LEGISLATIVE COUNCIL

Monday 23 May 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.19 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 1 and 185.

SPEEDING OFFENCES

The Hon. T.G. CAMERON:

1. How many motorists were caught speeding in South Australia between 1 April 2004 and 30 June 2004 by:

(a) speed cameras; and
(b) other means;

for the following speed zones:
60-70 km/h;
70-80 km/h;
80-90 km/h;
90-100 km/h;
100-110 km/h;
110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by:
(a) speed cameras; and
(b) other means?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

Number of motorist caught speeding (1/4/04 to 30/6/04)

	Detections			Value of Fines issued		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	29 417	4 452	33 869	$3 059 442	$691 144	$3 750 586
70 kph	798	509	1 307	$71 258	$72 305	$143 563
80 kph	1 065	1 227	2 292	$109 485	$189 040	$298 525
90 kph	217	244	461	$74 955	$31 948	$106 903
100 kph	765	1 295	2 060	$130 923	$246 024	$376 947
110 kph	488	3 784	4 272	$70 808	$677 162	$747 970
Grand Total	32 750	11 511	44 261	$3 516 871	$1 907 623	$5 424 494

The revenue includes the VOC Levy.

ROAD FATALITIES

185. **The Hon. T.G. CAMERON:**

1. What were the figures for road accident deaths involving alcohol in South Australia per quarter for the years:
(a) 2002-03; and
(b) 2003-04?

2. What were the figures for casualty crashes involving alcohol in South Australia per quarter for the years:
(a) 2002-03; and
(b) 2003-04?

3. How many drivers in South Australia were caught driving with blood alcohol levels of 0.08 or above for the years:
(a) 2002;
(b) 2003; and
(c) 2004?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

1. Fatalities Involving Alcohol in South Australia

Fin. Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
2002-03	7	17	13	4	41
2003-04	5	11	11	10	37

2. Casualty Crashes Involving Alcohol in South Australia

Fin. Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
2002-03	107	96	80	59	342
2003-04	85	46	80	64	275

3. Number of SA Drivers detected driving with Blood Alcohol levels of 0.08 or above

Fin. Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
2002-03	841	1043	842	824	3550
2003-04	770	1510	1230	1107	4617
2004-05 to 3/3/05	1307	1493	924	0	3724

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industry and Trade (Hon. P. Holloway)—

Transparency Statement—Water and Wastewater Prices in Metropolitan and Regional South Australia—Report, 2005-06—Parts A, B and C

By the Minister for Industry and Trade on behalf of the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Regulation under the following Act—
WorkCover Corporation Act 1994—Claims Management Agreement

CHILDREN IN STATE CARE INQUIRY

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table the interim report of the commission of inquiry.

Report received and ordered to be published.

ONESTEEL PROJECT MAGNET

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a ministerial statement on the OneSteel Project Magnet made today by the Premier.

NATURAL RESOURCES COMMITTEE

The Hon. R.K. SNEATH: I seek leave to move a motion without notice concerning the Natural Resources Committee.

Leave granted.

The Hon. R.K. SNEATH: I move:

That members of the council appointed to the committee have permission to meet during the sitting of the council this day.

Motion carried.

QUESTION TIME

GAMING MACHINES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Minister for Gambling a question about gaming machines.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware that Premier Rann made a major statement last year indicating that more than 3 000 gaming machines would be cut from hotels and clubs in South Australia. Members will be aware also that, at the time of its passage late last year, the legislation provided for a first cut of 2 168 machines and that Premier Rann indicated the additional 832 machines would be removed from the system over a period of time through a complicated trading system, which he introduced. That system meant that approximately 3 300 machines would have to be offered by hotels and clubs for trade for there to be the net reduction of 800 or so machines as required to meet Premier Rann's commitment.

In the past week we have seen the first round of trading of these gaming machine entitlements in South Australia and, instead of approximately 3 300 machines being offered for sale by hotels and clubs, a paltry 127 machines were offered for sale. When the first options for those venues that lost more than 20 per cent of their entitlements are taken into account, only 93 gaming machine entitlements were available for 186 businesses wanting to purchase or replace machines in their establishments, which meant that 93 establishments got one machine and the other 93 establishments got zero machines through the trading system. A number of hoteliers and other observers have spoken to me about the issue, and one person summarised it by saying that the trading system had been an unmitigated disaster. This particular hotelier's description was very critical of Premier Rann's publicity stunt in relation to this issue and the claim of a reduction of 3 000 machines through this complicated process.

Mr President, you will also remember that during the debate we were assured by the minister in charge of the bill, and his officers, that there would be a trading round in April this year and then another trading round in six months (at the end of the year) and it would be repeated on a six-monthly basis. I am told that as a result of the problems associated with the first trading round there are now urgent plans for a second trading round to be conducted in the next month or so and not in six months. My questions to the minister representing the Minister for Gambling are as follows:

1. Does the minister now accept that the trading scheme arrangement that has been provided for by Premier Rann and the government has been the unmitigated disaster that a number of hoteliers have described?

2. Is the government now rushing plans to introduce a second trading round before the end of the financial year, contrary to the advice that was given to this chamber when the bill was debated in November last year?

3. Do the Premier and the Minister for Gambling stand by their assertion that they will be reducing the number of gaming machines by 3 000 through this trading process that they supported, even though they were warned by a number of members in this chamber, and elsewhere, that the system would be a disaster and would not meet the commitments that they gave to the people of South Australia?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): At the end of last year the parliament did debate and pass that legislation. It was, of course, a conscience vote, as all members are aware in relation to this gambling bill.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It is rather interesting that members are fairly selective, it appears, in relation to whatever happens on these matters. I point out that something like 2 200 machines have been taken out of service already as a result of those changes that went through as a result of that bill. It was interesting to note in the preamble to his question that the Leader of the Opposition did mention that it would take some time, and that was made clear at the time that this matter was debated in respect of achieving that goal of 3000-plus machines. I will refer the question to the minister for a response in relation to the future arrangements in respect of this measure.

The Hon. NICK XENOPHON: I have a supplementary question. Will the government urgently consider the legislative framework for the reduction of machines in the trading system and, in particular, the $50 000 cap on the value of machines?

The Hon. P. HOLLOWAY: I am sure that the Minister for Gambling can include that as part of his response to the earlier question.

The Hon. A.J. REDFORD: I have a supplementary question. Will the minister rule out bringing further legislation concerning this issue to the parliament before the next election?

The Hon. P. HOLLOWAY: The question has already been asked, 'What does the minister intend to do for future arrangements for the sale of poker machines?' What the Hon. Angus Redford is doing is simply rephrasing the question.

The Hon. A.J. Redford: No, it is not.

The Hon. P. HOLLOWAY: I am sure the Minister for Gambling will consider that as part of his earlier answer.

The Hon. NICK XENOPHON: I have a further supplementary question. Will the government provide details of the venues that will be getting rid of all their poker machines

entirely, and I understand that it is just 12 venues at this stage?

The Hon. P. HOLLOWAY: I will also add that to the list of questions for the Minister for Gambling.

The Hon. R.I. LUCAS: I have a further supplementary question. Will the minister also confirm that he has been advised, or the minister and his officers have been advised, by a number of hoteliers that they are not prepared to sell their machines at the rate that has been suggested by the government of $50 000?

The Hon. P. HOLLOWAY: I will add that to the questions.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No I do not, because I would have thought that inevitably at the beginning of the period it would take some time for settling down. With any trading system, I imagine that if you are selling anything it is human behaviour for people to sit back and see what happens before they become involved. So I do not think necessarily one should be too surprised at that. I will refer that question to the Minister for Gambling and bring back a response.

The Hon. NICK XENOPHON: I have a further supplementary question. Can the minister advise what estimates were given by the department of the number of machines that would be culled in the first round of trading?

The Hon. P. HOLLOWAY: The honourable member is being a little disingenuous. Since we are going forward with a trading system that has never been tried before, any estimate would have been just that.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Suddenly, they are all experts, saying 'We told you.' How many did the Hon. Angus Redford say we would sell?

The Hon. A.J. Redford: I didn't say. I said that the whole system had failed.

The PRESIDENT: Order! This is question and answer.

The Hon. P. HOLLOWAY: They are all telling us that they knew exactly what the number was. I am not sure that, if one goes back over the record of the debate, one would see exactly how many they did say. However, I point out that this is a new method and, inevitably, it will take some time. Whatever the department might have thought would happen would be just that—an estimate.

