Therefore, the Act has provided, until now, that council documents should be on the internet only 'so far as is reasonably practicable.' Today, as we prepare to enter the second decade of the 21st century, there is no longer any argument that providing access to documents on the internet could be considered impracticable. Indeed frequently the internet provides the easiest and most convenient ready access to documents without the limitations of business hours.

Amendments to section 132 will now mandate the use of the internet, and also widen the list of the council's public documents to include audited financial statements, the council's annual report and FOI information statement that are within the scope of the section.

Miscellaneous provisions

Fixed charges and minimum rates

Council rating policies are intended to reflect, in large part, a system of progressive taxation generally based on the value of land. It is widely understood in the community that within a council area, applying the rate in the dollar fixed by a council means that high-value land will be subject to a higher rate payment than low-value land. However it is not widely understood that rating policies are only partly progressive. Every SA council (except the City of Adelaide) chooses to include in its rating policy a regressive or 'flat-tax'-type component.

This means that currently 67 councils have a mixed rating policy, attempting to strike a balance between:

- spreading the burden according to the relative values of land; and
- spreading the burden more evenly between all ratepayers.

To strike this balance, the Local Government Act permits each council to choose between one of two tools:

- a minimum rate, requiring owners of the lowest-value assessed land (capped at no more than 35 per cent of all assessments in the council area) to pay at least a specified minimum; or
- a fixed charge (i.e. a sum that applies to all assessed land; regardless of the land value).

Section 152 deals with fixed charges, but it does not prevent a council from levying a fixed charge against every piece of land subject to separate occupation. Nor does it limit the proportion of a council's revenue that can be obtained from a fixed charge, provided the proportion is less than 100 per cent. Therefore, a council could choose to set a fixed charge to raise more than 90 per cent of its revenue, and levy this fixed charge against every piece of land subject to separate occupation, including each separate site in a caravan park or residential park. Obviously if such a rating policy was applied it would impact heavily on low-income persons, such as retirees who have chosen to move into caravan parks or residential parks to reduce costs.

Where several parcels of land make up a single farm enterprise, the Act prevents councils imposing a fixed charge on each one of those parcels of land. However, the single farm enterprise concession is not mirrored in the minimum rate provisions, presumably because of an expectation that viable farming properties would be valued higher than the cut-off valuation for the minimum rate to be applied. There has been instances where this is not the case. To ensure equity, this long standing concession should apply to all farming properties that are subject to either a fixed charge or a minimum rate.

Accordingly, the Bill would amend sections 151, 152 and 158 of the Act to:

- prevent councils raising any more than 50 per cent of their general rates through a fixed charge. This will protect the owners of lower-valued land should a council adopt a regressive rating policy;
- prohibit the imposition of a fixed charge or a minimum rate against each site in a caravan park or a residential park; and
- to exclude any 'single farm enterprise' from being charged more than one minimum rate.

Prescribed services

'Prescribed services' under section 155 of the *Local Government Act* are those few services that are made available to all land in a defined area, and hence benefit the land. These services are:

- waste collection and recycling;
 - wastewater removal;
- and in a few rural council areas:
- provision of water; and
 - TV re-transmission services.

Charges for these services may be imposed irrespective of whether a landowner chooses to use the service or not. The reason is that these services cost money to make available and distribute over a geographical area. Even if a person chooses not to put out a bin for collection, that person's property potentially benefits from the service being available in that area, and so it is fair that the landowner should contribute to the cost of providing the service in that area.

Proposed amendments to section 155 are intended to deal with three separate matters:

- The proposed changes to subsections (5), (6) and (7) deal with accounting matters, including the depreciation of assets.

- The intent of proposed new subsection (2a) is to deal with circumstances where service charges have been applied to Crown land. It is appropriate that the Crown pay for services it receives in the same way as residents and commercial property owners. However, it is expected that regulations made under this proposed new subsection will exempt land such as National Parks or unalienated Crown land from being levied service charges.
- Proposed new subsection (11) is intended to deal with circumstances where waste collection services are provided, but are not directly accessible at the relevant land. The Government intends to consult with the LGA to devise a scheme, to be prescribed in regulations, under which a sliding scale of waste collection charges may be imposed, depending upon the level of service provided.

Community service rate rebates

Section 161 of the Act requires a council to grant a rebate of at least 75 per cent to land 'predominantly used for service delivery and administration by a community service organisation.'

There have been two problems identified with the operation of section 161. First, on the basis of legal advice, some councils have been rejecting applications from community service organisations unless the land the organisation occupies is used for both service delivery and administration. Clearly, the intent of the legislation would best be served by an amendment to grant the rebate to land predominantly used for either service delivery or administration, or both.

Secondly, again on the basis of legal advice, some councils have taken a narrow interpretation of 'supported accommodation' in section 161(4) to deny applications for rebates from community housing organisations. The term 'supported accommodation' is defined in section 4 of the Act, but the definition does not indicate what type of 'support' must be received in order for the accommodation to be classified as 'supported' accommodation. This interpretation has been the subject of discussions since mid-2007 with the Office for Community Housing, the Community Housing Council of SA, the SA Institute of Rate Administrators and the LGA.

Community housing associations are community managed non-government organisations providing housing for those with special housing needs. They are not-for-profit organisations, generally managed by volunteers. These associations meet the eligibility criteria for rebates applicable to other community service organisations but a small number of councils have excluded them from receiving rebates under section 161 based on legal opinion that 'support' should be interpreted only to mean intensive personal services care. This Bill would remove the uncertainty by amending the section 4 definition of 'supported accommodation' to specifically include a reference to housing associations registered with the Office for Community Housing; and amends section 161(1) to remove doubt that each parcel of land must be used predominantly to administer or provide a community service. A transitional provision will allow this change to be 'phased in' over the next 3 financial years.

Community land

The Bill proposes amendments to deal with various issues concerning community land. First, under section 194 of the Act, a council proposing to revoke the status of community land, must prepare a report on the proposal, and must consult the public. The Bill provides that this report must be made available to the public for at least two months. If during that time, the council receives a petition with a sufficient number of signatures opposing revocation of the community land status, then the proposal will be blocked, unless the council obtains a mandate from a poll of electors. The required number of signatures on a petition is five percent of electors, or two hundred electors, whichever is greater. Secondly, if a council wishes to transfer community land to the State Government, but continue to undertake the 'care control and management' of the land as community land, then section 201 places an unreasonable obstacle in the council's path, by requiring the council to first revoke the land's classification as community land. In these circumstances, the required revocation is nonsensical and contrary to the council's intentions. The Bill provides that if land is to remain community land, then there is no need to revoke this status when transferring its ownership.

Third, section 202 of the Act permits a council to issue a lease or licence over community land for a term of up to 21 years. Although the policy intent of this provision is to provide a maximum term of 21 years (i.e. for the total term(s) of the grant and renewal), there has been some confusion in the past that it could be interpreted as allowing a 21-year lease to be renewed for a further 21 years without any requirement for further community consultation. The Bill provides that the maximum term of a lease or licence is to be 21 years. This does not prevent a new lease being granted after such a term, but any such new lease must be subject to a fresh round of community consultation.

Procedural requirements for council orders

A council has many powers to make orders to private land owners. For example, orders can be made to landowners under section 254 (hazards, nuisances, unsightly land) or under section 299 (remove or cut back encroaching vegetation).

The process for making these orders carries some protection for the landowner. Orders under section 254 or 299 may be made only if the relevant person has first received a notice, warning of the proposed order, the reasons for it, and inviting that person to show cause why the order should not be made. A person who receives an order under section 254 or section 299 may appeal to the District Court.

However, there are other order-making powers under sections 216 and 218 which do not detail any process to be followed by the council in making such orders. The Bill deals with this inconsistency by applying the same procedural protections to orders made under sections 216 and 218.

The Bill also standardises the penalty and expiation fee for contravention of any order under sections 216, 218, 254 or 299.

Roads and house numbers

Section 210 of the Act prescribes the process that a council must follow if it wishes to convert a private road into a public road. This process, not surprisingly, requires the council to contact the owner of the road, or at least make reasonable inquiries to find the owner. However, the section is silent about any legal rights to the road that might be held by persons other than the owner. The Bill provides that other persons holding registered legal interests should be subject to the same procedural requirements as the owner of the land. This would include persons with the benefit of a right-of-way, a mortgagee or a registered lessee.

Section 219 of the Act gives a council the power to name a road. Likewise, under section 220, a council may adopt a numbering system. Two separate problems have been identified with these sections. First, in new land divisions, councils sometimes do not assign house numbers or street names until well after houses are built and occupied. This has the potential to cause problems, for example making it difficult for emergency services to locate the appropriate house until the house number is actually assigned. It is also administratively inefficient because identifiers for each house must be entered into databases twice. (For example, even if a street name is unchanged, a house first identified as Lot 13 Smith Street might later need to be changed, for example, to No. 37 Smith Street.)

Second, under sections 219 and 220, assigning a name for a new road, and 'a numbering system for a particular road' cannot be adopted by council officers using delegated authority, but must be a 'resolution' of a council. New roads are occasionally created within new subdivisions. It creates unnecessary delays to have the council formally required to consider adoption of a separate resolution for the name of every new road, and potentially, later, a numbering system for that road. The requirement, in each case, for a 'resolution' also means that the elected council cannot delegate decisions on these matters to the Chief Executive or any staff member.

Accordingly, the Bill proposes to delete references to a council 'resolution' for these purposes. This will enable councils to delegate these decisions to staff. Any delegation to staff, to assign road names would need to be consistent with a council policy on street names. The Bill also requires house numbers to be allocated at the first opportunity in the land division process.

By-laws that apply in only part of the council district.

A council may determine, from time to time, that a by-law applies in only part of the council area. This occurs by a council 'determination' under section 246(3)(e).

However, the Act lacks directions to councils to ensure that the making of such a determination is transparent and accessible to the community.

Accordingly, the Bill contains several amendments to ensure that a relevant determination cannot be delegated by the council, and must be published on the internet, in the Gazette, and in a local newspaper in the same way as a by-law.

Entering private land to carry out work

An employee or contractor of a council may enter and occupy land 'insofar as may be reasonably necessary for carrying out a function or responsibility of the council'. This might involve, for example, depositing tonnes of gravel or sand prior to using the material for adjacent road works. When it enters and occupies land, the council is liable to pay the landowner rent, and to compensate the landowner for any nuisance or damage caused.

However, the Act does not refer to remediation—that is restoring the land to its former state. Nor does it contain any detail of the process required to gain access and occupation; for example a requirement to provide written notice of the council's intention to enter or occupy the land, and any rights of appeal for the landowner.

The Bill therefore inserts amendments to section 294, which would:

- require the council to undertake remediation of the land, to the extent reasonably practicable;
- require the council to pay compensation for any other loss or damage caused; and
- prescribe a process that must be followed by the council in order to gain access and occupation, except when:
 - there is an emergency; or
 - the owner or occupier cannot be located; or
 - the occupation is less than 24 hours and causes no material nuisance or damage.

The amendments to section 294 effectively render section 295 redundant, so that section is to be repealed.

Strict liability when exercising emergency powers

Under section 298, a council has power to take action 'as it thinks fit' in the event of a flooding emergency. This action may be taken irrespective of whether any emergency declaration has been made under the *Emergency Management Act 2004*.

However, a council that does take action in reliance on the powers in section 298 is liable—under subsection (3)—to 'compensate any person who suffers loss in consequence' of the council's action.

This liability applies even if the council has acted entirely reasonably and without negligence. It is a strict liability. For example, if a council were to divert rising floodwaters, in order to save lives and/or multiple properties, the council

would nevertheless be liable to compensate a single property owner for any damage caused to land onto which the floodwaters had been diverted.

A similar strict liability that was formerly imposed on the State Emergency Service was repealed with the commencement of the *Fire and Emergency Services Act 2005*. There is no similar strict liability imposed on SA Police, the Metropolitan Fire Service, or the Country Fire Service.

Repealing the compensation provisions in section 298 would not prevent a council from being held liable in common law over the use or misuse of its powers. Such repeal would merely leave councils in the same situation as other emergency organisations, exposed to liability in tort, i.e. to claimants alleging negligence, nuisance or trespass.

In these situations a council would be able to rely on a defence of 'statutory authority' or 'necessity'. To succeed in a claim for negligence, for example, a claimant would presumably need to establish that the council 'had not exercised reasonable care' in the exercise of its statutory power.

Section 298 is restricted to actual or imminent flooding. It does not cover any other emergencies. There are reasons to consider additional powers for councils to respond to other emergencies. However, the State Emergency Management Committee (SEMC) is conducting a review of the Emergency Management Act, and it is likely that further legislative reforms will be considered as part of that review. This Bill merely proposes to repeal subsections 298(3) and (4) to remove a council's strict liability for the exercise of its emergency powers.

Electronic attendance at committee meetings

In regional areas, council committee members often have to travel long distances to attend meetings that may be quite brief. There would be considerable gains in efficiency if council committees could exercise discretion to permit members to participate by teleconference or webcam.

The Bill proposes to amend section 90 to permit council committee meetings to be held using electronic communication, provided that members of the public can still hear the discussion between all committee members. This proposed amendment does not apply to full council meetings; only to committees.

Scheduling representation reviews by regulation

Under section 12 of the Act each council must conduct a review, into its 'composition and ward structure' at least once in every eight years.

Such a representation requires a council to consider:

- how many elected members it needs to adequately represent its community;
- how many, if any, wards there should be within the council area, and their boundaries; and
- the method of electing the council's principal member.

The process can take up to nine to ten months to complete. In 2009, there are about 48 out of South Australia's 68 councils that are (or have been) undertaking representation reviews; their second since the commencement of the Act on 1 January 2000.

All of these reviews must be completed no later than 31 December 2009. This date is less than three months before the scheduled State election, and certifying so many representation reviews in such a short time, whilst simultaneously preparing for a State election, places undue pressure on the resources of the Electoral Commission.

If no action is taken, the same logjam of multiple representation reviews will occur again, in another eight years. Rather than have so many reviews conducted all in the same year, it is more appropriate, for logistical reasons, to have representation reviews for SA's 68 councils scheduled on an evenly spaced and rolling basis, over the entirety of two four year electoral cycles.

Therefore, the Bill would amend section 12 to provide that representation reviews for each council may be scheduled by regulation.

Conflict of interest

A recent case in the District Court required the court to interpret and apply sections 73 and 74 of the Act, that deal with councillors (and members of council committees and the Boards of any subsidiaries) who may have a conflict of interest in a matter for decision. These sections define when members have an interest in a matter before the council, and provide that they must disclose such an interest. Unless specified qualifications apply, they must not then take part in debate or vote on the matter and must leave the meeting while that is occurring.

In *Adelaide Parklands Preservation Assoc v The City Of Adelaide* His Honour Judge Barrett found that two councillors, who had an interest as defined by the Act because of their membership of the South Australian Motor Sport Board, should not have taken part in debate or voted on a motion.

The decision raised doubts about the proper role of councillors appointed or nominated by their council to that Board or the governing body of other, various non-profit associations. His Honour in interpreting section 74 found that the two councillors did not fall within the qualifications in subsection 74(4) as they were not 'appointed by the council' to the South Australian Motor Sport Board, but nominated by the Council with the appointment was made by the Governor.