CRIME STATISTICS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about crime statistics.

Leave granted.

The Hon. R.D. LAWSON: On 14 May this year, *The Advertiser* covered an exclusive story in which the Premier released to that publication statistics from the Office of Crime Statistics. These figures are normally issued a couple of months from now, and they are issued to the public generally and all organs of the media. However, on this occasion, from London, the Premier chose to selectively release certain statistics. The article in *The Advertiser* quotes the Premier as saying that, in the 2004 calendar year, the number of offences had fallen by 5.4 per cent to 280 820. The statistics provided to and published by *The Advertiser* omit to mention the offence of breach of bail, ordinarily included under the heading of 'offences against good order'. Whilst this government has been in office, the number of those offences fell slightly from 2 394 in the 2001 financial year to 2 960 in 2002, and, in the following year, it rose to 4 010. No mention is made in the Premier's statistics of these offences.

In London, the Premier also outlined tough new drug laws, which had previously been announced by this government. These statistics released by the Premier indicate that, in relation to drug offences, there has in fact been a 16 per cent decrease under the existing penalty regime. The Premier made no mention of the clear-up rate which, on the Police Commissioner's figures from last year, was only 33.2 per cent. This means that, of the 280 820 offences committed last year in South Australia, 187 588 were not cleared by the police. My questions to the Premier are:

1. Has there been any change in the overall clear-up rate between these latest statistics and the Police Commissioner's latest figures?

2. Why did he not mention the fact that crime rates in other jurisdictions have fallen by a greater percentage than in South Australia, including Victoria, where its government does not feel the need to breast beat on law and order?

3. What is the rate of offending for the offence of breach of bail?

4. Why did he not release these statistics to all South Australian media outlets and the public?

5. In his interview with Her Majesty the Queen, did the Premier reveal that her Majesty's guests in institutions in South Australia rose by only two in the past calendar year?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): In relation to the questions on crime statistics, I will refer them to the relevant minister and bring back a reply.

ZIRCON MINING

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question on zircon mining.

Leave granted.

The Hon. CAROLINE SCHAEFER: Last year as a result of a series of questions asked in this council the minister visited farms in the Mallee region, which will be affected by the inclusion of zircon mining activities in that region. As a result of his visit the minister advised farmers that he would have an urgent review conducted into the licensing arrangements for and activities of Australian Zircon (formerly Southern Titanium Limited) and that he would inform those farmers of the results of the review. My questions are:

1. Why has the minister had no contact with those people since his visit?

2. Has the review he promised been conducted?

3. What were the results of that review and will he publish those results?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): Has the review been conducted—yes it has. I certainly have been given some briefing notes in relation to what has happened in other states and have come to a decision in relation to the issue put, namely, what is the appropriate level of rental defrayal that should be available in this instance. I was waiting before making an announcement because Australian Zircon is in the process of finalising its finances for that project and I am waiting for them to be finalised before making an announcement.

BUSINESS, INNOVATION

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question on business innovation.

Leave granted.

The Hon. J. GAZZOLA: Australians have proven throughout history that we are resourceful and adaptable. In the globalised world in which businesses must now operate, a capacity to change and innovate has become increasingly important. What is the state government doing to encourage innovation in the business sector?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the honourable member for his question. It is important because innovation is recognised worldwide as the single most important element in a successful, modern economy. The fastest growing and most productive economies are developing innovative capabilities as core corporate and public sector strategies and, if they do not, it is unlikely that they will be able to maintain their existing levels of long-term economic growth in the face of new and dynamic competitors. In South Australia we need to use our great strengths and advantages to generate new ideas and knowledge and to develop new products and services for the global market.

Innovation allows businesses to differentiate their product, process or service and creates a distinct competitive advantage, and businesses that do not invest in innovation may put their future at risk. Innovation is not only about technology but about making sure we use ideas, technology and knowledge to give all South Australians a high standard of living, more satisfying and rewarding jobs and a better environment in which to live, work and raise families.

The South Australian government is committed to innovation and through the Department of Trade and Economic Development provides a range of excellent programs and support services developed and provided by staff, many of whom have themselves come from the private sector. The state understands how important innovation is to our businesses, our economy and our way of life and, as a result, I was very pleased to attend the 2005 Australian New Product Innovation Awards last Friday night. The New Product Innovation Awards are all about getting behind our researchers, our innovators and our entrepreneurial businesses to achieve real results and real jobs.

I was most impressed with the quality and the diversity of the products entered into this year's awards. It is apparent that a very broad range of customer needs and industry sectors are being catered for, and this demonstrates the capacity many local businesses have for both identifying product opportunities and converting those opportunities to successful products. At this year's awards, a superior new oyster farming system was the big winner. Developed by BST Oyster Supplies at Cowell, the adjustable long-line oyster farming system was designed to suit the rough and weedy conditions in Franklin Harbor and is now being exported around the world. BST Oyster Supplies not only took out the regional award for this worthy innovation but it was the overall winner, as well.

In the export category, Schefernacker Vision Systems Australia, which is located in Lonsdale, won first place for its Ford USA F250 trailer tow mirror. In addition to power mirror adjustment, the F250 trailer tow mirror, which is designed for the US market, has a multitude of additional features including heated glass, integrated LED turn signals and clearance lamps, powered foldaway and a patented telescoping capability. It is also worthwhile pointing out that recently Schefernacker was, for the second year running, awarded the Supplier of the Year by the federal Chamber of Automotive Industries, one of the most prestigious awards in the automotive industry. I congratulate both BST Oyster Supplies and Schefernacker on their achievements and I commend all those who entered.

There are other ways in which we can highlight the importance of commercialising innovations, and with this in mind the Department of Trade and Economic Development also provides awareness-raising workshops such as the virtual product development forum, product development and specialised skills programs, industry development programs, business diagnostics, skills shortage identification, industry capabilities analysis, identifying and facilitating opportunities for collaboration, research benchmarking of new technologies, mentoring and reporting on over-the-horizon opportunities. I encourage all business owners to follow the lead of companies like BST Oyster Supplies and Schefernacker to take a fresh look at their businesses and consider the many benefits of embracing innovative changes.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Given the detailed response from the minister to the Hon. Mr Gazzola's question, when will the minister provide an answer to my question on the Business Innovation Centre, which I asked on 15 February this year?

The Hon. P. HOLLOWAY: I will have a look at that question, but I can assure the honourable member that there will be some important announcements over the next few weeks or months in relation to further developments in the innovation sector, particularly those involving manufacturing.

WHYALLA DUST

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about the red dust in Whyalla.

Leave granted.

The Hon. IAN GILFILLAN: The Democrats held a rural forum in Port Augusta over this last weekend and we received a delegation of Whyalla residents, some of whom lived within the deposition area of the red dust and others who did not. They made a very serious and important case that, for the people affected, their quality of life was unacceptable and detrimental to health and normal living standards. This is significant in light of the moves by this government to legislate, so I ask the Leader of the Government in this place, representing the Premier, the questions relating to this matter.

The release from the Environment Protection Authority on 9 July 2003 stated:

> Licence condition will stipulate that dust measured at a monitoring station in the Walls Street council car park should not exceed the national standard.

It continued:

> Based on OneSteel's report the EPA may impose additional conditions of licence that require an incremental reduction in dust measured at the Walls Street site, through performance based improvements at the steelworks.

It further stated:

> The EPA and the Department of Human Services disagree with conclusions in a report drawn from the study by OneSteel's consultants that it's unlikely that there would be any adverse community health effects in Whyalla.

The Environment Protection Authority and the Department of Human Services put out a statement to this effect:

> A substantial amount of international research shows that increases in respirable particulate matter below 10 millionths of a metre in diameter in ambient air (PM10) can cause adverse health effects. . . Air quality monitoring results collected adjacent to the OneSteel plant in Whyalla indicated that this standard has been exceeded a number of times.

The Environment Protection Act 1993 states quite clearly:

> In the exercise of its powers, functions or duties, the Authority is subject to the direction of the minister except in relation to. . .