The Bill would clarify section 74 and restore the interpretation that was previously relied upon by local government and its legal advisors. It provides that a councillor must declare their interest but is not required to

abstain from taking part in debate or voting—as otherwise would be required by subsection 74(4)—in either or both of the following circumstances:

- (a) the member or a person closely associated with the member is a member of, or director or member of the governing body of, a non-profit association;
- (b) the member or a person closely associated with the member is a member of a body (whether incorporated or unincorporated) comprised of or including, or having a governing body comprised of or including, a person or persons appointed or nominated by the council.

Frew Park, Mount Gambier

The City of Mount Gambier holds a reserve named Frew Park, under a Trust established in 1896. The only uses that the trust has permitted for the land are 'walks, recreation, military or other exercises'. The City of Mount Gambier wishes to permit other activities at Frew Park, albeit uses that would be consistent with its classification as community land.

Schedule 8 of the Act includes specific provisions about other identified named reserves. It is appropriate to deal with the limitations of the Frew Park Trust by inserting a new clause in Schedule 8 so that Frew Park is confirmed as community land, freed of the restrictions in the existing trust, but still subject to the protections that the Act provides to all community land.

As indicated, the bill includes both technical and more broadbased policy measures—the latter directed to improving the transparency and accountability of the 68 councils in the State. I am confident that the proposed amendments will support local government to develop and strengthen its policies and procedures and introduce high standards of governance and probity. These reforms will enable local government to continue to improve its accountability to the community and ratepayers of SA and provide a strong basis for councils to move into the future.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 4—Interpretation

This clause includes a definition of *CPI* and amends the definition of *supported accommodation*.

5—Amendment of section 8—Principles to be observed by a council

This clause establishes principles to be observed by a council.

6—Amendment of section 12—Composition and wards

This clause amends section 12 by substituting the requirement to conduct a review under the section at least once in every 8 years with a review at least once in each relevant period that is prescribed by the regulations.

The clause deletes subsection (4a) of section 12.

7—Amendment of section 44—Delegations

This clause deletes and substitutes paragraph (a) of subsection (2) so that a council may not delegate power to make a by-law or to determine that a by-law applies only within a part of parts of the area of the council.

8—Amendment of section 48—Prudential requirements for certain activities

This clause inserts proposed subsection (aa1) into section 48 to provide that a council develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the council maintains certain specified standards. The policies practices and procedures must be consistent with any regulations made under the section.

Subclause (4) amends subsection (1) by extending the basis on which a council must obtain and consider a report that addresses certain prudential issues to include where the council considers that it is necessary or appropriate.

Proposed subsection (4a) provides that a report under subsection (1) must not be prepared by a person who has an interest in the relevant project (but may be prepared by an employee of the relevant council).

Various new subsections deal with conflict of interest issues and identify the circumstances in which members are held to have an interest in a project.

Finally, a series of amendments provide that the \$4,000,000 sum under section 48(1)(b)(ii) of the Act is to be indexed in accordance with the CPI.

9—Amendment of section 49—Contracts and tenders policies

Proposed subsection (a1) provides that a council must develop and maintain procurement policies, practices and procedures directed towards—

- obtaining value in the expenditure of public money; and
- providing for ethical and fair treatment of participants; and
- ensuring probity, accountability and transparency in procurement operations.

Provision is made for the requirement that policies on contracts and tenders must be consistent with any requirement prescribed by the regulations.

10—Amendment of section 59—Roles of members of councils

This clause inserts new subparagraph (iv) into subsection (1)(a) to provide that the role of a member of a council is, as a member of the governing body of the council, to ensure, as far as practicable, that the principles set out in section 8 are observed.

11—Amendment of section 74—Members to disclose interests

This clause deletes paragraph (c) of subsection (4a) and inserts new subsection (4a), which identifies the circumstances in which members are held to have a conflict of interest. Another amendment will enable the Ombudsman to investigate an alleged breach of the section (if the person applying for an investigation is determined to have a sufficient interest in the matter).

12—Amendment of section 84—Public notice of meetings

These amendments revamp the process for the publication of notices of council meetings.

13—Amendment of section 88—Public notice of committee meetings

These amendments revamp the process for the publication of notices of council committee meetings.

14—Amendment of section 90—Meetings to be held in public except in special circumstances

This clause inserts new subsection (7a), which sets out the circumstances in which a council committee meeting will be taken to be conducted in a place open to the public for the purposes of section 90.

15—Amendment of section 110—Code of conduct

This clause inserts new subsections (3a) and (3b).

Proposed subsection (3a) provides that a code of conduct must be consistent with any principle or requirement prescribed by the regulations and include any mandatory provision prescribed by the regulations.

Proposed subsection (3b) provides that the Minister should take reasonable steps to consult with any registered association that represents the interests of employees of councils before a regulation is made under proposed subsection (3a).

16—Amendment of section 123—Annual business plans and budgets

This clause amends subsection (5) of section 123 by extending the number of days by which copies of the draft annual business plan must be available before the date of the meeting from 7 to 21 days.

This clause inserts subsection (5a), which requires the council to ensure that provision is made for a facility for answering questions and the receipt of submissions on its website during the public consultation period.

17—Amendment of section 127—Financial statements

This clause deletes paragraphs (a) to (e) of subsection (1) and inserts new paragraph (a) to ensure that a council must prepare for each financial year, financial statements and notes in accordance with standards prescribed by the regulations.

18—Amendment of section 129—Conduct of audit

This clause deletes and substitutes subsection (1) to ensure that the auditor of a council must undertake an audit of—

- the council's financial statements within a reasonable time after the statements are referred to the auditor for the audit (and, in any event, unless there is good reason for a longer period, within 2 months after the referral); and
- the controls exercised by the council during the relevant financial year in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.

Clause 16 deletes and substitutes subsection (3) to ensure that the auditor provides to the council—

- an audit opinion with respect to the financial statements; and
- an audit opinion as to whether the controls audited under subsection (1)(b) are sufficient to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.

This clause deletes subsection (5a) and inserts new subsections (5a) to (5e) (inclusive).

Proposed subsection (5a) sets out the basis on which the auditor will provide the opinion under subsection (3) and the advice under subsection (4).

Proposed subsection (5b) sets out the manner in which the opinion and advice must be placed on the agenda for consideration (unless proposed subsection (5c) applies).

Proposed subsection (5c) provides that the opinion and advice may be the subject of a special meeting of the council called in accordance with the requirements of the Act (and held before the ordinary meeting of the council that would otherwise apply under subsection (5b)).

Proposed subsection (5d) makes provision for the confidentiality of the opinion under subsection (3) and proposed subsection (5e) sets out the basis on which the advice under subsection (4) may be kept confidential.

Subclause (9) inserts new paragraphs (d) to (h) (inclusive) into section 129(6) to expand upon the matters that the auditor must report to the Minister.

Subclause (10) inserts new subsection (9) to provide that an opinion under subsection (3), provided to a council under the section, must accompany the financial statements of the council.

19—Amendment of section 132—Access to documents

This clause substitutes paragraph (f) and inserts new paragraphs (h) to (j) (inclusive) of section 132(3) to expand on the list of documents that a council should make available for inspection on the Internet within a reasonable time after they are available at the principal office of the council.

Subclause (4) provides that the Governor may by regulation amend the list of documents contained in subsection (3) from time to time.

20—Amendment of section 132A—Related administrative standards

This clause substitutes paragraph (b) of section 132A so that a council must ensure that appropriate policies, practices and procedures are implemented and maintained in order to achieve and maintain standards of good public administration.

21—Amendment of section 133—Sources of funds

This clause deletes paragraph (b) from the Examples set out in section 133.

22—Variation of section 151—Basis of rating

This clause inserts new subsections (10) and (11) into section 151 of the Act to provide that a council must not, in relation to any financial year, seek to set fixed charges as a component of general rates at levels that will raise a combined amount from such charges that exceeds 50 per cent of all revenue raised by the council from general rates. Proposed subsection (11) provides that a charge is not invalid because fixed charges imposed in relation to any financial year raise more than the amount referred to in proposed subsection (10).

23—Amendment of section 152—General rates

This clause amends section 152 by expanding on the range of exceptions to the requirement imposed under the section to apply a fix charge equally to each separate piece of rateable land in the area so that a fix charge cannot be imposed against each site in a caravan park or each site in a residential park within the meaning of the *Residential Parks Act 2007*.

24—Amendment of section 155—Service rates and service charges

This clause inserts new subsection (2a) to provide that a council's ability to impose service rates and annual service charges on rateable and non-rateable land under subsection (2) does not apply in prescribed circumstances.

Subclause (4) inserts new subsections (6) and (7).

Proposed subsection (6) provides that, subject to subsection (7), any amounts held in a reserve established in connection with the operation of subsection (5) must be applied for purposes associated with improving or replacing council assets for the purposes of the relevant prescribed service.

Proposed subsection (7) provides that if a prescribed service under subsection (6), is, or is to be, discontinued, any excess of funds held by the council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) may be applied for another purpose specifically identified in the council's annual business plan as being the purpose for which the funds will now be applied.

Subclause (5) inserts proposed subsection (11) to provide that if a prescribed service, in relation to a particular piece of land, is not provided at the land and cannot be accessed at the land, a council may not impose in respect of the prescribed service a service rate or annual service charge (or a combination of both) in relation to the land unless the imposition of the rate or charge (or combination of both)—

- is authorised by the regulations; and

- complies with any scheme prescribed by the regulations (including regulations that limit the amount that may be imposed or that require the adoption of a sliding or other scale established according to any factor, prescribed by the regulations, for rates or charges (or a combination of both) imposed under this section).

25—Amendment of section 158—Minimum rates and special adjustments for specified values

This clause amends section 158(2) of the Act by inserting new paragraph (ba) into subsection (2) to add, each site in a caravan park or each site in a residential park within the meaning of the *Residential Parks Act 2007*, to the list of matters that a council cannot impose a minimum rate against. The clause adds new paragraph (bb) into subsection (2) to provide that if 2 or more pieces of ratable land within the area of a council constitute a single farm enterprise, a minimum amount may only be imposed against 1 of the pieces of land.

New paragraph (da) is inserted into subsection (2) so that a council may not apply section 158 so as to affect or alter a separate rate that would be otherwise payable under section 154 in relation to more than 35 per cent of the total number of properties in the area that should be subject to the separate rate.

Paragraph (e) of subsection (2) is substituted and replaced with new paragraph (e) so that a council cannot apply section 158 in respect of a general rate or a separate rate if the council has included a fixed charge as a component of that rate.

26—Amendment of section 161—Rebate of rates—community services

This clause amends section 161(1) to ensure that rates on land apply to land being predominantly used for service delivery or administration (or both).

27—Amendment of section 194—Revocation of classification of land as community land

This clause amends section 194(2) to ensure that a report prepared by a council on the proposal is made publicly available. A new scheme for the submission of a proposal to revoke the classification of land as community land to a poll of electors if a 'qualifying' petition is made to the council is also included.

28—Amendment of section 201—Sale or disposal of local government land

This clause deletes and substitutes paragraph (a) of section 201(2) to provide that a council may only dispose of community land if the land is to be amalgamated with 1 or more other parcels of land and the amalgamated land is to be (or to continue to be) community land or, in any other case, after revocation of its classification as community land.

29—Amendment of section 202—Alienation of community land by lease or licence

This clause deletes and substitutes subsection (4) of section 202 with proposed subsection (4) to provide that a lease or licence is to be granted for a term not exceeding 21 years and the term of the lease or licence may be extended but not so that the term extends beyond a total of 21 years.

The clause inserts new subsection (4a) into section 202 to provide that subsection (4) does not prevent a new lease or licence being granted at the expiration of 21 years (subject to the other requirements of this Act or any other law).

30—Amendment of section 210—Conversion of private road to public road

This clause inserts new paragraph (ab) into subsection (2) of section 210 of the Act. Proposed paragraph (ab) ensures that if a person has some other form of registered legal interest over the private road and the identity and whereabouts of that person are known to the council—the council must give written notice to the person of the proposed declaration at least 3 months before it makes a declaration under section 210.

This clause deletes and substitutes subsection (3) to provide that the following applications may be made to the Land and Valuation Court in connection with a declaration under section 210:

- an owner of the private road may apply to the court for compensation for the loss of the owner's interest in the road;
- a person who has some other form of registered legal interest over the private road may apply to the court for compensation for the affect of the discharge of that interest.

31—Amendment of section 216—Power to order owner of private road to carry out specified roadwork

This clause deletes and substitutes subsection (2) of section 216 of the Act to ensure that the requirements imposed under Division 2 and 3 of Part 2 of Chapter 12 apply with respect to any proposal to make an order and if an order is made, any order, under subsection (1) of section 216.

32—Amendment of section 218—Power to require owner of adjoining land to carry out specified work

This clause deletes and substitutes subsection (2) of section 218 to ensure that the requirements imposed under Division 2 and 3 of Part 2 of Chapter 12 apply with respect to any proposal to make an order and if an order is made, any order, under subsection (1) of section 218.

33—Amendment of section 219—Power to assign a name, or change the name, of a road or public place

This clause inserts new subsection (1a) into section 219 of the Act to require a council to assign a name to a public road created after the commencement of this subsection by land division.

Subclause (2) amends subsection (4) so that Public notice must be given of the assigning or changing of a name under subsection (1) rather than of a resolution assigning or changing a name.

Subclause (3) inserts new subsections (5) to (8) (inclusive) to—

- require a council to adopt a policy relating to the assigning of names; and
- allow a council to alter its policy, or substitute a new policy; and
- require public notice to be given of any alterations to a policy or adoption of a policy.

34—Amendment of section 220—Numbering of premises and allotments

This clause inserts new subsections (1a) and (1b) into section 220 of the Act.

Proposed subsection (1a) requires that a council must assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of this subsection by land division.

Proposed subsection (1b) requires that a council must ensure that an assignment under proposed subsection (1a) occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of this subsection.

35—Substitution of section 237

This clause substitutes section 237 of the Act.

237—Removal of vehicles

The proposed section provides that if a vehicle has been left on a public road or place, or on local government land for at least 24 hours, an authorised person may place a prescribed warning notice on the vehicle. After 24 hours has expired since the placement of a prescribed warning notice, an authorised person may have the vehicle removed to an appropriate place.

The proposed section makes provision for the sale of the vehicle if the owner of the vehicle does not take possession of the vehicle and pay expenses associated with the removal of the vehicle.

36—Amendment of section 246—Power to make by-laws

This clause inserts new subsection (4a) into section 246 of the Act to provide that if a council makes a determination under subsection (3)(e) that a by-law, or a provision of a by-law, applies only within a part or parts of the area, the council must ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the council.

37—Amendment of section 258—Non-compliance with an order an offence

This clause deletes and substitutes the penalty and expiation fee provisions in section 258 to increase the maximum penalty to \$2 500 and the expiation fee to \$210.

38—Amendment of section 270—Procedures for review of decisions and requests for services

This clause inserts new subsections (a1) and (a2) to make provision for the development and maintenance of policies, practices and procedures in relation to requests for the provision of a service or for the improvement of a service provided by the council or complaints about the actions of the council, its employees or other persons. The policies, practices and procedures must be directed towards dealing with the relevant requests or complaints in a timely, effective and fair way and using information gained from the council's community to improve its services and operations.