Part 6 states that there is to be no direction of the minister, the requirement for licence and the conditions that should be contained in that licence. On 12 May, the Premier put out a release which stated, 'The EPA will give the company a 10-year licence to operate.' That is further reinforced in the statement that was tabled today by the Leader of the Government in this place, as follows:

> The proposed bill will modify the BHP Company Steelworks Indenture Act 1958 primarily to provide for the EPA to give the company a fixed 10-year licence.

Mark Parnell, Director and solicitor, from the Environmental Defenders Office made the following statement in an email to me:

> In my view, this is the single biggest attack on the independent EPA in the last 10 years. It is the first time since 1990 that the Government has proposed special legislation to exempt polluting industry from compliance with public environmental laws. It is an absolute disgrace.

My questions are:

1. Does the Premier agree that his statement of 12 May 2005 is an offending infringement of the EPA act 1993?

2. Does this indicate the Premier's intention to legislate to legalise his threat to the independence of the EPA?

3. Will the EPA be free to act in the best interests of the health and environment of the people of South Australia or will it become just an arm of the Premier's fiat?

The PRESIDENT: That is soliciting an opinion.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): That is an extraordinary response from the Hon. Ian Gilfillan. We had an announcement today that the board of OneSteel has approved the spending of $325 million on Project Magnet, one aspect of which is to remove the dust pulverising plant from the heart of Whyalla out to the mine site at Iron Duke, some 30 or 40 kilometres away. I would have thought that the Hon. Ian Gilfillan would welcome this event. What was announced earlier today in the Premier's ministerial statement is the confirmation of that decision to enable Project Magnet to proceed, which will greatly diminish dust problems at Whyalla, to give the company the certainty to invest that significant amount of money.

Incidentally, of that $325 million, I think something of the order of $50 million or $60 million will go specifically to address environmental issues. To get that investment, an indenture agreement will be introduced into parliament later this year. As a result, that indenture agreement will, of course, encompass environmental licence condition agreements. In other words, they will be incorporated in law and they will be part of the indenture and will go well beyond the conditions that were in the 2000 indenture to OneSteel.

If anything, this indenture will tighten the existing environmental licence conditions, not relax them. More importantly, through this investment going ahead, it will ultimately provide a long-term solution to this problem. I think it is extraordinary that people such as the person who was quoted from, I think, the Environmental Defenders Office and others would seek to try to find some fault in a process that will address the problems.

Do these people really want a long-term solution to red-dust problems in Whyalla? We have the opportunity here with this company's investment to solve these problems in the longer term; and, as a result, I would have thought that everyone in this parliament would welcome that decision to invest in that project, which not only will extend the life of Whyalla and provide the economic benefits (jobs certainty) but also go a very long way once and for all to address these environmental issues.

The Hon. IAN GILFILLAN: I have a supplementary question. If what the leader is saying is correct, that is, that the environmental measures are so benign, why is it necessary for the government to legislate to muzzle the EPA for the next 10 years in the project?

The Hon. P. HOLLOWAY: This is not a question of muzzling the EPA. On the contrary, environmental conditions have been put in there. If it is going to invest $325 million in a program that will improve substantially the environmental outcomes for the people of Whyalla, as well as give other benefits to the community, OneSteel has sought regulatory certainty; and, I think, any company that is making an investment of that size would do that.

The Hon. R.I. Lucas: A bit like hotel operators.

The Hon. P. HOLLOWAY: When the indenture comes before this parliament (as it will do later this year), I think that the honourable member will see that conditions will be within that, which will enable those matters to be revised. If there is a need to change any of these standards in the future, there will be provision to do that in negotiations with the company. There are provisions to update those. Essentially, what was necessary to get this result, which will deal once and for all with these problems, was regulatory certainty to the company.

It is the way it will be done at many times in the future. That is what the government is proposing here. I hope that this parliament will support the indenture and, as a result, we will be able to fix up these problems once and for all.

TAXI EXPENDITURE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, questions about the use of taxis by public servants?

Leave granted.

The Hon. T.G. CAMERON: *The Advertiser* recently carried figures obtained under the freedom of information legislation that detailed how state government departments spent millions of dollars last year on taxi fares. Public servants working in 10 departments alone managed to clock up more than $2.3 million in taxi fares in the past financial year. The human services department topped the list with $997 678 being spent during 2003-04, with treasury and finance spending $47 584. Figures provided to *The Advertiser* show that public servants in nine key Victorian government departments spent just $140 000 on cabs over the same period. Some of the Adelaide fares were for amounts as little as $4.60 a trip, which would cover the distance from the State Administration Centre to Parliament House or about a 10-minute walk. It should be noted that the Adelaide City

Council does run a free connector bus service throughout the city between 8 a.m. and 6 p.m. on weekdays,—

The Hon. A.J. Redford: It provides free bicycles, too.

The Hon. T.G. CAMERON: —and buses regularly pass key government buildings, including the State Administration Centre and Parliament House; and, according to an interjection, apparently it supplies free bikes as well.

The Hon. A.J. Redford: It started yesterday.

The Hon. T.G. CAMERON: I have been further informed that that started only yesterday. My questions to the minister are:

1. Why have South Australian government departments run up taxi fares of more than $2 million during 2003-04 when Victorian government departments spent less than one tenth this amount?

2. Will the government conduct a review to examine means of reducing this extravagance and report the findings back to parliament?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): In his questions, the honourable member referred to this expenditure as an 'extravagance'. I think that one would need to examine exactly what is involved in that before one comes to that conclusion. It might very well provide much better value to spend taxpayer money on taxis than, perhaps, fixed vehicles. All those are matters for the appropriate minister. I will refer those questions to him and bring back a response.

The Hon. T.G. CAMERON: I have a supplementary question. Will the minister comment on the comment by the public transport spokeswoman, Margaret Dingle, who blasted the government tax bill as extravagant?

The PRESIDENT: The question is seeking an opinion. Will the minister bring back a reply?

The Hon. P. HOLLOWAY: I will refer that question to the minister for his consideration.

PUBLIC SERVICE CODE OF CONDUCT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Leader of the Government in this place, representing the acting Minister for Correctional Services, a question about the public sector Code of Conduct.

Leave granted.

The Hon. A.J. REDFORD: On 13 May this year, the South Australian Disciplinary Appeals Tribunal handed down its judgment regarding a disciplinary hearing into the conduct of Ms Eva Les, a then director of correctional services. It was an appeal against a decision recommending that she be dismissed from the Public Service. The tribunal found that Ms Les knowingly misled the officer she was under a duty to inform regarding an escape from Port Augusta prison by Mr Marks. The tribunal further found that her conduct constituted improper conduct pursuant to section 57(d) of the Public Sector Management Act. The tribunal in its reasons for judgment said the following:

> Ms Les's misconduct was serious. It involved a grave breach of her duty to act honestly in her dealings with Mr Severin—

Mr Severin being the CEO of the Department of Correctional Services. The tribunal went on to state:

> Had someone in the private sector committed these actions, it is very likely that they would have resulted in dismissal. It is also very likely that if an application for unfair dismissal had been lodged pursuant to the Industrial and Employee Relations Act 1994, that the Industrial Relations Commission would not have found that the employer had abused its right to dismiss.

The reason given for not dismissing Ms Les was that there are other disciplinary options available for public sector employees. In the end, a severe reprimand was imposed on Ms Les with no further penalty, and the commission went on and said that it was open for her to apply for a more senior position.

Last month the Code of Conduct for South Australian Public Sector Employees was issued and two weeks ago distributed to public servants. Following that distribution, which I am informed followed the decision of the tribunal, I am also informed that a number of correctional services officers at the Port Augusta Gaol were so disgusted at the failure of senior officers in the department to, in their minds, comply with the code that they ceremoniously threw their booklets in the bin and failed to sign the acknowledgment of receipt of this code, which appears at page 15 of the booklet. In the light of that, my questions are:

1. How many correctional services officers have signed the code, and how many have not?

2. Has the acting minister done anything to explain the decision of the tribunal to rank and file correctional services officers, particularly those serving at Port Augusta?

3. Having regard to the comments by the tribunal that 'our ruling is not intended to prevent Ms Les from applying for positions more senior than her former classification in the future', will the government give a guarantee that Ms Les will not secure a position senior to the one that she held for at least a certain period of time following the tribunal's findings?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the acting Minister for Correctional Services and bring back a reply.

METROPOLITAN FIRE SERVICE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Metropolitan Fire Service.

Leave granted.

The Hon. J.S.L. DAWKINS: Members would be aware that during the last three sitting weeks I asked the minister a series of questions about the Metropolitan Fire Service. These questions related to, first, the forced secondment of station officers to the MFS training department; secondly, the significant blow-out in fees charged for the MFS wellness program; thirdly, the classification of MFS personnel who had been appointed as regional officers; and, fourthly, the two month delay in the MFS responding to the United Firefighters Union's log of claims. I am aware that these issues continue to cause considerable concern amongst MFS personnel around the state. My question is: will the minister indicate when she will respond in this council in relation to the issues raised in my questions?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his series or re-run of questions. I thought I had responded the other day in relation to enterprise bargaining. Obviously, those processes are continuing, as one would expect them to, over a series of weeks or even months. In relation to the wellness program and the supposed blowout, I think the honourable member was asking a question in relation to 2003-04. The amount of money he was talking about, therefore, related to only the Adelaide station and some 100 personnel. Since that time, review—

The Hon. J.S.L. Dawkins: It went from 22 000 to 68 000 to 79 000 without being re-tendered.

The Hon. CARMEL ZOLLO: I understand that is not the case. Review did occur and it was expanded to all MFS stations—

The Hon. A.J. Redford: Answer the question.

The Hon. CARMEL ZOLLO: I am answering the question and I did take it on notice at the time. I thought the honourable member might have had the good grace to wait for a response, but nonetheless. It was reviewed and expanded to all MFS metropolitan stations, as well as the Port Pirie station, and, in that case, it was covering over 500 people. I thought I had partly answered it and undertook to bring back a response to the other questions that the honourable member asked, and I will do that.

The Hon. A.J. REDFORD: I have a supplementary question. When does the minister think we might get answers to this series of relatively straightforward questions?

The Hon. CARMEL ZOLLO: As soon as possible.

The Hon. A.J. REDFORD: I have a further supplementary question. Is the minister able to give us a time frame in terms of days or weeks in which we can receive answers to these important questions?

The PRESIDENT: That is basically a reframed question. Do you have any further response to that, minister?

The Hon. CARMEL ZOLLO: I undertake to bring back a response.

VOLUNTEERS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question regarding the recent National Volunteer Week celebrations.

Leave granted.

The Hon. G.E. GAGO: I understand that volunteers across the state were recognised for their services to the community recently via National Volunteer Week. Will the Minister for Emergency Services please advise the council of ways in which the government recognised emergency services volunteers during National Volunteer Week?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I would like to thank the honourable member for this important question. The efforts of thousands of dedicated South Australian Country Fire Service and South Australian State Emergency Service volunteers were celebrated during the recent National Volunteer Week when they, alongside all other volunteers in the state, were honoured for the tremendously important role they play in our community.

The week was a great opportunity to acknowledge and thank, in particular, the thousands of South Australians who make significant contributions to the CFS and the SES in communities across the state. I have been advised by many of the emergency service volunteers I have spoken to that volunteering is one of the most rewarding things a person can commit to. There is a real sense of achievement involving assisting the community.

The courage and commitment that volunteers display was never more evident than during the Lower Eyre Peninsula bushfires in January and after the devastating black Tuesday fires. People risked their lives fighting the fires, rescuing fellow community members and continuing their time in a top aid recovery exercise in the aftermath. There are about 20 000 emergency service volunteers across the state who give many thousands of hours of unpaid service to our state every year. CFS volunteers alone have dedicated more than one million hours to the South Australian community to protect against bushfires and other emergencies and have responded to about 7 000 incidents. I had the opportunity to visit my local CFS brigade at Athelstone during National Volunteer Week and was pleased to be able to thank some of these wonderful, selfless people in person for the enormous commitment they give to the state.

It also provided me with an opportunity to meet personally with the brigade members and to discuss some local and broader emergency sector issues with them. The commitment made by these men and women to protect the community is outstanding. Time and again, they often put their life on the line in order to help others. Simply put, without the assistance of volunteers, their families, employers and other supporters, there would not be a fire and emergency service in rural and regional South Australia, so it is fitting that volunteers should have a week dedicated just to them. Volunteer Week is a time when all volunteers are recognised for the outstanding contribution they provide to the community.

CHILDREN, VULNERABLE

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Families and Communities, a question about the placement of vulnerable children in motels.

Leave granted.

The Hon. KATE REYNOLDS: I have received a copy of a letter sent by the organisation Children in Crisis to the Minister for Families and Communities. It states:

> Dear Minister, our organisation is aware of children in alternative care who are being cared for by untrained, casual, self-employed workers in motels. Information we have received includes the following:
>
> · there are 20 workers in one team alone working at Manhattan and Scotties motels, and more at other motels in various locations
> · there are two agencies involved that give short term contracts at short notice to untrained workers who are self-employed costing the department around $34 an hour x 24 hours per child (max 2 children) every day
> · workers are paid around $18 an hour (much less on night shift), and some foster carers are resigning to join these agencies
> · agencies involved are making a significant profit without providing professional supervision for the carers
> · as there are no cooking facilities in these motels, children are offered an unhealthy diet of take away food (ie McDonalds, Hungry Jacks and KFC) on a daily basis; this demonstrates that different standards are used given that carers would be deregistered if this happened in foster care
> · the department pays for the hotel accommodation and entertainment expenses
> · workers take the children out for treats on a daily basis because there is nothing else for them to do in a motel. Some children have not been required to go to school although they have been in motels for several months.

As well as being placed in the Scotties and Manhattan motels, I am aware that children are accommodated, sometimes for months at a time, at Lindy Lodge and the Arkaba Court motels. Mr President, you would be aware that, from previous questions I have asked, we are extremely concerned about the number of foster carers leaving the state's alternative care system and the lack of funding for services for the most distressed and disturbed children and young people, known by many people as 'the minister's own children'. Just this Saturday, the issue was highlighted in *The Advertiser* by a story of three boys accused of raping a care worker. I understand that two of these young people are wards of the

state and have been living in a motel. In recent weeks, I have also learned that some of the 'minister's own children' are still being driven around in taxis while social workers try to find emergency accommodation for them. My questions to the minister are:

1. On how many occasions and how many young people have been placed in motels since the last election?

2. Are there any occasions when young people under the age of 18 have been placed in motels without 24-hour supervision and, if so, how many?

3. What is the average duration of stay in a motel and what is the longest time a child or young person has stayed in a motel?

4. What is the average age of these young people being placed in motels and how old is the youngest person?

5. What action is the government taking so that social workers are not forced to place young people in motels?

6. Is the minister concerned that he is breaching his duty of care by allowing children in so-called 'care' to be driven in taxis around the city, unsupervised, for periods of up to three hours and sometimes at night?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Minister for Families and Communities and bring back a reply.

PETROL SNIFFING

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Aboriginal Affairs and Reconciliation a question about petrol sniffing on the AP lands.

Leave granted.

The Hon. A.L. EVANS: Mount Theo is homeland of Yuendumu and incorporated Aboriginal community in the Northern Territory. In 1993 approximately 70 young people, who compromise more than half the young people living in Yuendumu, were sniffing petrol. At the time the community made a decision to remove from the community young people sniffing petrol and relocate them to Mount Theo. Mount Theo is a community outstation of Yuendumu. At Mount Theo the petrol sniffers were supervised and monitored as they underwent detoxification. The Mount Theo program continues to operate as a detox centre for petrol sniffers based on the principle of the traditional authority of the Walpari elders. While at Mount Theo the elders teach the young people the traditions of the Walpari people, show them places of significance and engage in traditional activities. It is my understanding that between 1993 and 1999 the Yuendumu experienced many times that there was not one young person sniffing petrol in the community.

Today the Mount Theo program is available to any young people of Walpari descent. The Walpari people say that the program is successful because it is centred on the authority of the elders and because each family gives full support for the elders to run the program as they see fit. Given the current crisis on the AP lands in relation to addressing the issue of petrol sniffing, my questions are:

1. Has the minister undertaken a thorough investigation of the Mount Theo program? If yes, when was the investigation and report completed?

2. Would the minister advise whether the government has provided formal advice to the AP Executive or any other representative body on the AP lands in relation to the Mount Theo program?

3. Will the minister advise whether the government intends to provide facilitation for Mount Theo elders to meet with the representatives from the AP lands to discuss strategies to address the matter of petrol sniffing on AP lands?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those important questions to the acting Minister for Aboriginal Affairs and Reconciliation and bring back a reply.