Subclause (3) inserts new subsection (4a) to ensure that the policies, practices and procedures established under section 270 must be consistent with any requirement prescribed by the regulations.

39—Amendment of section 271—Mediation, conciliation and neutral evaluation

This clause amends section 271 to add conciliation proceedings to the range of possible dispute resolution schemes available to deal with disputes between a person and the council.

40—Insertion of sections 271A and 271B

This clause inserts sections 271A and 271B.

271A—Provision of information to Minister

Proposed section 271 compels a council to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the council.

271B—Minister may take steps to ensure reasonable standards are observed

The proposed section provides that the Minister may, after taking into account such matters as the Minister thinks fit, request a council to obtain an independent assessment of its probity or its compliance with any requirement placed on the council under this or any other Act or, without limiting paragraph (a), to take specified action to meet standards in the conduct or administration of the affairs of

the council identified by the Minister as being consistent with the objects of this Act, or any principles or requirements applying under this Act.

41—Amendment of section 272—Investigation of a council

This clause inserts new paragraph (ab) into section 272(1) to enable the Minister to appoint an investigator to carry out an investigation if the Minister has reason to believe that a council has failed to comply with a request under proposed sections 271A or 271B.

The clause further provides that the requirement to give a council notice before making an appointment under subsection (1), is not required if the Minister considers that the notice would be likely to undermine the investigation.

An investigator appointed under subsection (1) may, for the purposes of an investigation—

require a person who has access to information that is, in the opinion of the investigator, relevant to the investigation, to provide that information to the investigator in a form determined by the investigator;

inspect—

- any building or other premises occupied by the council;
- the operations of the council conducted in or on any building or other premises;

Proposed subsection (6a) provides that if during the course of an investigation an investigator considers that other matters relating to the affairs or operations of the council should be subject to investigation or report, the investigator may, after consultation with the Minister, proceed to investigate (as necessary), and report on those matters. The Minister will be able to call for interim reports.

42—Amendment of section 273—Action on a report

This clause expands the matters upon which the Minister may give directions to the council under the section to include if the Minister considers that a council has failed to respond appropriately to a recommendation of the Ombudsman or that a council has failed to address appropriately a matter that formed the basis of a request under proposed section 271B.

The clause expands the matters upon which the Minister may recommend to the Governor that the council be declared to be a defaulting council to include if the Minister considers that there has been a failure to comply with a direction under subsection (2)(b) or a failure to comply with a requirement to take specified action in respect of a subsidiary for the purposes of section 275.

The clause deletes subsection (4) of section 273.

43—Amendment of section 274—Investigation of a subsidiary

This clause makes amendments to the Minister's power to refer specified matters for investigation in respect of a subsidiary that correspond with those amendments made by clause 39 to the Minister's power to refer specified matters for investigation in respect of a council.

44—Amendment of section 294—Power to enter and occupy land in connection with an activity

This clause amends section 294 to allow a council to conduct surveys, inspections, examinations and tests, and carry out work.

45—Repeal of section 295

This clause repeals section 295 of the principal Act.

46—Amendment of section 298—Power of council to act in emergency

This clause deletes subsections (3) and (4) from section 298 of the Act.

47—Amendment of section 302—Application to Crown

This clause amends section 302 of the Act to expressly provide that the Crown is bound by Chapter 10 of the principal Act.

48—Amendment of Schedule 2—Provisions applicable to subsidiaries

- (1) This clause amends subclause (2) of clause 13 of Schedule 2 to remove the ability of the council to exempt a subsidiary from the requirement to establish an audit committee.
- (2) Subclause (2) makes it clear that an audit committee established by a subsidiary may include persons who are members of the council's audit committee.
- (3) Subclause (3) amends subclause (2) of clause 30 of Schedule 2 to replace the ability of the charter of a regional subsidiary to exempt the regional subsidiary from the requirement to establish an audit committee with the ability of such exemption to be provided by regulation.
- (4) Subclause (4) makes it clear that an audit committee established by a regional subsidiary may include persons who are members of a constituent council's audit committee.

49—Amendment of Schedule 4—Material to be included in the annual report of a council

This clause deletes paragraph (e) from clause 1 of Schedule 4.

50—Amendment of Schedule 8—Provisions relating to specific land

This clause inserts new clause 12 into Schedule 8 of the Act.

12—Frew Park

Proposed clause 12 classifies Frew Park as community land and makes that classification irrevocable. The clause also revokes the Frew Park trust.

Schedule 1—Transitional provisions

1—Interpretation

This identifies the principal Act for the purposes of the schedule.

2—Transitional provision—audit opinions

This clause sets out transitional provisions that apply to the various auditing arrangements imposed by the amendments made by this Act to section 129 of the principal Act.

3—Transitional provision—Rebate of rates

This clause provides for the 'phasing in' of the new rebate for supported accommodation that qualifies under section 161 of the principal Act.

Mrs PENFOLD (Flinders) (16:19): I advise the house that I am not the lead speaker on this bill. I commend the many people who work and serve in the local government sector. Local government plays a vital role in keeping communities connected and is part of our everyday lives. Local governments in South Australia look after more than \$14.6 billion of infrastructure. In 2007-08, local government spent almost \$240 million on upgrading assets and more than \$207 million on new assets.

Over the years I have represented the Flinders electorate, I consider that I have had a good working relationship with the 10 councils (now eight) that are in my electorate. They are all small rural councils, with the exception of the City of Port Lincoln, and play a pivotal role in dealing with the changes to the environment, the economy, our culture and the everyday complexities of life. The staff and elected members are to be commended for the work they do under what is often difficult circumstances due to lack of resources and their remote locations. Too often governments introduce legislative changes with no consideration given to these under-resourced councils and the 'one size fits all' approach results in additional pressures.

Elected members I speak to all agree that, in the last 10 to 15 years, the number and degree of responsibility for councils and elected members has increased significantly. Community expectations have increased and state government requirements have increased, yet their rate base and staff numbers have not. In spite of that, members of the community continue to put their hands up for what has been a voluntary position and put in many hours and years as elected members representing their communities, with often very little recognition or thanks. I am hoping that now the remuneration tribunal is going to determine elected members' allowances, more people will be encouraged to become a local councillor, as we are seeing fewer people willing to give up the necessary time away from their jobs, families and other personal and community commitments.

Local government is an integral part of our community and its elected members are democratically elected to make representative, informed and responsible decisions in the interests of local communities. Councils continually demonstrate their commitment to their communities and, in recent years, significant governance changes have been made to ensure greater accountability and to strengthen councils' governance systems and practices.

The independent Inquiry into the Financial Suitability of Local Government in 2005 was a turning point. The inquiry, headed by Bill Cossey, found that, in recent years, councils had put current needs of communities ahead of their own sustainability. They were facing major infrastructure backlogs and that all councils needed to improve financial governance to avoid future problems. The inquiry resulted in 62 recommendations, which, commendably, the Local Government Association resolved to support in full or in principle and a task force was set up to oversee the rollout of the program of improved financial governance. It is worth noting that New South Wales, Western Australia and Tasmania have since undertaken similar inquiries.

Led by the Local Government Association, councils have worked hard to reform their financial positions and, for the first time on record, delivered an aggregate surplus for the sector in 2007-08. Local Government Association President, Mayor Felicity-ann Lewis, was reported as

stating that it was an important milestone and evidence that councils had improved their financial management particularly as they were also spending a record amount on infrastructure renewal. She acknowledged that the Roads to Recovery program and supplementary road funding from the Australian government had assisted councils to reduce infrastructure backlogs, and the new community infrastructure program will further help this year and next.

South Australian councils now have strategic management plans which are updated every four years to coincide with elections; long-term financial plans, infrastructure and asset management plans; they publish draft annual business plans (which include their budget for the coming financial year) for consultation; and have established audit committees.

I am aware that, over recent years, the LGA has committed considerable resources to support councils across the state in strengthening their governance systems and practices. They have developed a range of resource materials, including information papers, guidelines, model policies and procedures, backed up by comprehensive training package courses, which are offered to both elected members and council officers across a wide range of relevant topics.

The LGA's good governance assessment program will provide councils with a tool to assess, monitor and report on their own governance practices and performances. As part of this program, councils will also have the opportunity to have their governance self-assessments validated by an independent assessor over the five year cycle.

A good governance panel has been formed to provide another resource for councils to use in dealing with conduct complaints against councils and council development assessment panel members. All this demonstrates that the LGA and its member councils are endeavouring to provide and promote, leading to good practice. The LGA and the councils it represents are, I believe, committed to a strong local government sector and recognise the importance of accountability and transparency. I understand, not surprisingly, that the majority of councils and the LGA support the general direction of the bill, but there were some provisions they strongly objected to.

Overall, it is difficult to argue against provisions which will strengthen the governance framework of a sphere of government and which will reinforce the expectations that that sphere of government will operate with appropriate standards of good public administration. I wonder, though, how much more councils—particularly smaller councils—can do to satisfy members of parliament and the community; and I can appreciate that there are some provisions that councils have objected to. Has anyone taken into consideration the resource implications on councils, particularly the smaller ones, in having to comply with this legislation?

The majority of councils are doing the right thing, but increased legislation and regulation is placing a greater burden on these smaller councils. These changes will result in greater auditing costs and a greater and higher level of documented policies, procedures and practices. What additional support will be provided to assist smaller and rural councils? The bill is reliant on regulations, the details of which are yet unknown. Previous experience with a rollout of the Eyre Peninsula Coastal Management Strategy has clearly demonstrated that the devil is in the detail.

To suggest that local government relies on the state government to do the right thing and recognise that significant effort in time and money has already been made by the councils without local government being included in the procedures, is asking too much. It is essential that the local government sector be involved in the process of developing the regulations. Clause 22 (amendment of section 155—Service Rates and Service Charges) is clearly an overreaction by the minister to the initial concerns of residents about the Yorke Peninsula council introducing an annual service charge to fund its waste collection service.

This clause has the potential to have a far-reaching impact on many councils, and would appear to be somewhat contrary to the government's policy to reduce landfill and the 'user-pays' policy. I would suggest that there is always reaction to what is perceived to be an additional service charge. However, traditionally, bin collection costs have been recovered through general rates, where it is possible that people who do not receive a service paid and where, possibly, higher-valued properties paid more. I understand that, where the service charge is applied, it is calculated by dividing the total cost of the service by the number of properties that receive a service.

The cost of waste management is escalating as councils strive to meet the state government's focus on reducing the amount of waste going to landfill and the number of landfill sites. The levy that councils pay for disposing of each tonne of waste has more than doubled in recent years. In addition, new Environment Protection Authority (EPA) guidelines to reduce the

impact of landfill on the environment has increased operating costs, and the amount of waste going to landfill must be reduced.

Smaller regional councils are struggling. The District Council of Lower Eyre Peninsula's annual business plan states:

Waste management continues to be a significant recurrent cost for council. The closure and capping of existing landfill sites and the conversion of the Cummins and Coffin Bay sites to transfer stations is in process. The total cost of the revamped waste management activities is expected to require a 3.2 per cent increase in rate revenues but will provide a service more in line with current day expectations and requirements.

The council, in conjunction with the City of Port Lincoln and the District Council of Tumby Bay, is working to develop an appropriate landfill solution to service the southern Eyre Peninsula community, and it has entered into a memorandum of understanding with a private company to construct and operate a landfill site. I commend these three councils for their planning and forward thinking to provide an acceptable and affordable solution to waste management for many years to come.

The councils are an important tier of democratically-elected governments, and the state government, rather than imposing more legislative controls and taking an increasingly regulatory approach, should be endeavouring to work with the LGA, regional organisations and individual councils towards a more harmonious working partnership. A more streamlined state/local government arrangement would better serve South Australian communities, particularly those in regional South Australia that already struggle with a poor understanding by governments and their bureaucracies of the higher costs and distances that have to be dealt with by the smaller regional councils.

The issue of volunteers was recently highlighted in the *Port Lincoln Times* by the Mayor of Tumby Bay, Mr Graeme Stirling. He stated:

Volunteering has become a hot topic for local councils as they battle to meet legal safety obligations, at the cost of vital volunteer hours...The concern is that under SafeWork SA requirements volunteers need to be inducted and have a council staff supervisor; both come at a cost and additional time to staff and volunteers. This is required even for an individual who wants to rake up leaves on the foreshore or a retired painter who wants to help out painting at the town hall. Any working bees, which are planned for just one day to give people who work time to help, are also a challenge in organising an induction day.

Mr Stirling said on top of this the volunteers were required to wear the appropriate safe work clothing and equipment... 'It's becoming ridiculous,' Mr Stirling said of the regulations. In a community such as Tumby Bay there is a large section of people and community groups 'that like to do the work themselves'.

The Tumby Bay Cemetery Upgrade Committee is a group of volunteers that has ensured the upkeep of the cemetery for many years. Over the last 18 months members have done substantial work including a new gazebo for the area. For these men commonsense prevails and many have also had the experience in various industries. Yet they will have to undergo training and work under specified regulations. The regulations also have another effect—the drop in volunteers.

Volunteer John Lawrie said there was one instance where a group of campervan travellers had seen the work being done in the cemetery and offered to lend a hand weeding and for other jobs. Mr Lawrie said under the regulations they would have had to either reject the offered help or ask the travellers [to] spend half a day in induction. Of particular concern to the council is that it may have to employ an occupational health and safety officer, which with that additional cost to ratepayers would almost defeat the purpose of volunteers who donate their time to local projects.

The issues for our local small councils in regional South Australia, particularly on Eyre Peninsula, are ongoing, and we need the support of state and federal governments to overcome some of them.

Mr GOLDSWORTHY (Kavel) (16:32): I advise the house that I am the lead speaker in relation to this legislation. Dealing with this legislation has been a bit of an issue for the parliament, particularly in the other place. The genesis of this bill was a proposals paper that was written in December last year (11 months ago), entitled 'Reforms to improve the accountability framework for local government in South Australia'. That paper was distributed far and wide, giving all the key stakeholders—councils, the LGA and whoever else was interested in it—the opportunity to make submissions and comments to enable the government to prepare a bill. So, this matter has been around for a long time.

However, we find ourselves, on the very last sitting day of the year, in the lead-up to a state election, in the situation where one could argue that this legislation is being hurried through. The government could be accused of not really dealing with the concerns raised by the local government sector concerning the bill. Last time the other place sat there was a period in which the

bill did not proceed into the committee stage because the minister had not consulted satisfactorily with the Local Government Association.

The Hon. J.M. Rankine interjecting:

Mr GOLDSWORTHY: That has got nothing to do with it. Minister, a couple of amendments pales into insignificance in relation to a bill that has 27 pages, so don't start lecturing me about issues of that nature.

This legislation has been through a fairly drawn-out process, if I can use that description. Only yesterday it passed the other place; and significant amendments were carried in the other place. One of the reasons that significant amendments were passed relates directly to the St Clair Reserve issue. If that matter had been dealt with in a much improved manner, then I do not believe those amendments would have been moved in the other place. However, they were moved and voted on and they are now part of the bill. I understand that the government has an amendment on file to take out those clauses.