The Hon. NICK XENOPHON: By way of supplementary question, to what extent have the Coroner's previous recommendations in relation to petrol sniffing deaths on the lands been implemented by the government?

The Hon. P. HOLLOWAY: I will also refer that question to the acting minister and bring back a reply.

HISTORY TRUST

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Emergency Services, representing the Minister for Environment and Conservation, a question about the History Trust of South Australia.

Leave granted.

The Hon. J.M.A. LENSINK: Last year I asked a question in relation to comments that were raised in the History Trust's annual report in which it raised concerns about occupational health and safety as a result of long-term maintenance problems and the need for additional funds to address those problems. I note in the latest report, dated 30 June 2004, that the following comments were made by various contributors as follows:

> Despite very considerable cost pressures I can report that the trust managed to achieve a balanced budget during the year. This reflected very stringent management of building costs in particular. However, this cannot continue indefinitely. The board is of the strong opinion that investment in the core business of the trust is now an immediate necessity. Once again the trust raised a significant proportion of its income from external sources—some 29 per cent. We believe that this is a notable achievement, but ultimately is unsustainable.

Further, it states:

> For some time now we have identified the need to refurbish our ageing permanent exhibition stock at both the Migration and South Australian Maritime Museums as an urgent priority. These exhibitions first opened to the public in 1986. They are now out of date. We were therefore delighted when the government agreed to fund a three-phase refurbishment program at the Migration Museum.

It further states:

> Storage of the state history collection is looming as an issue for the trust in the next few years. Both stores in the Netley complex are now full and. . . the trust does not have resources to lease more space.

It continues:

> There are now urgent and very serious maintenance problems on all sites. Particularly significant are a number of structural issues at the Birdwood Mill. The trust was obliged to close the mill completely this year, to the dismay of our visitors, and is currently working with Arts SA and the Department of Administrative and Information Services to estimate the cost of repairs.

My questions are:

1. When will the government provide the History Trust of South Australia with adequate funds to address these ongoing issues?

2. Can the minister give a commitment that they will be fully addressed in a timely fashion?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I will refer the honourable member's questions to the Minister for Environment and Conservation in another place and bring back a reply.

TRAM LINE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Transport, a question on the tram line extensions to North Adelaide.

Leave granted.

The Hon. D.W. RIDGWAY: I read with interest on Wednesday 18 May the Premier's announcement from the United States, to quote the headline from the press release, 'Trams will be extended again to revitalise the city.' We are all aware that the Premier announced that the government would extend the tramline not only from Victoria Square to North Terrace but then on to Brougham Place. He went on in this press release to talk about his experience in Portland, as follows:

> Today we have travelled along one stretch where about 50 new businesses have opened up as a result of the tramline being put past their front doors.

He went on to say that investment in light rail is a significant capital expense but that the economic spin-offs can be tremendous if the system is well planned. He stated:

> A good light rail system has the advantage of being cleaner and greener and a cheaper way to get around than cars.

I noticed from some research I did that the Fielding report, commissioned by a former Labor government in the late 1980s, recommended an extension of the tramline to North Adelaide, so this is not a new idea, and at that time it was vigorously opposed by the Adelaide City Council on the basis of traffic congestion on King William Street and North Terrace.

I am also reliably informed that Transport SA knew nothing of this planned extension until staff read the press release at the same time as opposition members. I have also noticed on page 52 of the government's Strategic Infrastructure Plan, under the transport section, that there is no mention at all of an extension to North Adelaide. It certainly mentions the upgrade of the trams from Glenelg and the extension of the light rail network to North Terrace but no extension to North Adelaide. My questions are:

1. Can the minister confirm that Transport SA knew nothing of this project until staff read it in the press release?

2. Can the minister also confirm that three new trams will be required for the rolling stock to North Adelaide, therefore blowing the cost out by another $20 million?

3. Can the minister also confirm that the nine trams on the Glenelg line are not enough, that there are major timetable concerns, and that one extra tram may need to be purchased?

4. Can the minister confirm that the State Strategic Infrastructure Plan bears no resemblance to what this government will announce between now and the election?

5. Has the Adelaide City Council been consulted in relation to traffic congestion?

6. Given that the Glenelg tram carries 5 000 passengers a day, what increase does the government expect to get for this $120 million investment?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): What we do know is that, during the eight years of the Liberal government, absolutely nothing happened in relation to that public transport project. The trams used to go to North Adelaide before they were taken up in the 1950s. The Premier was recently in Portland, as has been mentioned in this chamber, and I think members opposite should look at what happens in other places in the world such as Portland. It is a particularly good example of how the extension of a light rail system has been incredibly beneficial in revitalising parts of that city and also promoting economic development. It is a very effective way of doing that. It has made sense for years that the tramline should be extended. It has also made sense for years that we should get some upgraded trams. Yes, they will cost some money, and this government is putting this money in, as has been announced by the Minister for Infrastructure.

I thought it was extraordinary. I see that a press release was put out in the past few days by the shadow minister for transport (or maybe it was their infrastructure spokesman; the person who apparently figures himself as leader). The press release referred to the need to integrate public transport within Adelaide. I would have thought that the most important thing one could do to integrate public transport within the city would be to link the tramline to Glenelg with the rest of the system by extending it to North Terrace and beyond. That is exactly what the government is doing. So, after eight years of doing nothing, the Liberal transport spokesperson is talking about the need to integrate public transport and yet the same person, as I understand it, has criticised the decisions in relation to the tram.

Where are these people coming from? We are now approaching the election (which will be in about nine or ten months), and I certainly look forward to seeing what members of the Liberal Party will do. On the one hand, apparently, they do not like the money that is being spent on this tram but, at the same time, they are saying that we need to integrate public transport within the city. I look forward to seeing how they propose to do that or what it means.

REPLIES TO QUESTIONS

GAMING MACHINE VENUES

In reply to **Hon. NICK XENOPHON** (3 March).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS**: The Minister for Gambling has provided the following information:

1. Yes. The Government is keen to adopt this measure but the Federal Government and the banking sector continue to refuse to provide the necessary assistance.

2. A Ministerial Council on Gambling meeting was held on 2 July 2004. At that meeting South Australia again sought the assistance of the Federal Government to use its banking powers to legislate the requirement on the banks to provide the necessary technical facility. The Federal Government again refused to assist in this way.

The Ministerial Council on Gambling Officials group met with a range of representatives of the banking industry on 13 December 2004 to discuss this and related issues. At that meeting the banking industry indicated that it had not seen a strong evidence base or public policy rationale for the proposed changes and that as these measures were costly to implement it would be more receptive to a national approach to restrictions in this area.

The Ministerial Council Officials group have also had further discussions and received a presentation from the Australian Payments Clearing Association on technical implementation issues on 24 February 2005.

This matter is again on the agenda for the forthcoming Ministerial Council meeting on 28 April 2005.

3. Contact has been made with Mercedes College with regard to the Bank of Queensland ATM currently in operation at that school. The College has advised that the withdrawal limit at that ATM is on a per transaction basis as opposed to a daily limit.

This is the same technology that is currently in use at ATMs located in gaming machine venues.

4. These issues are a matter of balance on measures in gaming venues. The Government is keen to adopt the daily withdrawal limit.

HACC FUNDING

In reply to **Hon. J.F. STEFANI** (2 March).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Ageing has provided this information:

I am happy to make available the independent audit report of the books and accounts of the Greek Pensioners and Aged Society of S.A. Inc. A copy is available through my Office.

ADELAIDE CASINO

In reply to **Hon. NICK XENOPHON** (6 December 2004).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Gambling has provided the following information:

1. The Commissioner sought advice from the Crown Solicitor as to whether SkyCity Adelaide staff or Government Inspectors have the power to detain juveniles.

Neither SkyCity Adelaide staff nor inspectors have this power. Only a police officer can detain a juvenile. However, the power to detain is not conferred through the *Casino Act 1997* but through other Acts conferring powers on police officers such as the *Summary Offences Act 1953*. Hence a police officer would only be able to detain a juvenile if the juvenile is suspected of committing an offence under the *Summary Offences Act*. Failure to produce ID when requested by casino employees or a minor on premises is not an offence under the *Summary Offences Act.*

Similarly, SkyCity Adelaide employees or Government Inspectors do not have the power to seize ID. Again this power is only conferred on police officers. However, as driver's licences and proof of age cards are the property of Transport SA, the Department has authorised SkyCity Adelaide to seize any suspected fake or tampered IDs on their behalf. SkyCity Adelaide do not have the power to seize suspected fake passports.

The Commissioner has appointed all casino inspectors as authorised persons under the *Liquor Licensing Act.* This authorisation allows them to obtain details of minors or suspected minors. Section 115 of the Liquor Licensing Act states:

> "(1) If an authorised person suspects on reasonable grounds that a person (the suspected minor) is under the age of 18 years, the authorised person may require the suspected minor to produce evidence that complies with the requirements of the regulations if:
>
> (a) the suspected minor is on regulated premises; or
>
> (b) the suspected minor is, or has been, in possession of liquor in a public place.

The Commissioner may then refer this information to the Police for further action.

2. This question should be referred to the Minister for Police.

A minor breaching section 43 of the *Casino Act 1997* would be dealt with under the *Young Offenders Act 1993*.

Section 6 of that Act provides that:

> "(1) If a youth admits the commission of a minor offence, and a police officer is of the opinion that the matter does not warrant any formal action under this Act, the officer may informally caution the youth against further offending and proceed no further against the youth.
>
> (2) If a youth is informally cautioned under this section, no further proceedings may be taken against the youth for the offence in relation to which the youth was cautioned.
>
> (3) No official record is to be kept of an informal caution.

Section 7 of that Act then provides for more formal proceedings including a formal caution, in the presence of a guardian, family conference or the laying of a charge before a Court.

It is understood that the informed caution option is generally adopted when minors are detected on licensed premises.

3. Details regarding juveniles found on the premises or a person suspected of being a juvenile (but who could not produce ID) who are subsequently ejected from the Casino are not provided to the Police since the person can not be detained and in the case of where no ID could be produced, the person may not be a juvenile and in any case is not obliged to provide personal details.

4. This question should be referred to the Minister for Police.

5. The role of Government Inspectors is to ensure that SkyCity Adelaide follows the approved procedures in relation to the detection and prevention of under-age persons entering the Casino.

HINDMARSH SOCCER STADIUM

In reply to **Hon. J.F. STEFANI** (9 November 2004).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Recreation, Sport and Racing has provided the following information:

1. I advise that the net deficit amounts for the operations of the stadium for the years 2001-02, 2002-03 and 2003-04 is as follows:

2001-02	No information available, stadium under control of SATC.	
2002-03	$432,493	Deficit
2003-04	$472,607	Deficit

This does not include the loan amounts paid by the government to meet the loan commitments of the South Australian Soccer Federation.

The amount repaid on the two loans were as follows:

2001-02	$616,105
2002-03	$615,608
2003-04	$614,949

2. The amount paid by government to meet the loan shortfall requirements is detailed in Question 1.

3. The detail of the loan repayments made by government for the respective financial years is detailed in Question 1. The South Australian Soccer Federation has not met its contractual loan obligations for the period of three financial years relating to the Honourable Member's question.

4. The total amount of debt recorded against the South Australian Soccer Federation as at 30 June 2004 is $5,375,314. This amount includes debt associated with the loan repayments as well as other outstanding accounts relating to venue hire and other matters.

The government has not discussed offsetting or waiving any debt with the South Australian Soccer Federation on the basis of potential revenue from Adelaide United Football Club hire.

BARTON ROAD

In reply to **Hon. J.F. STEFANI** (18 September 2003 and 8 December 2004).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. Yes, the Attorney-General has consulted the Minister for Local Government and his other cabinet colleagues, including the Minister for Transport and the Minster for Tourism (Member for Adelaide). The consultation has also included the Adelaide City Council and the Local Government Association.

2. The re-opening of Barton Road remains a policy of the Australian Labor Party. With the exception of the Honourable Member, the Liberal Party has voted to keep the road closed.

3. The Attorney-General has already discussed the matter with the former Attorney General, the Hon. C.J. Sumner. The Hon. C.J. Sumner has debated the matter and make representations to government about Barton Road and other matters.

CHILD ABUSE

In reply to **Hon. SANDRA KANCK** (2 June 2004).

In reply to **Hon. KATE REYNOLDS** (2 June 2004).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

I understand that on 18 June 2004, the Hon Sandra Kanck met staff from the Office of the Minister for Families and Communities, the Hon J W Weatherill, and staff from the Woodville C.Y.F.S. Office, and that a comprehensive briefing was given.

In answer to the question about how many parents have been gaoled in South Australia during the past five years for refusing to abide by a Family Court order, I can inform the Council that there are no instances of Section 112AD(1) of the Family Law Act being used in South Australian courts to imprison a breacher since 1990.

RAILWAYS, LEVEL CROSSINGS

In reply to **Hon. T.G. CAMERON** (20 July 2004).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

1. Road vehicle drivers are required to give way to trains at level crossings. It is a critical safety strategy to obey stop and give way signage at level crossings.

The Australian Rail, Tram and Bus Industry Union and rail operators, have assisted in identifying the highest risk crossings in South Australia.

Major crossing upgrades identified are placed on a priority list approved by the State Level Crossing Strategy Advisory Committee. Minor rectification work, such as signage, line marking, vegetation cutting, etc. is identified and referred to the rail or road owners for inclusion in general works programs.

2. Over the past three years leading up until May 2004, 27 incidents have been reported that have involved road vehicles colliding with trains or level crossing infrastructure.

In the metropolitan area, 128 crossings have flashing lights and 37 have stop signs. In country areas, 109 crossings have flashing lights and 253 have stop signs. All crossings are signed in some way with give way signs, level crossing position markers, flashing lights or stop signs.

The majority of crossings are in country areas and the most amount of traffic is in the metropolitan area.

3. The State Level Crossing Strategy Advisory Committee is already undertaking risk assessments on country crossings. The Level Crossing Unit of the Department of Transport and Urban Planning refers findings for safety improvements to the relevant road authority and rail owner to develop and implement rectification strategies on a priority basis. Where appropriate, the crossing will be prioritised for Black Spot Program funding.

Vision of approaching trains for motorists approaching and stopped at level crossings is a critical factor that is measured and assessed as part of the risk assessment process.

COOBER PEDY, PROBLEM GAMBLING

In reply to **Hon. NICK XENOPHON** (8 November 2004).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Families and Communities has provided this information:

1. The level of support given by the Break Even Service based in Whyalla to residents in Coober Pedy has been in the form of visits to the township to gauge the demand for establishing outreach services. To November, 2004, the level of demand from those seeking a service had not indicated the need for a continuous service to the township. During 2003-04, the Break Even Service provided community education programs to the township to raise awareness about problem gambling, and to promote the use of the 24-hour Gambling Helpline and the Break Even Service located in Whyalla.

2. The Break Even Aboriginal Service operating out of Nunkuwarrin Yunti has established links with workers and agencies providing services to the Indigenous population in Coober Pedy to raise awareness among the Indigenous community about problem gambling, and to assist the local workers to tackle this curse.

I am advised that the state average of gaming machines per 1000 adult population is 13.3 machines. For the region consisting of Flinders Ranges, Coober Pedy and Roxby Downs there are 24 gaming machines per 1000 adults. There will be continuing monitoring of the Coober Pedy area for service demands.

3. Officers from Children, Youth and Family Services (C.Y.F.S.) (formerly FAYS) in the Department for Families and Communities (D.F.C.) working out of Coober Pedy have not formally reported on social problems linked to poker machines and problem gambling.

Data is provided grouped by local government area (L.G.A.).

4. The L.G.A. of Coober Pedy has been grouped with those of Roxby Downs and Flinders Ranges, and the Minister for Gambling has provided this information about how much money the State Government collected in machine taxes from these three L.G.As in the past three financial years:

2001-02 $1,425,746
2002-03 $1,575,481
2003-04 $1,892,775.

EMAILS, MALICIOUS

In reply to **Hon. T.J. STEPHENS** (9 February).

The Hon. P. HOLLOWAY: The Minister for Consumer Affairs has provided the following information:

1. The Commissioner for Consumer Affairs advises that the Office of Consumer and Business Affairs (OCBA) received 1,525 complaints in the 2003-04 financial year concerning scams and "get rich quick" schemes.