I am the shadow minister for state/local government relations. I support local councils and the role they perform in the community. They have a tough role. It is not easy dealing with any level of government (if you are part of it), but it is certainly not easy dealing with ratepayers in the community at that level because that sphere of government is closest to the community. I acknowledge and understand that. My criticism is not specifically about the local government sector but, rather, the manner in which the St Clair Reserve issue has been dealt with.

I attended a rally a couple of weeks ago in a car park on Woodville Road, across the road from the Charles Sturt council chambers, next to the railway line and immediately adjacent to St Clair Reserve. I estimate that at least 500 people attended that rally. After a couple of speeches in the car park, we went to the foyer of the council chambers. Some people went into the actual council meeting, but the rest of us remained in the foyer. It was packed out there.

We listened to a motion to revoke the initial motion that the council had put forward in relation to St Clair Reserve. We were there for about an hour while they went through that process. We then went to the back of the council chambers to a nice little park area and into another car park where the rally continued. Along with some colleagues from the other place, I had the opportunity to address the people who were attending the rally.

Some of these amendments would not have been necessary if the matter of St Clair Reserve had been dealt with differently. We saw an astonishing decision by the government just this week—it is astonishing in light of the fact that the matter has gone to court. The Minister for State/Local Government Relations has asked that her oversight of the consultation process be set aside and that it be dealt with by the Minister for Health. If that is not an unusual set of circumstances, to say the least, I do not know what is. I think it points to the fact that the minister is inept, given the fact that the oversight of that matter has been passed to the Minister for Health. That is an astounding situation, and another chapter, you could say, in the poor manner in which this St Clair Reserve issue has been dealt with. I understand that in about 20 minutes there will be another rally on the steps of this place by concerned residents in the Charles Sturt council district. I had better hurry, so I can go and attend.

The ACTING SPEAKER (Mr Piccolo): You had better hurry, for all our sakes.

Mr GOLDSWORTHY: Mr Acting Speaker! Getting on to the intent of the bill, as I said, a proposals paper was released last year for discussion, 11 months ago, and the bill has come together. It is actually an amalgamation of two pieces of legislation. Previously, a local government miscellaneous bill had been introduced in the parliament. However, given the fact that this bill was also coming into the parliament, the decision was made by the government to amalgamate the two pieces of legislation into one bill. So we have got accountability framework measures and also these miscellaneous issues to be dealt with.

I do not want to hold up the house unnecessarily, but it talks about good public administration and widening the scope of the audit. I understand that some of these measures in relation to widening the scope of audit may have come from the previous auditor-general. He made some public statements in his report in relation to the nature of audits that are conducted at the local government level. I will read from a report that has been provided to us. I think it is a duplication of the minister's second reading speech. It says, 'to expand and deepen [if you like] the extent of audits'. It is not just a tick and flick, as one might describe it. It also states, 'whether its

[councils'] management systems are sufficiently robust and prudent to prevent or detect fraud, wastage, inefficiencies, and so on'.

That lines up in some ways with the legislation that manages the state public sector. I am talking about the Public Finance and Audit Act. The provisions of this bill to some extent mirror what the South Australian Public Service is exposed to in relation to the Auditor-General's activities. The bill also deals with purpose of councils' policies and procedures, external reviews by the minister, removal of vehicles and access to documents.

The miscellaneous provisions look at issues concerning fixed charges and minimum rates. If I can just refer to my notes, that concerns the manner in which councils can raise revenue. I took notes in relation to the issue of fixed charges and minimum rates and some information that was provided to me by the Office for State/Local Government Relations. I thank the minister and the staff of the Office for State/Local Government Relations for providing me with quite a comprehensive briefing. It was good.

My notes are about councils not being able to raise more than 50 per cent of their revenue through a fixed charge. That was the information in regard to the provision, which the office provided to me in our briefing. It addresses prescribed services. This is an issue that came from, basically, the Yorke Peninsula council, where some concerns were raised within the community about a service charge for waste collection, which was being applied uniformly across the whole council area, but, in fact, the service was not being provided at the land. I understand that the member for Goyder, the deputy leader, received a petition with 742 signatures, which he tabled in the parliament.

Whilst I know that the Local Government Association has issues with the way the bill deals with this—and I propose to move an amendment that specifically referred to waste collection—I have undertaken further consultation about this matter, and I believe it closes a loophole in the current act that will not allow councils to apply a service charge in the manner that the Yorke Peninsula did initially across the services that it provides to the community.

I know that the LGA has issues with this, and I was going to deal specifically with waste collection, but, as I said, I have received further information that has brought me to the position where I will not move the amendment. In any case, we know that the government does not support that amendment. It did not support it in the other place, so there is not a lot of point doing that.

I bill also addresses community service rate rebates, community land, procedural requirements for council orders, roads and house numbers, by-laws that apply in only one part of the council district, entering private land to carry out work, strict liability when exercising emergency powers, electronic attendance at committee meetings, scheduling representation, reviews by regulation, conflict of interest and a specific issue concerning free parking in Mount Gambier. So, Madam Deputy Speaker, you can see that the bill is not without its complexities, and covers a broad range of issues relating to local government.

I did not say this at the outset, but the opposition does support the legislation. We moved a number of amendments in the other place that were defeated, and we also had some other proposed amendments; however, the government took some heed of the Local Government Association and moved those amendments itself, so that discounted the opposition's activity in relation to that. In this place it really came down to moving two amendments: one in relation to the waste collection issue specifically, and the other concerned with the provision of council documents to councillors who had declared a conflict of interest.

I understand the intent of that, and of the Local Government Association's remarks in relation to it, but I have spoken to some people who have been directly involved in local government—particularly the member for Frome, who had previously been mayor of Port Pirie—and it seems that in practical application that may not be workable. In view of that, and after speaking to the minister about it, I do not believe that we actually need to move the amendments I had flagged. With that brief contribution, and as I said, members on this side are prepared to support the legislation. It is a step in the right direction; however, there were some issues that I have previously highlighted that may not have been necessary had matters been dealt with differently.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (16:52): I will be very brief in my contribution but I do wish to refer to clause 22, which is an amendment to section 155. The shadow minister and I spoke on this for about 90 minutes when we prepared our position paper and, because I come from local government (having worked in that area for 27 years), I do wish to

make a brief contribution, especially as it relates to the amendment of section 155. This is a service charge provision, and is relevant to the District Council of Yorke Peninsula, which is in my electorate.

This has been quite an emotive issue—across the Yorke Peninsula, certainly. There were many people, some 14 or 15 months ago, who were particularly upset, and there was an increasing recognition within council of a need to change its waste collection and disposal methods. In many cases this was forced upon it. Council pursued the option of a three bin system with a service charge levy, which had not been applicable before, and suddenly people thought, 'Now we're doing something we don't want to do.'

For those who lived in the towns the collection continued as normal, it was no different; and for those who lived on a route between the communities and who were able to have a collection continue, it was no different. However, it created an enormous challenge for those people who were now required to collect the three bins, transport them to their homes, put their waste in them, and then try to get the bins to collection points—especially the older members of the community. I believe the petition of 742 people, which I presented to the house, evolved as a result of the thoughts and worries around that.

I have had some conversations with council about this, and it gave a commitment that it would review its waste collection methods—and, in fact, council did change some of its collection routes. It has been quite open about the fact that it has tried to provide a solution that it feels is best for the majority of people, recognising that not every one lives on a route and is therefore able to have their waste collected from the front of their property.

This section has created a lot of concern. The council is very worried about the fact that the introduction of some form of partial application of the service charge will create difficulties for it, and about how, in fact, you measure that. However, I am also very respectful of the fact that even though the wide community support for the expression of worry about this has reduced—and I think it is fair to say that—it is not universal.

There are some sections of the community in some of the more remote areas of the Yorke Peninsula council (remembering that it is some 200 kilometres long and has over 3,000 kilometres of unsealed roads and 400 kilometres of sealed roads—it is a very extensive road network) where it is impossible to collect from every property.

The council did try to make some progressive changes to this. It has tried to work with the community. I do regret the fact that it did not hold a public meeting early on, which I recommended that it do because then it would have given the opportunity for the community to actually come forward to ask questions before the implementation of the system on 15 October, but the council chose not to and probably wishes now that it had done that.

It is appropriate that the community's concerns are brought forward. I do recognise that minister Gago has introduced this clause 22 as a result of the contact that she had with people from Yorke Peninsula. The Hon. John Darley has expressed a lot of concerns too. The council has had ongoing discussions with the Hon. Mr Darley and the minister, and I just hope that what we have now will allow some surety to exist for the service provider and some surety on what the cost of providing that service is but also some surety for the people of Yorke Peninsula who do need their waste to be collected—there is no doubt about that.

It has been a difficult and emotional issue. It has calmed down to some level but there are still some people in the community who are very upset by what has transpired and, in fact, what they consider to be a service that does not meet their needs. I recognise that having to transport your bin potentially 15 kilometres to a collection point in the community is an enormous challenge.

I hope that we can work through the situation to ensure that a system is put in place to provide for not only the needs of the community but also the revenue stream that the council needs to fund this service. I think off the top of my head that an additional \$600,000 cost has been levied per year (which the council has to fund) to ensure that waste is collected, separated, recycled, where possible, and that landfill waste is actually taken away from the area. I commend the shadow minister on his contribution, and I look forward to the swift passage of this bill through the house.

[Sitting extended beyond 17:00 on motion of Hon. J.M. Rankine]

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (16:57): I thank members for their contributions in relation to this legislation. It is a little bit confusing, however. We have the shadow spokesperson coming in here one day saying that we are dragging the chain on legislation and now he is complaining because we have some legislation before the house. One would think that they do not necessarily want to be working on their last day. It is nice to—

Mr Griffiths interjecting:

The Hon. J.M. RANKINE: You were complaining that we were dealing with this on the last sitting day of the parliament.

Mr Griffiths interjecting:

The Hon. J.M. RANKINE: As I said, one day we are dragging the chain and the next day we are rushing you. We do not seem to be able to please the honourable member. It is nice that he has recognised that extensive consultation has been undertaken in relation to this bill. He was disclaiming that in relation to the Outback Areas Trust but I think very similar processes were undertaken.

This legislation is really all about ensuring that members of the public have confidence in their local government. We know that local governments, whether they are big or small, collect taxes and, in many instances, have budgets of tens of millions of dollars. So, it is really important that there be proper management, accountability and auditing of not only the actual accounts but the processes that underlie the spending of that money. I indicate that the government has one amendment that it will pursue in committee. I thank members for their support of the bill.

Bill read a second time.

In committee.

Clauses 1 to 26 passed.

Clause 27.

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

Page 14, lines 5 to 40, page 15, lines 1 to 18—Delete subclauses (2), (3) and (4)

These three subclauses inserted in the other place are not only flawed in concept but they are unworkable in practice. The three subclauses would invite council ratepayers to take up a petition to prevent a council from revoking the community land status of a parcel of community land. The clause goes on to describe how a petition might trigger a poll of electors, but it is obvious from the structure of these three clauses that a poll of electors would never be held.

Under the amendment, it is the receipt of a petition itself that stops any proposal to revoke the community land status. A poll of electors is not required. The petition alone thwarts any previous decision of the elected council to revoke the community land status. A poll of electors is an option that the council, in theory, might choose to pursue to restart the process. However, if a council were to receive a petition with more than the prescribed number of signatures, it would be an exercise in futility then to conduct a poll of electors to try to overturn the demand of the petitioners.

Under voluntary voting, the results of any simple majority poll will be skewed towards rejection, opponents being more motivated to vote than those who agree or do not have an interest. There is no minimum turnout figure for the results of the poll to be valid. Therefore, any poll would predictably endorse the position taken in the petition.

The cost of a poll varies according to the size of the council, but the LGA has estimated that, even for a small council, a poll of electors would cost at least \$26,000. For a large council, a poll could cost as much as \$200,000. The cost of the poll, in most cases, would outweigh any financial advantage to the community of any proposed dealing with the land. It is difficult to imagine any circumstances in which a council would choose to hold such a poll. Therefore, these three subclauses create a dangerous and unworkable situation, whereby a mere petition could overturn the decision of an elected council.

Mr GOLDSWORTHY: I understand what the minister is saying. She is talking about the amendment which was moved and passed in the other place as being unworkable. I want to

reinforce the comments I made in my second reading contribution. This has come from the St Clair issue. If that matter had been dealt with differently and not enraged the local community as it has, then I doubt very much whether this amendment would have been moved. We were prepared to support this proposal in the other place and, in view of that, we do not support this amendment because of the issue that has arisen at the St Clair reserve. As I said, if it had been dealt with properly, we would not be debating this particular amendment now.

Amendment carried; clause as amended passed.

Remaining clauses (28 to 52), schedule and title passed.

Bill reported with amendment.

Bill read a third time and passed.

SELECT COMMITTEE ON PRIVATE CERTIFIERS

Mr RAU (Enfield) (17:06): In view of the very important business which is about to come, I simply move:

That the report be noted.

Motion carried.

ADJOURNMENT DEBATE

SITTINGS AND BUSINESS

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (17:07): I move:

That the house at its rising adjourn until Tuesday 12 January 2010 at 11am.

VALEDICTORIES

The Hon. G.M. GUNN (Stuart) (17:07): This will be the last occasion that I will have the opportunity to speak in this chamber, and I must say that I feel somewhat more relaxed than when I first addressed this chamber in July 1970. Since that occasion, I have had the great privilege of serving the electorate of Eyre and Stuart for a fraction under 40 years.

I have always regarded it as a great privilege to be in this place and an honour to get higher office. I came in here with an idea that I would give a strong, effective and, I hope, responsible voice to the people I represented. I have never been one to shy away from a fight. I clearly understand that, from time to time, most of my leaders have found me a little hard to manage. I make no apology, because my only interest was this: to stick up for the people of my electorate; to enhance the Liberal Party; and do what I can to make South Australia a better place.

During the time I have been here, I acknowledge and thank all the people who work in this building who have helped and assisted me in the various undertakings I have had. In relation to trying to guide me, I know that sometimes when I would speak, the clerk would sigh but, nevertheless, we got through, and it was an interesting time in my life. My wife and I have travelled millions of kilometres around the north of South Australia, and I think that I have a good general knowledge of the roads, tracks and airfields of South Australia.

I will never again go out to Parafield and get in a Cessna 210 and fly myself off to Coober Pedy, Ernabella and end up at Yulara. That is all behind me. It was an interesting experience. Sometimes it was challenging, such as the time when we stopped the engine coming out of Mintabie, or when the wheels would not come down at Oodnadatta. They are all the things that made life particularly interesting. I want also to acknowledge the occasions when I had a driver, which I think is the greatest help you can give any member of parliament. People drove me around the length and breadth of South Australia. We were very good for General Motors. I think Ray Hayes' sales will go down a bit after March. Nevertheless, we will keep driving until the time comes.

I thank very much the people who have worked so hard for me in my offices. I have been very fortunate that they have kept the paper moving; they have helped to organise me. They have made me look good at times and they have made sure that we kept up a reputation (I hope) of responding to correspondence quickly and effectively.

We have travelled from Cook to Tarcoola to Innamincka and to Cameron's Corner from Wharminda. I think kindly of Wharminda, because I got 48 votes to nothing there once, 84 to

nothing at Chandada and about 27 at Sheringa. When I told Sir Lyell McEwin about it he said, 'Make sure you don't go there; you might offend someone.' That was good advice. He was a man of few words.

I also want to thank my wife and family, who have supported me. When I was elected in 1970 my wife and I did not have any children. Now we are lucky: we have grandchildren.

When I drive out of the car park tonight, it will be a strange experience to know that when I come back here next time I will not be coming into this chamber again. However, I have no regrets, because I believe that you should look to the future. I do not believe in looking backwards, I believe in looking forwards, and I have interesting things to do. It might not appeal to many people, but I like going to sheep sales, I like going to rodeos; I like all those things, and four-wheel drives and I like travelling. I am going to educate the Leader of the Opposition I am going to take her to a rodeo in a few weeks' time so she is fully aware of the great contribution that those people make to the welfare of the people in the north.

The Hon. M.J. Atkinson: And jumps racing.

The Hon. G.M. GUNN: And jumps racing; I am with the Attorney-General. Can I say to the Attorney-General that, when he goes to Oakbank next time, he looks at that board with the horseshoes on it and he will see that a horse called Mount Cooper won the Great Eastern on one occasion and dead-heated the next year. That was my grandfather's horse. A few years later my father's horse won the Harry D. Young Hurdle and our neighbour's horse won the Great Eastern on the same weekend. So, I am very conversant with racehorses and with jumping horses. Of course it is a good thing; it is part of the history of South Australia.

May I say in conclusion that I wish everyone in this place the best for the future. I hope the people who come into this place clearly understand that they are here to govern on behalf of the people not on behalf of the bureaucracy. They are here to make sure that the traditions of this house are not abused or taken away. They are all here for a great purpose, that is, to protect the public. One of the things we have to clearly understand is that you can legislate but often you cannot legislate common sense, and common sense is the greatest thing that a member of parliament can have.

One of the other attributes people ought to understand is that it is the little things that keep you in this place. Remember that: it is the little things that keep you in this place. Members of parliament sometimes think that they are important. I would suggest to people who think that way that they go for a walk down the street and let ordinary people come up and talk to them. They will soon make it clear that if you talk down to them you will not be with them for much longer. If you let them talk to you, you will survive.

I have been fortunate: I have won 12 elections. I believe I could win 13 if I wanted to, but I do not think that I need that challenge again, because there are other things I want to do, and I think it is time to let another young person come into this place.

I hope everyone here has a good Christmas and I wish them a happy new year. I will be enjoying myself after March doing other things—being a part-time farmer and doing some travelling and all those sorts of things that I have not done over the last 40 years, I have a few things to catch up with on the farm. Best of luck, and thank you for the way that I have been received. I particularly want to thank everyone for all the nice things they said about me this morning; my family and I greatly appreciate it. I look forward to seeing you all in years to come.

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) (17:15): I spoke about Graham Gunn this morning. Again, I want to reprise one thing. Having known him for more than 30 years, I think it is really important to occasionally praise one's opponents. While we are called opponents politically, one thing I have noticed in the 24 years I have been in this parliament is that an extraordinary camaraderie exists between members of parliament and friendships develop the way in which they should develop. We do not live in a war-torn country. We are all patriots and we all have a job to do. We come at things from different angles but, more often than not, we actually support each other.

It is important to remember the sacrifice that families make in terms of supporting members in this house. I say thank you, Graham, for educating me about agriculture, your practical 'let's fix it' approach to regional and outback issues, and your cooperation with me all those years ago on key Aboriginal issues in this state.

I want to talk about some other members who are leaving. I have worked with Lea Stevens for many years. She was there alongside me during the long haul of opposition—and everyone knows how long a haul opposition can be. For most of that time she was shadow minister for health and then in government she was minister for health.

Every time a newborn baby comes into this world, because of a scheme called Every Chance for Every Child, which was introduced in South Australia by Lea Stevens and which is now being heralded nationally and internationally as world's best practice, those little kids and their mums can have dozens of visits in their home to make sure not only the baby is doing well but also the mum and the parents are bonding well, and they can thank Lea Stevens.

The Generational Health Review was transformational in getting a mindset towards a health system that was proactive and preventative on the front line—the GP Plus approach and the primary health care approach. Anyone who visits the Lyell McEwin Hospital, which is effectively being doubled in size, can thank Lea Stevens—again, so many important reforms in the area of health.

I thank you Lea. We wish you well. She has some great ventures planned. In relation to Confucius Institute, I bumped into Lea Stevens in Shandong province and I know she is very keen on working that relationship. She has a great interest, also, in early childhood, so I wish Lea all the best for the future. Lea, I congratulate you and, also, your husband Mike and your family for all the support they have given you during those times.

Trish White joined us in a by-election about the same time during the long march to government. I remember going out with Glenda Jackson to attend her launch at a service station in Salisbury.

The Hon. P.L. White: It leaked!

The Hon. M.D. RANN: That's right, yes, it leaked. We have been co-MPs for the Salisbury area for many years. Trish has held a range of ministerial and shadow ministerial portfolios. Let us remember that with Trish as the minister for education we saw the introduction of the raising of the school leaving age for the first time in 42 years. We saw the turnaround in high school education that reversed the problems we were having with the retention rate.

For a whole range of initiatives in education, further education, transport, and reinvestment in transport infrastructure, Trish White will be remembered as a very effective minister. We look forward to her continuing to contribute to the community as a mother, of course, of two young children. Having to balance those responsibilities has been enormous. She has been the hardest working local MP, and I wish Trish and her family well for the future.

Both Lea and Trish have been ministers, and it is a hard job being a minister of the Crown. Both have held the biggest portfolios in terms of spending—Trish in charge of 1,000 schools and, of course, Lea in charge of the biggest spending budget in health and, also, the biggest employer. So, congratulations go to Trish as well. I do not think either of you will be reading *Hansard* late at night, as has been the case with some other former members.

Also, I want to mention Rory McEwen. Rory McEwen is someone for whom I have a great deal of respect and affection, and also his wife Di. He came into the government in the extraordinarily unusual position as an Independent member, a non-Labor member, a conservative member of a Labor government. The thing I respect about Rory is that he says it like it is. I greatly valued the different culture and perspective that he brought to the cabinet table. There is absolutely no doubt that, as minister for local government (because of his experience in that area) and also as minister for agriculture, food, fisheries and forests and regional development, Rory brought a completely different culture and perspective to the cabinet. I think that made us a much stronger cabinet as a result, as it does with Karlene Maywald's presence.

The thing that I always found about Rory is that he is someone who absolutely knew where he came from and knew whose side he was on. He was prepared to step out and speak out about government initiatives that he did not believe in and absent himself from the cabinet table. I have always found Rory to be a person of extraordinary integrity and someone whose wise counsel I have really valued in so many areas; and I hope I will be able to do so for years to come.

We know, of course, that Rory had a health crisis during his time as a minister, that I think shocked all of us, and probably shocked him as well. Thank God that Di was there as a nurse. It was amazing to see him back on the bike in lycra a few months later in the Tour Down Under—

maybe not the lycra. I have seen the minister for transport and infrastructure in lycra, and also with zinc on his nose and ears. It was like an alien being going down South Road.

So, thank you, Rory. Thank you for your commitment to our state and for putting our state before politics, which is what you have done. I look forward to increasing contact with you in retirement.

To Liz Penfold I say this: everyone knows of your great championship of your electorate on the Eyre Peninsula. It is a vast area. I particularly remember what happened during the tragic Eyre Peninsula bushfires just four years ago, in 2005. That was an extraordinary period in this state's history and a terrible tragedy because of the loss of lives and also the loss of farm properties. I know she will be sadly missed in her electorate and I am sure she will continue to contribute to regional development in this state. Do we know of any other people retiring voluntarily? Are there any surprises?

An honourable member: Ivan's staying!

The Hon. M.D. RANN: Ivan is staying! Baron of the Barossa! He is already in the House of Lords. He is the Baron of the Barossa.

Because this is a valedictory moment, let us remember that, apart from saying goodbye to friends and wishing them well for the next phase of their professional lives or retirement, it is also a time to say thank you to those who serve the people of this state by making sure that this place runs well.

To all of the staff—Hansard staff, library staff, those who feed us, those who come in here as caretakers to make the solar power systems work, the maintenance people—all of the people in this parliament, from the clerk to the cleaners, all of them, thank you. The more I particularise the more I am going to leave someone out. Every single person who makes this place tick over as the people's parliament, we thank you.

We cannot function without the support of countless people, including our public servants who are so often denigrated. I went to the Public Sector Awards the other night, and heard, one after another, stories of people who had been nominated who are making an incredible difference in people's lives in this state. They are innovative and they are servicing clients under the most extraordinarily difficult situations. I was very moved by not only the winners but also the finalists in the Public Sector Awards the other day.

I want to thank our staff, who are kept here with us, working in their offices—opposition staff, government staffers, ministerial staffers—who do fantastic work. You are our eyes, ears, legs and arms, and too often we forget to say thank you. To the staff of the parliament, the staff of members of parliament and electorate offices, the staff of ministerial offices and those who work with us in this chamber, I say thank you, have a very merry Christmas—most importantly a safe one—and a terrific time with your families. Thank you.

Honourable members: Hear, hear!

The Hon. R.J. McEWEN (Mount Gambier) (17:27): What a delight it is to rise for the last time in this place as one of five who choose to leave of their own making at their own time. I think that, often, we find people leave this place because they are pushed out by parties or rejected by the people. So, it is an honour for me to stand with Liz, Graham, Trish and Lea and collectively say goodbye and thank you.

In doing that, I think a number of us can give significant advice to aspiring politicians, and the most fundamental advice is: don't dare even consider it unless you have a strong, dedicated, loyal, loving and charming wife. Without such a life partner, you would not survive, without sons who understand and their partners who also understand, you would not survive.

You cannot get elected without a support team, particularly as an Independent. As an Independent you need to put together individuals who are prepared to work with you and fund and finance you, and you need to be able to go back to that well every time. Again, I say thank you to those people, who, I might add, were dealt with harshly in this parliament at one time—inappropriately, dishonestly and harshly—because they became victims of an attack on me.

You cannot survive without some key loyal and trusted individuals who will give honest and frank advice and never let you down. There are a number of them in this place with whom I have built tremendous relationships. Some of them I can name, like Lea, Steph, Michael and Ian Gilfillan.

I spent a lot of time with Ian Gilfillan. I found him quite a remarkable individual, and he gave me good counsel. And Karlene—without Di and Karlene, I would have never survived.

Others of you, though, who I will not name, gave me fantastic advice. I spoke to many people at the time I had the opportunity to go into cabinet. It was an enormous call for me, and I asked 70-odd people. One of them said to me (and these are his words), 'It is an honour that comes to few; you must take it and do your best.' Those words really helped me make that difficult decision.

Country members could not survive in this place without treating it as their home. We are the ones who spend so much time away and who do not have the opportunity, like the day scraggs, to go home at night. So to Chrissie and Abby, Anthony and Basil, Sasha and Tania, and Lyn, Michelle and Bidy, and even dear Crystal, who I used to bait from time to time, I say thank you.

You need people to help you keep track of what is happening. Robyn, you are a gem. Only once did she threaten to interfere with my manhood, only once. Robyn, thank you.

You cannot survive in cabinet unless you trust and respect every other member of cabinet and know that collective decision-making will always be greater than that of an individual. It is sad that there is a side of Mike Rann that most South Australians, and certainly this opposition, will never see. Mike Rann, as the chairman of that cabinet, the director of a board that runs a \$14 billion a year business, is an exceptional individual.

A number of people spoke to me when I made that decision, and they said, 'At some stage you will be compromised.' Never in 6½ years on that cabinet was there ever one vote, or was I ever part of a decision, that I did not believe was the best possible position for the state. If it were clear that we were not ready to deal with an issue, we would not be rushed; the Premier would say to those involved, 'Come back when you have got it sorted out.' He is a remarkable man, and that is a side of him that more people should have the honour of seeing.

You cannot make a difference without a dedicated team in your ministerial offices. Mick Petrovski was my chief of staff from day one. I walked into a fully equipped office—I might add that it was also a multimillion-dollar office. It was an office that had remained vacant for nine months; no-one on the Labor side could step over the divide into the office of John Olsen, premier. I walked in there as the lowest ranking minister, and there is a protocol that says that ministers should go to the higher ranking minister's office when you need to have a discussion. That was observed in the breach on every occasion; they all came to see the office. Mick Petrovski, Hugh Bowers, Stephen Campbell were great chiefs of staff, but the two people who really managed my lives, Carly and Lauren, were fantastic; and to the people who got me to places I should have been most of the time on time, Mick and Ray and Roger, you were fantastic. Once Roger got us lost, but I must not put that on the record!

At this stage there is a claim to fame; sometimes we like some reflected glory. Kate Ellis, we made you what you are (don't you wish!).

You cannot make a difference without a skilled, professional group of public servants. Sometimes we come into this place and we bag the people who make our state work, and we do it without thinking about how we diminish the respect they are due in the eyes of the state. We do them damage, and in the long run we do ourselves and the institution damage. Most of these remarkable public servants that I am talking about are, of course, above politics. They are the same people who served the last Liberal government, as they serve the present Labor government. Do not rush to criticise our senior public servants, who do the very best they can with what we give them.

I named only a few, because I think Jim Hallion is a remarkable public servant, as is Geoff Knight. But the next tier down: the Will Zacharins of this world; the Ian Nightingales; the Kris Roberts's; the Locky McLarens; the Ian Heinrichs; and the Dr, then Professor, Rob Lewis's. These are people who make a difference. There is one other remarkable public servant in this state who I know well but some of you do not, although some of the shadows do; that is Don Plowman. At some stage, I will look to the opportunity to see that he is given due respect across the state for the work he has done.

You cannot make a difference without building trust and respect with industry bodies and industry leaders. Again, sometimes I think we do that and then in the heat of the moment in here we diminish that and then we have to go back and reunite. I will only name two: to Wendy Campagna, I will say thank you, and to Carol Vincent, I will say 'I will give you a hug'. If you knew

Carol Vincent's beliefs and you knew the job she did and continues to do in very difficult circumstances with the South Australian Farmers Federation, she has built some great bridges between government and that industry, and not necessarily great relationships with everyone in here.

There are some wonderful people in South Australia who do not mind telling you as it is, and I think all of us sometimes find that a bit confronting but, at the end of the day, enjoy it. It is the Michael Angelakises of this world who come storming at you sometimes and once you clear the fog there is a message. There are the Maurice Crottis, the Brian Jeffries, the Hagan Stehrs and the Stuart McNabs—all of us need to say to those people, 'Without you we can't function. Do not shy away from coming to us and telling us what you wish to tell us as it is. Then step back and allow us to do the best we can with it within the legislative process and within the Public Service.'

You cannot create wealth without asking others to give of their time and their direction. I need to acknowledge briefly those people who have served on the South Australian Wine Industry Council, and particularly the co-chairs Di Davidson and Louisa Rose, and those who have served on the Premier's Food Council, in particular Kris Lloyd and Bronwen Gwynn-Jones, again as co-chairs. We all need to say thank you to those people who give us so much to see that collectively we can make a difference in this state.