2. Yes, the Minister has acted upon complaints she has received regarding malicious emails.

OCBA uses its resources to target people in South Australia promoting scams and illegal schemes. A recent example of this concerned an illegal pyramid scheme known as the David Rhodes Scheme. On 15 February, I issued a second public warning about the Scheme and 38 people caught promoting the scheme in South Australia have been sent formal warnings. This approach has significantly reduced the proliferation of the scheme in South Australia.

OCBA also works very closely with all other State and Territory Fair Trading Agencies and the Australian Competition Consumer Commission (ACCC) to ensure a consistent approach is taken to those schemes and scams that emanate from interstate or overseas.

The most recent example of this type of co-operative action was in February 2005 when staff from both OCBA and the South Australian office of the ACCC participated in an internationally arranged 'internet sweep day' that targeted illegal scams and spams. A considerable number of suspect sites were identified and are now being further investigated.

LAND TAX

In reply to **Hon. J.F. STEFANI** (9 December 2004).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

Government entities paid $80.3 million and private taxpayers paid $117.5 million in 2003-04. Receipts were $5.2 million lower than was estimated at the time of the May 2004 Budget.

In relation to the breakdown of private sector land tax and site values by land use classes, the information sought by the Honourable Member is as follows:

Private land owners	2001-02 $m	2002-03 $m	2003-04 $m
Land tax paid on:			
Residential land (excluding principal place of residence land)	14.4	19.0	31.1
Commercial land	40.6	44.6	53.9
All other taxable land	21.1	27.1	32.5
Total	76.1	90.7	117.5
Site values for:			
Residential land (excluding principal place of residence land)	7,502	8,496	10,823
Commercial land	3,635	3,937	4,507
All other taxable land	3,034	3,350	4,070
Total	14,171	15,783	19,399

Note: totals may not add due to rounding.

WIND POWER

In reply to **Hon. CAROLINE SCHAEFER** (23 November 2004).

The Hon. P. HOLLOWAY: The Minister for Energy has provided the following information:

1. The South Australian Government is a strong supporter of renewable energy, as it will make a valuable contribution to reducing greenhouse gas emissions and ensuring a sustainable future for all South Australians. As one in a number of targets announced by the Premier as part of South Australia's Strategic Plan, the Government has established a target to increase the use of renewable electricity to 15 per cent of total electricity consumption within 10 years. The Government wants South Australia to become a leader in the new green approach to the way we all live and wind energy is likely to be an important part of this vision, as it is currently the least expensive of all the commercialised renewable energy technologies.

The Government recognises that an increased level of wind energy is likely to have implications for South Australian energy supplies and has initiated a number of studies to examine these issues.

The South Australian Electricity Supply Industry Planning Council (ESIPC) is currently investigating the impact of wind generation with respect to the level of wind capacity that can be technically and economically sustained in this State. The results of this study, including an assessment of the financial impacts that in-

creased wind energy is likely to have on the rest of the market, are expected to be available in the near future.

In addition, at its April 2004 meeting, I requested that the Ministerial Council on Energy (MCE) establish a project to consider issues concerning the entry of renewable energy generation (particularly intermittent and non-scheduled generation such as wind) into the electricity market. As a result, the MCE's Wind Energy Policy Working Group was formed to progress consideration of issues associated with the impact of large-scale wind farms on the electricity market. I understand that the Wind Energy Policy Working Group will be releasing a report for industry consultation in early 2005 and subsequently providing a detailed report back to the MCE.

2. A significant percentage of wind farm developments proposed for Australia are located in South Australia due to South Australia's natural advantage in wind resources.

South Australia currently has one fully operational wind farm, being Tarong Energy's 34.5MW Starfish Hill project. Construction of Babcock and Brown's 80.5MW Lake Bonney Stage 1 project and International Power's 46MW Canunda project is well advanced, with project completion expected in the first half of 2005. Accordingly, by early next year, South Australia will have approximately 160MW of operational wind farm capacity.

In addition, Hydro Tasmania's 66MW Cathedral Rocks project, Meridian Energy's 101MW Wattle Point project and Tarong Energy's 70MW Mount Millar project are now financially committed projects so that by early 2006, South Australia is expected to have approximately 400MW of operational wind farm capacity.

ESIPC has estimated that wind generation costs approximately $1.5 million per MW to develop to completion. Accordingly, the current 400MW of committed wind farm projects are worth approximately $600 million dollars. Further, in their 2004 Annual Planning Report, ESIPC identified approximately 350MW of additional wind farm projects that were well advanced and therefore classified as 'probable' while there are a further 1400MW of projects that are in various stages of development.

Accordingly, it is likely that the $1 billion development target for private sector investment in wind farms will be realised.

3. The Commonwealth Government's Mandated Renewable Energy Target (MRET) has provided much of the incentive for the development of renewable energy projects. Retailers throughout Australia are required to redeem Renewable Energy Credits (RECs) to meet the MRET, with the value associated with RECs making renewable energy more competitive relative to conventional energy. Accordingly, retailers will recover the cost of increased renewable energy from their customers across Australia, even if a significant amount of RECs are created by wind energy projects in South Australia.

In addition, increased penetration of wind generation is likely to have implications for the operation of the National Electricity Market, including existing generators and wholesale spot market prices. At this stage, it is unclear what the overall impact of increased wind generation will ultimately have on retail electricity prices in South Australia.

As previously mentioned, ESIPC is currently investigating the impact of wind generation in South Australia, including an assessment of the financial impacts that wind farms are likely to have on the market.

OCCUPATIONAL HEALTH AND SAFETY

In reply to **Hon. T.J. STEPHENS** (23 September 2004).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Industrial Relations has provided the following information:

Yes, Workplace Services has investigated this issue.

Workplace Services does not believe that this situation is a result of loopholes in the occupational health, safety and welfare legislation. Monitoring by Pacific National indicates that there have been improvements to the working conditions. Workplace Services is continuing to work with Pacific National to ensure further improvement.

FREEDOM OF INFORMATION

In reply to **Hon. J.M.A. LENSINK** (21 September 2004).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Administrative Services has provided this information:

In the interests of efficiency and owing to the nature of the questions asked by the Honourable Member on the 21 September, 2004, I have taken the liberty of providing one response to the first three questions.

1 to 3. As the House is aware, the *Freedom of Information (Miscellaneous) Amendment Bill 2002* was introduced into Parliament in late August, 2002. During the next 21 months it received much debate and amendment in both houses of Parliament. It passed on 6 May, 2004 as a result of a deadlock conference between the two houses. One of the resolutions of the deadlock conference was to raise the fee-free threshold for Members of Parliament from $350 to $1000 per Freedom of Information (F.O.I.) application. The *Freedom of Information (Miscellaneous) Amendment Act 2004* was assented to on 3 June, 2004.

For administrative convenience, legislation is often proclaimed either at the beginning of the financial year or the beginning of the calendar year. With the Act's being assented to in June, it was not possible to have it proclaimed at the start of this financial year. The timing of proclaiming the Act has been a conscious decision to allow for a planned approach to its implementation and to ensure all agencies are thoroughly informed of the changes to the legislation, and this is consistent with past practice. The Act was proclaimed on 2 December, 2004 and came into operation on 1 January, 2005.

The new legislation will promote openness and accountability in Government, which will enhance respect for the law and help members of the public participate in civic life.

I am advised that the last three financial years have seen, on average, an increase of 10 per cent in F.O.I. applications made to agencies. This steady increase of F.O.I. applications during that time can be attributed to this Government's raising awareness of the legislation. As part of the review of the F.O.I. regime in South Australia, we recognised that administrative changes were also needed that could be carried out independently of the amendments to the legislation. I understand these administrative changes have been made while the amendments to the legislation made their odyssey through Parliament. Over the last 12 to 18 months this Government has overseen:

A Freedom of Information Charter on Citizens' Rights to Information that is prominently displayed in all government offices and buildings;

A Freedom of Information Electronic Discussion Forum on the State Records website;

Monthly reporting from agencies;

A F.O.I. Process Guide to provide guidance to F.O.I. officers when processing applications; and

F.O.I. training programs and F.O.I. workshops, including-workshops in regional centres and special workshops provided solely for local-government agencies.

4. The threshold which applies to Members of Parliament is $1000.

I have not been apprised of any evidence that M.P's F.O.I. applications are hampered. I am informed that in most instances they are processed within 30 days and, from statistical data provided by agencies for the last financial year, not one M.P. was charged.