To the advisory board of agriculture and the ag bureaus and to so many of those peak industry bodies bureau, in sheep and beef and wine and bees—and, interestingly, Gerald Martin will spend a month with me on a Harley in the US next year and we will go over some of the stuff we did for the bee industry. The cabinet scoffed at me because I brought in a new membership group for the deer advisory board. We need deer advisory boards, and I told them that we needed deer advisory boards, and aquaculture boards and the people who manage sardines and all the rest of it.

There are people who are prepared to put their businesses on hold to help the state government with one of the most fundamental export businesses in Australia: it is called wine. In wine, we are 50 per cent of the nation by volume, we are 60 per cent by value and 70 per cent by export. When people like Jock Harvey, Cameron Ashmead and Brian Lynn are prepared to travel overseas with me to promote the wine industry, that is not a bad feat on both fronts. Those people sometimes get lost in the heat of the political battle and there are times when we need to step back together and say, 'Without you then we wouldn't be able to do what we want to do for this state.'

There are very few regrets that any of us are leaving with, but I think that sometimes we should put on the record things that we did not progress as well as we should have or as quickly as we should have. In that area, I would simply say that we are still missing the opportunity to use our limited research funds in the most appropriate way to gain benefit.

We still focus too much on production rather than on value. We do not focus enough on margin and on profit. That was a challenge I took nationally as well, and we baulked, and it is time for all of us to rethink where we spend research dollars and make sure we are spending them to get the best bang for the buck across the value chain because, quite frankly, we are beyond the sustainable limit if we just want to concentrate on production.

Mr Speaker, lastly I need to acknowledge the role you play and the parliamentary staff and, equally, the other house. It has been a wonderful journey. It is the right time for me to finish. It was an honour to be part of this house, a wonderful honour to represent my electorate, the fifth since 1938. I now look forward to handing over that banner to whoever, to hand that on. We all should do that as well, because no matter what the politics, there will be someone whom we need in our communities to represent us and to come here collectively to represent the state, and sometimes to go on from that nationally and even internationally, as the Premier indicated today in terms of one of the tasks he has. Thank you one and all.

Honourable members: Hear, hear!

The Hon. L. STEVENS (Little Para) (17:40): After nearly 16 years and four terms in this place, the time has come to say farewell, to reflect and make a few observations on those years and to say thank you. First and foremost, I thank the voters of the electorates of Elizabeth and Little Para, and I say both because both the name and the composition of my patch have changed quite significantly over the years. I thank them for the tremendous honour they have bestowed on me by electing me as their representative in the state parliament for four terms. I have lived and worked in the northern suburbs of Adelaide for more than 30 years and it has been the privilege of my life to

be part of the community, to be trusted by the people and to work on their behalf in a range of settings, but particularly as their local member.

Over the years I have learnt that these communities have more strength, more resilience and more faith in themselves than any report or any analysis can describe, and that they have more to offer than what can be summarised in any study of disadvantage or despair, or any sensationalist cut-and-run media report. I am immensely proud to have been able to play a role in ensuring the continued redevelopment of the now magnificent Lyell McEwin Health Service, to have supported and developed new mental health and primary health care services and to have worked alongside local school communities and numerous groups and individuals who are the heart and soul of neighbourhoods. The years ahead hold great promise for the economic prosperity of the north. They also continue to hold great challenges in ensuring that these benefits can be enjoyed by all of its citizens. This remains the great social inclusion challenge that must be achieved.

As the member for Taylor said yesterday, I am extremely grateful for this time in politics and the wide range of experiences that this particular era presented. The struggle and frustration of opposition, the joys of delivering policy as a government minister and the satisfaction of making progress in the electorate as an experienced government backbencher. The first term, as part of a cricket team outnumbered three to one in this place, was about learning how to do politics from one of the best exponents of the game, our leader, Mike Rann. For me, coming from a senior position in education outside of politics, it was also about adjusting to the culture of this place and the workings of a political party. Furthermore, it was learning about the health and community services sector, understanding people's issues and learning how to use the power vested in the position of a shadow minister to highlight issues and effect change.

In the second term I was a shadow minister in a much larger team, honing these skills and developing policies for government. In the third term I was a minister in the new Rann government. In my case, as minister for health and as the minister assisting in social inclusion, I had the opportunity to put a lot of policy into practice. But even from a position as minister, with hands on many of the big policy levers, the exercise of power came with its own set of constraints and challenges. I learnt that delivering sustainable outcomes is a lot more than issuing edicts and passing laws: it is about managing and leading change, hanging in there and building support around new ideas and new ways of doing things.

I want to thank those people in the health system—the practitioners, the unions, the public servants, the community leaders and activists and the consumers—who responded to the reform agenda that came out of the Generational Health Review, which was the centrepiece of the Rann Labor campaign launch in 2002. All of us share achievements, such as the Every Chance for Every Child program (which the Premier mentioned), the shift in emphasis towards primary health care and the many other initiatives arising from that review.

Finally, in the fourth term as a government backbencher, I returned to my constituency and again saw that change and reform can occur by the power that comes from working alongside groups of people to achieve a common goal. I am proud to have supported the remaking and revitalisation of the Elizabeth Vale Primary School. I am proud to be leading a steering group to advance early childhood development in the Playford and Salisbury communities. I am proud to be working with the Central District Football Club to include the children of new arrivals in the sporting opportunities that it offers. My time has been a great 16 years of variety and challenge that I will always look on with pride.

Now to say thank you. I want to thank the Australian Labor Party for its support of me as a candidate and as a member. The party is not perfect. It has its faults, but it is the best fit for me; and its values and policy priorities are those that have greatly enhanced the lives of the people of my electorate, our state and the nation.

I thank my Labor colleagues for their confidence and their support in giving me the opportunity to take on a number of roles over the years. I think they know that I gave it my best shot. I thank other friends and colleagues in this parliament for their kind words and the opportunity to work constructively with them in various settings. I have particularly valued a number of close friendships amongst colleagues. I will not name them because they know who they are. We have had some great laughs, a few tears and a wonderful camaraderie over the years, particularly in this last term.

I also want to thank my predecessor in the seat of Elizabeth, Martyn Evans, for his help and support over the years. I thank the Hon. Frank Blevins, who was in our first caucus and in the final years of his illustrious career. Frank has been the best mentor, and is a trusted friend and confidant who has been there for me (as he has for many others) through the good and the bad times. I wish to acknowledge my staff—those who have been with me in the electorate—who have understood the need to have a 'can do' approach to all our constituents and who have done so well representing me and serving our community.

I also wish to acknowledge all my ministerial staff, particularly chiefs of staff Geoff Loveday and Danny Broderick and the rest of the team who shared the blood, sweat and tears and the highs and the lows of daring to take on a big change agenda and to achieve something lasting.

Finally, I need to thank my husband, Mike, and my family and close friends for always being there and believing in me. Mike and I celebrated our 40th wedding anniversary earlier this year. We have been a great partnership, and we intend to continue this and have many more adventures together.

I will miss this place, with all its characters and idiosyncrasies. I thank all the staff who have helped me throughout the years in so many ways. I wish the other retiring members well in their future activities and I wish everyone here the very best of health and happiness as they continue in their roles as members of parliament.

Mrs PENFOLD (Flinders) (17:50): Standing here today, I think just how quickly the 16 years have gone. I vividly remember standing in this chamber shaking in my boots and feeling sick in the stomach when I had the honour of giving the first Address in Reply of the new Liberal government in 1993, which was my maiden speech as the member for Flinders. While I still have those butterfly feelings, I have not lost any of my determination to represent my wonderful constituents to the best of my ability. I am a strong Liberal, as I believe in the Liberal philosophy of private enterprise and individual responsibility, while caring for our environment and those people who cannot look after themselves. I believe that we cannot properly look after the people and the environment unless businesses are successful, employ people and pay taxes on their profits to do it with. I thank the Liberal Party for giving me this wonderful opportunity.

The vast Flinders electorate is awesome, and I feel privileged that I have been able to live and work there and represent the people of Eyre Peninsula in parliament. There are so many issues that have come through the office over these years that it would be impossible to mention them all but, at the end of the day, it all comes down to the people. They are the salt of the earth—creative and resilient, who during the 16 years have had some good times and some bad, and we have shared them together.

When I was first elected, we were mostly reliant on farming and fishing, but we have diversified well beyond these industries, with aquaculture and tourism leading the way. We are now poised to go another step by developing our minerals. Over the 16 years we have seen the boom of the aquaculture industries. We have gone ahead in leaps and bounds, in sea-mussel farms, land and sea-based abalone farms, kingfish farms and oyster farms in Ceduna, Smoky Bay, Streaky Bay, Franklin Harbour and, of course, Coffin Bay. We have world's best practice for tuna fishing and farming. Cleanseas at Arno Bay has been able to close the life cycle that will lead to the long-term sustainability of this species. Fishing industries, including prawns, crayfish, pilchards and a myriad of other scalefish species, have been developed and carefully managed so that our products are exported to the world and are world renowned.

Roads have been sealed, boat ramps built and jetties upgraded. Establishing the ferry service between Cowell and Wallaroo was a significant highlight, and I look forward to the service resuming as quickly as possible with a new purpose-built ferry, indigenous land agreements in place and road infrastructure realigned to allow the trucking industry to take advantage of it.

Tourism has gone from strength to strength as Australians and international visitors discover the magic of Eyre Peninsula—places the locals have known and valued. The cruise industry, I believe, will become a major part of this industry in the future.

I have been thrilled to see two major wind farms built and become operational at Cathedral Rocks and Mount Millar. As one of the best wind power sites in the world, the west coast of Eyre Peninsula is poised to further develop green power for the benefit of all Australians, with Jacob Cherian's 300 megawatt wind farm ready to go at Elliston to help provide the green power needed by our mining industries.

Water, however, continues to be the biggest blight on all the positive and exciting developments that have occurred on Eyre Peninsula, and I am disappointed that opportunities have been lost by SA Water and this government despite millions of dollars being expended. I am hopeful that the next member may be able to see desalination plants established, which are necessary to ensure the long-term viability and prosperity of our region, with the further diversification of products and value adding before export, but that no desalination plant is ever built at Point Lowly on the Upper Spencer Gulf.

No member represents their electorate alone. I take this opportunity to thank my colleagues in parliament on both sides of the chamber and their staff, and all the other staff within this amazing building, who have been so kind and helpful to me—the parliamentary support staff, Hansard, library and building staff, the attendants, the computer and technical gurus and the cleaners. I also especially include the kitchen and serving staff who have helped me put on a kilogram of weight for every year I have been here. It is just as well that I am leaving.

I want to thank the departmental staff from all government departments, particularly those public servants who have helped to make some of my plans a reality—and they know who they are. Many of the questions in parliament, letters I have written (many addressed to ministers), submissions and speeches were intended for departmental officers and, while the responses I received may not have indicated success, subsequent actions often did.

All this information is available on my website which averaged around 30,000 hits per month for many years with amazing amounts of downloads. Last month the top 10 downloads included 98 that were submissions and letters about the water issue on Eyre Peninsula—which is an indication of the concern people have about our water resources.

I especially give my thanks and my love to those who have supported me through thick and thin in good and not so good health: my husband of 41 years—I cannot beat Rory with all the adjectives, but I certainly would not be in this place without Geoff—my brother, John, my daughters, Susan and Katrina, and her husband, Shaun, Liberal branch members, friends (who have been forever steadfast in their support) and my wonderful communities across the Eyre Peninsula.

I thank my former staff and trainees, but most particularly I thank the current Flinders team—a dynamic and diverse bunch ranging in age from 21 to 78 years of age. Angela, Julie, Perry, Daphne, Bel, Melanie and Penny will assist me in packing up the filing system that has extended to 92 drawers and 88 boxes—not a bad effort for 16 years—and they still manage to locate that specific piece of paper when it is needed.

I wish everyone the best for their future, particularly those retiring members; may you all have a wonderful Christmas and a great new year. I leave here without regrets knowing that I have done everything with honesty, commitment, good intent and to the best of my ability. I wish the next member for Flinders every success. I look forward to new challenges, with fascinating projects on the horizon, and, mostly, spending time with my husband and family members, and my gorgeous grandchildren, Mahlon and Evelyn (Evie).

[Sitting extended beyond 18:00 on motion of Hon. M.J. Atkinson]

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (17:55): As leader of the National Party in this house, I join with members to wish the staff of parliament a very merry Christmas and all the best for a happy New Year, and I thank them for the work they do to assist the smooth running of the house and the courteous and efficient manner with which they carry out their duties.

As a country member, as was mentioned by previous members, I am particularly grateful for the friendships that I have developed over the years with many who work in this place; they certainly make my home away from home a better place to be.

Today is the last day, as we know, for five sitting members in this house. It has been tremendous to listen to their final speeches in the house and to recognise the wonderful contributions they have made over the years they have been members in this place.

First, I again pay tribute to the member for Stuart who has been a staunch advocate in this place for nearly 40 years. I have greatly appreciated his wise counsel. He is certainly a marvellous example of what a local member should be.

To both Lea and Trish—the members for Little Para and Taylor—you have been fantastic friends and great members of parliament and contributed to this state in an enormous way through your contributions as members and, also, as ministers. I know that we will be keep in touch beyond the parliament days, because I have really enjoyed knowing you and I intend to keep in touch in the future.

To Liz, I have to say that no-one has more passion for their community than you do, and the commitment you have shown to the people of Flinders has been an extraordinary effort over the years. No-one in this place could doubt your commitment to your people, so well done for your contribution to the place, as well.

Then there is Rory. It has been an extraordinary 12 years since Rory and I first entered this place in 1997. We were complete strangers, thrown into a balance of power situation. I do not think anyone could have scripted where we would have ended up after that 1997 election. No-one could have scripted where the next 12 years would take us. We have ended up making a great team and we have developed a great friendship, between our families and between ourselves, and those friendships will last a lifetime.

During Rory's contribution as member for Mount Gambier and minister for various portfolios, including trade and economic development, agriculture, forestry, fisheries, regional development and small business, he has delivered great things for this state and great things for many South Australians. He paved the way for a historic rethink of how the Westminster cabinet conventions could be redeveloped to encompass a unique set of political circumstances. In a report that was undertaken back in October 2006 by Norman Abjorensen from the Australian National University titled 'Rethinking Westminster: South Australia's Cabinet Experiment', he says:

The agreements signed represent some of the most significant departures—'remarkable and possibly unprecedented'—from the Westminster system yet enacted anywhere, and are contained in an extraordinary document drawn up by the late Bradley Selway, then South Australia's Solicitor-General, later a Federal Court judge...for example, [the agreement states]:

The Premier and the minister agree that the minister will have a special position in cabinet that, by reason of his/her non-affiliation with the Labor Party, there is a class of issues in respect of which it will not always be possible for the minister to be bound by a cabinet decision.

Clause 2.7 exempts the minister from having to comply with Labor policies in relation to:

- significant matters affecting the business community; and
- issues believed to be matters of conscience.

It was an extraordinary agreement at the time and, as Rory's contribution has attested, it is one that has stood the test of time. It is certainly an agreement that could not have been possible without the extraordinary support of the Premier of this state, Mike Rann, and also his able deputy Kevin Foley and Patrick Conlon, who were the masterminds of this particular arrangement.

Twelve months after Rory, I joined the cabinet, and there was substantial work behind the scenes, I understand, to make that happen, and I thank all those involved in giving me this amazing privilege.

Rory is very much a can-do, practical person, who has worked hard to deliver much-needed industry reforms in an inclusive and pragmatic way. From the very first day I met Rory, he was always willing to provide much-needed advice and, as a brand new and extremely green member, I was in need of that advice and I was on a very steep learning curve. Rory was my mentor. I learnt much about grassroot politics from Rory, which has stood me in good stead to this day, and I have no doubt he will continue to provide sage advice well into the future.

As the long and the short of it, we have become a solid team and often found ourselves amid controversial circumstances. I recall well the days when we shared an office in the basement and the 'Fonlons' were frequent visitors. For those who do not know, that is Patrick Conlon and Kevin Foley: we used to refer to them as the Fonlons. They were frequent visitors through our revolving door. They were not always friendly discussions. I recall one memorable quote from the member for Elder when he declared to the member for Mount Gambier (the member for Gordon, as he was then), 'You're not an Independent; you're an invertebrate. If you had any less backbone, we'd have to carry you around in a bucket.' Of course, the member for Elder was quite wrong about that.

Every interest group in the state who had a barrow to push made their way to our office to seek our support. I learnt from Rory how to reserve opinion and how to seek additional information before passing judgment on any issue.

Of course, then came Tilly Rose, and we swapped offices in our shared rooms downstairs so that I could access a small room to the side of Rory's office as a nursery for Tilly. He became her much-loved Uncle Rory, culminating in them now collectively growing large pumpkins together. Uncle Rory is her skilled mentor in how to grow very large pumpkins.

Rory was also instrumental in seeing this place, the parliament, move outside this esteemed building for the very first time to Mount Gambier, and what an experience that was for not only all of us as members but also for the community of Mount Gambier. These are the kinds of things that Rory would do. He would think outside the square, and he would make things happen.

I remember well all the dinners that I had in the early days with Di, when she used to come to Adelaide (very infrequently in recent years) and with Lincoln and Lachlan, Rory and Di's two wonderful boys, and then, of course, their two wonderful girlfriends, Jo and Emma-Jane. I have promised to keep up the tradition with Lincoln and Lachlan and continue to have them into Parliament House for dinner. It would not be right to go past a dinner with the boys when parliament is sitting. Also, Di has assured me that when she is in town she will definitely pop in.

We have achieved much together, Rory and I. I have the greatest respect and admiration for Rory, and should I be re-elected in March I will sadly miss him as a political ally in this place. I expect to come across Rory, though, in many other forums, as I am certain that he will continue to make a major contribution to society in a range of ways beyond politics. I wish you and Di and your families well as you embark upon your future beyond politics. I have enjoyed the ride, and all the best for the future.

Honourable members: Hear, hear!

Mrs PENFOLD (Flinders) (18:06): I thank the Speaker for his indulgence in allowing me to pay tribute to the member for Stuart. I let my colleagues speak ahead of me this morning, and time ran out. My good friend the honourable member for Stuart is a living history of the Parliament of South Australia from a country perspective, and regularly tells stories of the many adventures he has had while representing the constituents of his huge electorates. I hope he will take the time one day to write his memoirs.

When first elected to the seat of Stuart 40 years ago Mr Gunn had few of the advantages of modern transport and technology. The difficulties of being a regional member must have been almost unimaginable. There was an air service from Port Lincoln to Adelaide, but to get there Graham had to go over dirt roads from his farm, near Streaky Bay on Eyre Peninsula. While we have a few more sealed highways now than when Graham started, we still have more dirt roads than any other local government districts in this state.

Communication was by post, telephone or telegrams, the last mentioned having now gone out of use altogether. Who could have imagined the changes that are commonplace today—emails over any distance that allow immediate response, mobile phones with all their attachments, the internet and websites. Fax machines were almost magic when introduced, yet that method of communication is on the decline. Graham has managed to cope with all these changes and was one of the first to ask me how to use Skype in order to communicate with his much loved grandchildren.

In just one generation communication has changed forever, and Graham has been there in the midst of it. It is virtually impossible for children today to understand and appreciate how difficult communication was and the time it took to make a request and to get a reply to research information or to gather data. Then there is the speed of communication by satellite, which would have been an imaginative fairytale, like Jules Verne's *Around the World in 80 Days*, when Graham first entered parliament. Graham used his satellite phone regularly when he recently took a group of us across isolated Googs Track, north of Ceduna, through the scrub to the railway and back down the Glendambo to Wirrula Road to check possible routes for an all-weather road for future Outback tourism and mining ventures.

Advances in communication have made our world smaller. Where once it took two weeks to learn of some disaster in another part of the world, we now see the images on the same day as it happens. This, too, has affected the way a member of parliament does his or her job.

Graham was elected as the member for Eyre in the North-West of South Australia. Then, with the change in electoral boundaries that electorate was abolished and Graham came to represent the electorate of Stuart in the North-East of the state, far removed from his beloved farm. It is a tribute to his concern for his constituents that he has been able to hold the electorate of Stuart and beat off all challenges over many elections, often against expectations, particularly of the Labor Party at the last election.

This understanding and empathy for isolated families and his support for the provision of services for vast areas of the Outback have ensured him strong support in these regions. His knowledge of the pastoral industry in Outback areas is supreme, and I regularly call upon him to assist me with advice or information in my own electorate when issues arise concerning them. It is not until one has lived in such circumstances and actually had to deal with all the difficulties that arise compared with life in a metropolis that one fully appreciates his achievements and the vastness of the region he covers. It is fitting that Graham's base is in Port Augusta, the crossroads of Australia. Ceduna was in the electorate of Eyre and is now part of my electorate of Flinders, but even after 16 or more years Graham is still recognised and remembered with affection and respect across my electorate.

One of Graham's many qualities that I value is his ability to look at proposed legislation and pick holes in it, to recognise weaknesses and areas that need to be changed before a bill becomes law. When I first came into parliament, at times I thought he might be exaggerating but now, as we leave, I am well aware that he was usually right in his assessments. His understanding of country life and living has benefited everyone living outside Adelaide and its suburbs. He has been a strong fighter for them, relieving their difficulties and problems, and overcoming the obstacles raised by a lack of understanding. It would be good if every South Australian could, for a time, live in the furthest reaches of the electorate of Stuart to better appreciate the differences between city and country life. Graham Gunn's value as the member for Stuart might then be realised by many more people.

I congratulate Graham on holding the office of speaker. His knowledge of parliamentary process and the Westminster system is profound, as a number of previous speakers have stated. It takes time to learn the minutiae of procedure and use parliamentary offices with confidence. Graham's skill in these areas was valuable in fulfilling the role of speaker, in which his fairness was also evident—although I have been amused at some of the anecdotes he has told of those times, including one about mixing up the order of questions during question time and totally confusing members and ministers. I applaud his support for the Westminster system of government, which South Australia follows. Although it takes various forms and has some weaknesses, it is the best system of government in the world with the checks and balances of its two house system, and Graham has fought to keep the integrity of the system throughout his time here.

I also thank Graham's wife, Jan, for her support over the almost 40 years of her husband's parliamentary service. In this work one's partner must be 100 per cent committed and supportive or the relationship can fail. Graham is proud of his sons' achievements, along with their attachment to his own love of farming. The family's cohesiveness is a tribute to Graham and to Jan's strength as a wife and mother under what must have been very difficult circumstances at times.

I must also mention Graham's staff and the support they have given him, particularly Helen Stribley, who has been Graham's loyal and efficient assistant in Parliament House for many years. Helen's knowledge and experience has also been invaluable to me and my staff during my time as the member for Flinders.

The quality of life in country communities depends on volunteers, and therefore I am sure that Graham will quickly become involved in his region in ways in which he will use his experience and knowledge for the benefit of the groups with which he works. I know that I and many others will not hesitate to use his considerable knowledge in the future.

I thank Graham for his assistance to me personally and for his service to his constituents and to the people of South Australia. I wish him well in his retirement from parliament. I support this morning's motion and ask that my tribute be included with those of my colleagues.

Honourable members: Hear, hear!

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (18:13): Once again we are at the end of another parliamentary session. It has been a long and challenging but I think for many of us a fulfilling year. As is the custom, I would like to thank all those who make the parliament work for us,

including the clerk and the table staff, with years and years of corporate knowledge. Politicians come and go, but the clerks are always with us.

I particularly appreciate the Hansard staff, as they are some of the few literate people in the chamber. I thank the library staff; the catering staff, for the delicious and nutritious fare; the cellarmaster; the finance and management staff, who keep the place organised and make sure that our pays arrive on time; the building services staff, particularly the caretakers who keep watch through the night. I am one of those members of parliament who stay back after the house has risen, and I do my files in my office. I know that sometime between 10.30pm and 2am a caretaker will launch into my office with the benefit of the master key and, seeing me there, will say, 'I'm sorry; I was just coming to turn the lights off,' which I think gives the lie to a certain story that has been circulating. Thank you to the government publishers.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Mate, if you're going to play up like that I wouldn't do it in my parliament office—just a word of advice.

An honourable member: Wouldn't be the first.

The Hon. M.J. ATKINSON: Well, maybe not; it's just my advice. I thank parliamentary counsel who do such an outstanding job of turning our inchoate thoughts into bills, into clauses and subclauses, paragraphs and subparagraphs; the police security, who protect us from potential dangers; the drivers who drive ministers and the opposition leader and deputy opposition leader and chairmen of committees about, always the minimum distance in the minimum time and they are so discreet; the electorate officers who must bear the brunt of angry and sometimes vexatious constituents; ministerial policy staff who save ministers from themselves; our families, who, as was said earlier—I think Tony Abbott said, 'We are volunteers, but they are conscripts'—suffer a great deal and express a high level of patience while we spend so many hours in this place.

Forgive me if I have failed to mention anyone, but sincere thanks on behalf of the government. It is only fitting to thank you, Mr Speaker—arguably I think the best speaker I have ever seen in 20 years in this place. No offence, Gunny, but we never got on at that time.

Dr McFetridge: Whose fault is that?

The Hon. M.J. ATKINSON: Mine; all mine. Gunny never named me but he did ratify my naming by an acting speaker.

Mr Kenyon: Probably the least you deserved.

The Hon. M.J. ATKINSON: Yes; it was the least deserved naming in the history of the house. Frank Blevins was apoplectic with rage and defied Gunny to throw him out which Gunny quite sensibly did not. And don't worry: I got even with that acting speaker anyway.

It is only fair for me to apologise on behalf of all the members for our bad behaviour especially in recent times. I know we had you at the end of your tether at times but, sir, our misbehaviour is part of the tapestry of representative government. I am going to try to make it a new year's resolution to be on my best behaviour when this place resumes but only if the member for Bragg will join me in taking the pledge. I do not assume that I will be back, nor do I assume that the member for Bragg will be back, but it is my offer to her.

This term has been yet another one of significant legislative reform in South Australia. I understand that 237 bills have passed since the 2006 general election. Never mind the quality, feel the width. This includes a very valuable handful of private members' bills from the Leader of the Opposition today—well, I hope it has gone through the other place—from the Hon. Ann Bressington, the Hon. Dennis Hood, and the honourable member for Davenport. There may be others.

An honourable member: John Dawkins.

The Hon. M.J. ATKINSON: Yes, the Hon. John Dawkins. These private members' bills have passed with the support of the government or at least most government members.

Mr Venning interjecting:

The Hon. M.J. ATKINSON: We made the member for Schubert's drug bill law—as a government bill, and I thank the member for Schubert for the concept. As Attorney-General, I have had the pleasure of debating and steering a large portion of that legislation through this place, and I

must admit that I enjoyed the long nights in this chamber spent alone either with the member for Heysen or the member for Bragg—oh, no, chaperoned by the Speaker. I would be most disappointed if I could not enjoy their company in the next parliament.

It is with great sadness that I say that there will be another general election in March and that some faces will not return to this place, probably some that we have not farewelled today. I take this opportunity to thank the MPs who are retiring from the government. From the government, I would like to thank and congratulate the member for Taylor, who recorded that it was me who asked her to stand for parliament for the first time, and the member for Little Para in whose successful by-election victory in 1994 I played a small part. I well recall that election because Labor was receiving preferences from the Marijuana Party and their how-to-vote card distributors had not turned up at any of the booths. A desperate phone call was made and it was explained that neither their activist nor their voters got out of bed before lunchtime.

I would also like to thank the member for Mount Gambier, who I can call a friend and who has given me sage advice both before and after entering cabinet. He served as a distinguished member of cabinet in the Rann Labor government for seven years. I understand this is the last sitting day of the member for Flinders, who, indeed, was always passionate about the Eyre Peninsula and Port Lincoln. I have paced the foreshore with her in a howling gale, and I wish her the best in her new career.

A special thank you is in order for the member for Stuart, not merely the father of the house but I think the grandfather of the house. I will miss his special way with words, his special vocabulary—villains, pen-pushers, bureaucrats, over mighty, inspectors, Sir Humphreys—and I hope his special vocabulary is not lost in the next parliament. He did over my candidates again and again: two photo finishes; two losses.

Ms Chapman: Second is always last.

The Hon. M.J. ATKINSON: No, second is not always last, Ralph Clarke came third in Enfield. But, you know, look, Gunny, it does not matter whether you win by a short—

Ms Chapman: Resurrected from the dead.

The Hon. M.J. ATKINSON: We are like that now. In fact, I broke the news to him in Peel Street that Tony Abbott had been elected as leader of the federal parliamentary Liberal Party and he could see the joy shining out of me that someone just like me was now leader of a federal party. Gunny, it does not matter whether you win by a short half head or the length of the straight, you always got there, even when we ran two candidates against you.

Mr Pederick: How many?

The Hon. M.J. ATKINSON: Two. I would love to show that picture of you staggering out of that London taxi. I thought that was the high point of our relationship. We tried, but we failed. You beat us, Gunny, you were too good. I wish everyone a safe Christmastide and not to indulge in much revelry before Christmas because, of course, it is a season anciently of fasting and abstinence, and those of you who are attending Holy Mass will see that the altar frontals and the vestments are deep purple, it being a season of penance. I hope to see many of you in the new year.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (18:25): I rise to support the comments not only of the Attorney but also everyone who has spoken this afternoon. As one of the newer members of the parliament, it has been quite inspiring to hear the reflections of those members who have chosen voluntarily to retire. In all of it, though, what shone through for me was the fact that they were extremely humbled by the opportunity provided to them by the people in their communities who deemed them worthy of representing them in the parliament.

It is an enormous responsibility and privilege that we must all respect. If those who are staying here (sometimes for the wrong reasons) had the opportunity to listen to the contributions of all the retiring members today, they would not only think about themselves and how they have acted but also they would recognise the outstanding qualities of all those people who came to this role through different circumstances—I respect that—but all of them, once in here, worked diligently for the benefit of their own community and, indeed, for the state.

The Hon. Lea Stevens (the member for Little Para), the Hon. Trish White (the member for Taylor), the Hon. Graham Gunn (the member for Stuart), Liz Penfold (the member for Flinders) and the Hon. Rory McEwen (the member for Mount Gambier) can be proud of what they said this

afternoon and, indeed, proud of their service over periods varying between 39 years and 10 months down to some 15 years. All those periods of service have no doubt been very challenging to them. They have dedicated their lives to it, often at personal cost with respect to family situations, but overwhelmingly I think they have done the people of South Australia proud. On behalf of the opposition, I formally offer my congratulations to all those members. I hope that other people who follow them come into this place with the same attitude and the same respect for the opportunities provided to them.

I also recognise briefly that the Hon. Robert Lawson and the Hon. Caroline Schaefer are retiring from the other place. As my colleagues, I am very respectful of the mentoring role they have taken with me as one of the newer members of the parliament. I express my gratitude to them for the contributions they have made to South Australia, the Liberal Party, the Legislative Council and, indeed, to the needs of the state since 1993 when they both entered the other place. They can be very proud also. They, like the retiring five members of the House of Assembly, came in for exactly the right reasons and they dedicated their lives to it.

I also pay tribute to your efforts, Mr Speaker, over the last year, in particular. I know that it is often a challenging role in difficult times. The attitudes of some members present difficulties for you, but overwhelmingly I think that the people of South Australia respect the role that you have undertaken. I acknowledge the way in which you have performed that role, again, in times that were not the best when the questions, answers and interjections created a lot of tension within the chamber. Overwhelmingly, we have been led by your judgment and your skill. Congratulations; you should be very proud indeed.

I also acknowledge the Deputy Speaker and the acting speakers who have acted on your behalf on occasions and assumed the role of chair of committees. I have tried to be in this chamber as much as possible to learn from the experience that is the parliament, and it is hard not to be impressed by those people who assumed the role of chair of committees and who have been overwhelmingly very fair. I respect that fact, so well done to everyone who has been involved. To the member for Reynell, congratulations on the responsible way in which you have undertaken the role of Deputy Speaker.

I also want to pay tribute to the Government Whip. It is fair to say that Robyn is a great lady and our side of the chamber respect her enormously. She is a person who can be approached at any time. It is obvious to me that Robyn is willing to talk and to achieve an outcome that benefits the parliament in South Australia. She is a very approachable lady and we find her a delightful person to work with. Congratulations, Robyn, on your role as whip for the last 12 months. Our own whip, Ivan Venning, has had a bit of a challenge trying to control our mob sometimes, there is no doubt about that. However, we respect enormously what Ivan has done for us.

The Hon. M.J. Atkinson interjecting:

Mr GRIFFITHS: True. He brings a rather unique perspective to it. He has support from two deputy whips, the member for Hammond and the member for Kavel. Overwhelmingly, in his role as whip, the member for Schubert tries as much as is humanly possible to ensure that the appropriate member is in the chamber at the appropriate time and that the business of the house is able to be conducted.

I respect enormously the words of the member for Mount Gambier, who talked about our life partners who support us in this chamber, and I want to pay tribute to them. As a new member, and a regional one at that, it is the separation from family that I find extremely difficult to deal with. The time apart is very long. No matter what level of telephone conversation you have with your partner, when you do eventually see each other again you are never quite sure what you have talked about and what you have missed out on.

When I am with my wife again we try to spend as much time as we can together, but the time apart is enormously challenging for all the regional members—and, indeed, for the metropolitan members, who lead very busy lives and are often separated from their family. However, for regional members, who quite often are away from home for five or six days at a time, it is very hard to keep your sanity towards the end of a sitting week. So, to all those who support any member of parliament—wife, husband, boyfriend, girlfriend, children—you all make an enormous difference and allow us to do our jobs and represent the people who put us here.

It is also appropriate that I pay tribute to the efforts of all the people who make the parliament work: the clerk, the deputy clerk, all the chamber staff, the Hansard staff (which, as the Attorney mentioned, is a great challenge on occasion), the dining and catering staff, the library

staff, the building services staff, the PNSG staff, who make sure that our computers work, and the education officer. At the beginning of my time here I found the conducted tours to be very beneficial. I wanted to know as much about the parliament as I could, so I went on the first couple of tours to learn everything about the history of the place, and now I love taking school groups through the parliament.

As the Premier said tonight, it is the people's parliament. We have been here for a little over 152½ years, and I believe that only about 750 people have been elected to the parliament. Those 69 of us who are here now have to pay tribute to those who came before us and provided the foundations upon which we now work. I also pay tribute to the corporate services staff who, as the Attorney mentioned, ensure that we get our pay on time and who also make arrangements for our travel needs and pay the accounts for the electorate offices, and parliamentary counsel who are able to decipher the gibberish and incoherent sentences that we suddenly express to them when we ask for amendments to be drafted.

With respect to the drivers, it is a great honour, and the member for Stuart reflected upon the fact that it is the greatest benefit that a member of parliament can have, because it allows them to ensure that they get to places on time and also to work while in a vehicle. Ministers spend an enormous amount of time travelling to different commitments, and I can understand that. However, regional members also spend an enormous amount of time travelling, and I am now provided with a driver. I pay tribute to Patrick, as has the member for Bragg in the past. I recognise that he keeps me sane, and I am sorry that I am sometimes grumpy when I am in the car with him. No doubt we all have difficult, challenging times, and we take it out on those close to us. I also pay tribute to the security staff, who ensure that the building is safe. Overwhelmingly, it is the collective effort of all those people that ensures this place works.

Being here for the length the time that I have, I believe the challenges that the parliament has in providing for the people of South Australia is an enormous responsibility. We do the best that we can as the 69 members of this place, but it is the people who work behind the scenes who make it possible for us. So, I pay tribute to all those people. Their efforts are certainly recognised, and I know that there is not a member who does not appreciate everything that they do, because they make it possible for us.

I wish everyone a merry Christmas. I understand that the result of the election on 20 March will probably mean that some of us who wish to be in here will no longer be here. That will provide an opportunity for others to follow. However, I congratulate on their efforts those people who will not have the opportunity to continue to serve, no matter what period of time it has been. I think that politics is the most challenging role that any person can take in life. You are the public face all the time. In your own community you are seen as being continually at call, and that is appropriate, because you need to be, but it requires absolutely the best people. That is why the democracy in which we live, the wonderful place that is Australia, which provides an opportunity for any person to stand as a member, should be preserved and lauded around the world.

We provide opportunities to people who might never have contemplated a career in politics, or who sometimes come in on single issues but become more open to the broader perspective of what government is truly about—and sometimes those shining lights come from strange places.

I hope that the campaign period as we approach it now, after a slight rest over the Christmas/new year period, will be an evenly fought one. No doubt, it will be a hard fought one, but one in which, importantly, the 1.1 million voters of South Australia have the opportunity to exercise their democratic right and to ensure that they vote appropriately and from an informed position. Merry Christmas to everyone, and let us hope we have a wonderful new year and that, indeed, our state celebrates a wonderful 2010.

Mr PICCOLO (Light) (18:35): I would like to put on the record some thanks. This is my last opportunity in this session of parliament to speak. I thank all parliamentary staff. I will not go through each individual person but I thank all the parliamentary staff. I thank them for their support and hard work. I acknowledge that I was well served by them in my first term here. I would also like to pay tribute to my electorate staff. It is not an easy task working for someone like me and I thank them for their hard work and support throughout the years. I acknowledge the contribution they have made and that they will make leading up to the election.

I also thank my parliamentary colleagues for their great advice and support. I must acknowledge that when I first got elected I was probably a little green and made a few errors. I

welcome and acknowledge their support and advice. I thank all the ministers and their staff whom I have badgered, annoyed and pestered, but I thank them for their good grace and their advice and support and also for the results they have helped me deliver. I thank the Premier and his staff. I acknowledge the support I have received from the Premier. He has always been able to come to my electorate when I have required him to do so; and that has not gone unnoticed.

I thank my community, including the RSL club, sporting clubs, faith groups, seniors groups, service clubs, the schools and the school councils. I thank the community at large, including the farmers at one end of the electorate and the grape growers at the other end. I acknowledge the contribution of those people who are trying to rebuild the Peachey Belt and the people in my home town of Gawler whom I have served for many years.

I would also like to thank my sub-branch members who have put up with my reports on a monthly basis. The sub-branch has just celebrated its centenary year and it is fitting that for the centenary year that both the state and federal members are Labor—and we hope to maintain that in the coming years. I also acknowledge the elected members and officers of the constituent councils. We do not always agree on things, but we have developed good working relationships in order to get things done for the community, especially those we have in common.

I would also like to put on record my apology for any errors and omissions I may have been responsible for in my first term. These are not the ones that people have already pointed out but, rather, the ones that have not been pointed out; so I apologise for errors and omissions. I have tried to do my best, but I am sure I have made stuff-ups from time to time.

Before I was elected to this place, I was campaigning for this position and I remember going to a public meeting—a rather infamous public meeting. I will not go through all the details, but I ended my speech that night by saying that I wanted to be a local member and not a politician. I would like to think I have maintained that commitment.

I wish the members for Little Para, Taylor, Stuart, Flinders and Mount Gambier the best in their retirement and concur with the comments made by other members. I wish them well and acknowledge their contribution this parliament.

Finally, I thank my extended family that has supported me. Certainly, last but not least, my immediate family, I would like to thank my two sons Raffael and Stefan. We are a small but effective unit that works hard together. Over this time, there have been some trying and challenging times and we have worked through those.

I would like to say now that, God and the community willing, I hope to join the other first termers to serve the community in the next session of parliament, and continue to serve my electorate of Light. I wish everyone well, and members of the opposition also.

Mr VENNING (Schubert) (18:42): Briefly, as Opposition Whip, I want to thank you, Mr Speaker, for your cooperation from the opposition side in relation to the running of this house, and, also, indeed, the clerk and table staff. I also thank my colleagues, who have put up with me for four years. I have been very ably assisted by the member for Hammond and, recently, the member for Kavel. I thank them very much. It is not an easy job being the whip. I believe every member should have at least one term in that position.

Finally, I pay the greatest tribute to the Government Whip. I have certainly enjoyed working with the member for Torrens. We have a trust. There have been some difficult times and we have got through. I certainly pay her the greatest tribute, because she has done I do not know how many terms as whip. I do not have a great desire to continue as whip, but she has certainly done a great job.

Also, to all those members here, I will say this: I do not often agree with the member for Mount Gambier (Hon. Rory McEwen) but I agree with what he said about this place being a family. As my deputy leader just said, for country members, the people who work in this place are our family and, when you are away from home, they become very important to you.

Finally, before I sit down, I do not know what we are going to do without you Gunny. I am going to miss you very much, and I will think of you a lot. To Liz, my other good friend, good luck for the future. Merry Christmas to all members.

Mr KENYON (Newland) (18:44): As a marginal seat member, I am acutely aware that my end is not my own, so I will say a few words, if I may. A little while ago, when I came into this place I set myself a task that I would try to leave this state and my electorate better off because I was

here. I think I can say that I have done that, and finishing that bill today is probably the best contribution I have made in this place.

I wish I had done some things better, particularly when I first started. But who doesn't? I came in here hoping to make people proud, and I think they would be proud, but I think they would expect me to do more, and it is my intention to do so. I will be seeking the endorsement of my community to do that.

I wish to thank my family, especially Tina. I wish to thank the Premier, someone who, I have to admit, I have underestimated, and I think that most people do, in fact. In some ways I hope that continues because it is to our very great benefit. The more I come to know him and the more I see the way he operates, the more respect I have for him.

I would like to thank my staff especially, Rosie, Michael, Chad, Sam, Sean and Carrie-Ann. I would like to thank my colleagues, and I would especially like to wish well those who are retiring. Lea, the member for Stuart—Gunny (who I already spoke about today)—and Liz, I hope you have a fine retirement. I will miss the member for Taylor. I wish her well.

I will miss the member for Mount Gambier, and I wish him well. Just the other day I shared a Salada biscuit with him in the back hall. I was reflecting at the time that we would not be able to do that again, and that is a sad thing.

I would like to thank the parliamentary staff for their efforts. They have certainly been a help to me. I would have been at a complete loss without their assistance. Mr Speaker, I would like to thank you. You helped me get here, and I hope you will help me stay. I have certainly appreciated your friendship over the four years.

One thing that I did not expect was the attachments that you form with your community in your electorate. I did not expect it, but I am very pleased to have experienced it. You get invited to funerals, you get invited to significant events in people's lives, and you cannot go to those events and not be affected by it in some way. I am glad I have been, and I am better for it.

I mentioned Jack Lang speaking to Paul Keating when I made my maiden speech. He said that when you get into this place don't think you have a lot of time, because you don't. I thought that was right when I came in here, and now I know it was right, and I think the next three months will probably bring that home even more. I do not take it for granted, but I look forward to being here for another four years, but if I am not here I thank everybody for the experience of being here.

Mrs GERAGHTY (Torrens) (18:48): I will be brief because I do not want to hold everybody up. I want to say thank you to everyone in Parliament House who looks after us. In particular, thank you to my colleagues. I am very sad that a number are leaving us, because there are some with whom we have built up special friendships.

Indeed, I will miss Gunny. He has been just a great sounding board. He has always told the truth. If you asked him for advice you got his very best advice, like it or not. He was a great person to work with, and I shall miss him greatly. To members of the opposition, thank you. We have worked cooperatively together. As the deputy said, if we are going to make things work in this place, even if we do not agree on things, the process of making things work is very important. Merry Christmas to you all and happy new year. I think I said last time, we will come back and do it again next year.

The SPEAKER (18:49): I will add my congratulations and thanks to those members who are not contesting the next election—the members for Little Para, Taylor, Mount Gambier, Flinders and Stuart. I did say this morning that the member for Stuart was the most right-wing member of this place, but then it occurred to me later on that the member for Stuart often came seeking my lead on certain conscience matters, saying that he would vote whichever way I did. So, I do not know where that puts me.

This place operates only with a certain amount of goodwill and forbearance, often in the face of a great deal of provocation. It is incumbent upon us all to protect that goodwill, because if we lose it it will be at our peril.

I would like to thank the Clerk, Mr Malcolm Lehman, and the other table staff; they are professional and efficient. Malcolm, it has been a great pleasure to have worked with you for the last four years. I would like to pay special tribute to the Deputy Speaker and Chairman of Committees, Gay Thompson, who does an enormous amount of work in chairing the chamber. She is always ready to take the chair, and just does an enormous amount of work, involving long hours

in the chair, during complicated committee stages that go on and on. Finally, I would like to thank Mrs Mary Kasperski, my assistant in my office. She is of great assistance not only to me but to all members, I know. Thank you all very much, and my best wishes to you all for a happy and holy Christmas.

Motion carried.

STATUTES AMENDMENT (CHILDREN'S PROTECTION) BILL

The Legislative Council agreed not to insist on its amendments Nos 1 and 2 to which the House of Assembly had disagreed; and agreed to the alternative amendment made by the House of Assembly without any amendment.

VICTIMS OF CRIME (ABUSE IN STATE CARE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CONSTITUTION (FIXED SESSION PRECEDING ELECTIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL

The Legislative Council agreed to the bill without any amendment.

SUBORDINATE LEGISLATION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

LOCAL GOVERNMENT (ACCOUNTABILITY FRAMEWORK) AMENDMENT BILL

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

At 18:52 the house adjourned until Tuesday 12 January 2010 at 11:00.