I would, nevertheless appeal to M.Ps to give consideration to the scope of the applications they make to agencies. I have been advised that on many occasions agencies seek clarification about the scope of the application, and when M.Ps are advised of the cost, the application is either reduced or withdrawn. This causes much frustration and unproductive time within Government, and, in many cases, goes beyond the intent of the legislation.

NORTH TERRACE

In reply to **Hon. J.M.A. LENSINK** (26 October 2004).

The Hon. P. HOLLOWAY: This Government and the Council agreed in 2002 that the project would be staged over a number of years with each party initially only committing to Stage 1 comprising North Terrace, from Kintore Avenue/Gawler Place to Pultney Street.

Project expenditure on Stage 1 of the project stood at $12.866M on 11 March 2005. The estimated completion cost is $14.568M of which this Government is contributing $6.210M.

The Government has met with the Council regarding this issue on numerous occasions over the past year.

There is no funding shortfall as asserted by the Honourable Member. The newspaper article she was quoting was referring to funding for Stage 2 of the project.

The second stage of the project was announced by the Government and the Council on 13 March 2005. Stage 2 will extend

the redevelopment works from Pultney Street to Frome Street/Frome Road at an estimated cost of $6.8M, to be shared equally by the parties.

COURT DELAYS

In reply to **Hon. R.D. LAWSON** (17 February).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

In January 2005, the Productivity Commission published the Report on Government Services 2005. The Report records data about court administration for the year 2003-2004.

Publication of the Report was followed by comment in the *Financial Review* and in *The Advertiser* on the efficiency of the Supreme Court. That comment, like the question, referred to the clearance rate in the civil and the criminal jurisdictions, reported in Table 6.18.

The South Australian Supreme Court is reported as having the lowest clearance rate in civil and criminal cases. The District Court is reported as having the lowest clearance rate for criminal cases of all District Court equivalents in the Commonwealth. For civil cases three courts had a better clearance rate (one by only one per cent) and one court had a poorer clearance rate (by one per cent)

Criticism of the efficiency of the Courts by reference to this table was misplaced. The clearance rate is not an indicator of efficiency.

The clearance rate records nothing more than the ratio of lodgements to dispositions in the year in question. A clearance rate of 100 per cent indicates that a court is disposing of cases at the same rate as lodgements are being made. A clearance rate of less than 100 per cent indicates that in the coming year a court's performance against time standards might worsen, because the number of cases on hand will be greater than in the preceding year.

If, in a given year, lodgements received by a court increase, but disposals remain the same as before, the clearance rate will necessarily be less than 100 per cent. A court might be operating highly efficiently, and be unable to dispose of more cases than it is disposing of, and yet an increase in lodgements will be reflected in a drop in the clearance rate.

That is why the clearance rate is not an indicator of efficiency. A clearance rate of less than 100 per cent might indicate, however a court's performance is slipping.

A better guide to efficiency is provided by the "backlog indicator". This measures the proportion of a court's case load that is exceeding the timeliness standard.

Table 6.9 records this information for criminal matters. Owing to a misunderstanding, the backlog indicator for criminal appeals is not reported for South Australia. In fact it is zero, that is, no cases took more than 12 months. In that respect the Supreme Court's performance is equal to the best in Australia.

For non-appeal criminal cases the backlog indicator for cases taking longer than 12 months is 33.3 per cent. That is the worst in Australia. The range is from 10.7 per cent to 33.3 per cent.

A check has been made by the Court staff of the cases in question. They number 16. A counting error means that the number recorded should be a little less than 16, and the indicator should be about 25 per cent. Of the 12 cases that took longer than 12 months, about five are cases that could never have been disposed of within 12 months. They include the trials arising out of the discovery of bodies at Snowtown, and several other cases which, without going into details, simply could not be disposed of within 12 months.

The backlog indicator for the District Court, for criminal cases taking longer than 12 months is 21.2 per cent. Two other District courts had a lower backlog indicator and two were higher.

Table 6.11 records the backlog indicator for civil cases.

The backlog indicator for civil appeals taking more than 12 months in the Supreme Court is zero per cent. That is the best result in Australia.

The backlog indicator for non-appeal cases taking more than 12 months is 23.6 per cent, which is also the best result in Australia. That demonstrates that a failure to clear cases as fast as lodgements is not necessarily an indicator of efficiency.

The District Court's backlog indicator for appeal cases was the best in Australia. For non-appeal cases taking more than 12 months, the backlog indicator was 42.9 per cent. Three courts had a better result and one court had a worse result. All five figures are bunched quite close together, the range being from 34.9 per cent to 43.7 per cent.

This brief analysis indicates the care that is needed in interpreting the figures. On the whole, the performance of the two courts appears satisfactory.

The clearance rate does suggest, nevertheless, that the performance might decline in the year 2004-2005. It might decline because of an increase in the number of cases on hand. Whether the backlog indicator does decline, remains to be seen.

The Chief Justice has, on several occasions, expressed concern about the declining performance of both courts in dealing with non-appeal criminal cases. That decline has occurred over several years. Lodgements in the combined Criminal Registry having increased quite substantially in recent years, although in the last year there has been a slight reversal of that trend. The number of the Judges in the Supreme Court was reduced by one in 2003, as a result of a decision by the Government. The number of the Judges in the District Court has not altered. In those circumstances it is not surprising that the rate of disposition of criminal cases might have declined.

The length of trials in the Supreme Court and in the District Court has increased over the last few years.

As well, reference has already been made to a small group of very long cases that were dealt with the Supreme Court in 2003 and 2004. These cases have occupied vast amounts of judicial time and have also occupied courtrooms. All criminal trials are heard in the Sir Samuel Way Building, and these lengthy cases have resulted in pressure being placed on the facilities of that building, and have limited the number of trials that can be listed, there are only so many courtrooms.

There is no particular cause for concern about the rate at which the two courts are dealing with civil cases.

In short, apart from a concern about the declining performance in dealing with criminal trials, the performance of the Supreme Court and the District Court compares quite well with the performance of the same courts in the other States and Territories of Australia.

The Government is increasing police numbers making more use of D.N.A. testing than the previous Government and has increased funding of the Office of the Director of Public Prosecutions. If anything, these initiatives put more pressure on court waiting times. The District and Supreme courts are coping remarkably well given increasing pressure and the scrutiny under which they are placed. The Government did provide $1.661m for an additional Master in the civil jurisdiction of District Court. This initiative is expected to increase efficiency in that jurisdiction and should reduce waiting times.

CORONERS ACT

In reply to **Hon. IAN GILFILLAN** (21 September 2004).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** I advise:

As the Hon Member would be aware, the commencement of the Coroner's Act 2003 has not yet been proclaimed.

Once proclamation occurs I will expect departments to comply with their obligations under the Act.

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

In reply to **Hon. R.I. LUCAS** (26 October 2004).

The Hon. P. HOLLOWAY:

1. I am advised by the current Chief Executive of the Department of Trade and Economic Development (DTED) that the creation of the positions of Manager, Business Innovation and Adviser Business Innovation were approved by the former Chief Executive of DTED and advertised by the Department in accordance with Cabinet approval on the structure of the Department.

The position of Manager, Business Innovation has been filled and the successful candidate commenced on 6 September 2004.

The position of Adviser, Business Innovation will be advertised in the near future.

2. It is not the case that the appointment to the position of Adviser Business Innovation will not proceed due to a lack of funds. Appointment to this and other positions in the Department will be determined based on broader resourcing considerations and priorities in the Department.

3. Refer to 2 above.

SPEED CAMERAS

In reply to **Hon. J.M.A. LENSINK** (8 February).

In reply to **Hon. J.F. STEFANI** (8 February).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has advised:

1. The South Australia Police are aware of research indicating that some brands of speed measuring devices such as the Multanova 6F analysers may exhibit variances. Such variances are taken into account by the manufacturers of the equipment and documented so that differences are compensated for in the equipment manuals and standard operational procedures.

2. In South Australia speed camera devices are tested for accuracy in determining the speed of motor vehicles in accordance with Australian Standard AS 2898. This standard relates to the manufacturer's specifications, which states that the device is accurate within a limit of error not exceeding plus or minus two kilometres an hour.

3. The South Australia Police do not operate or deploy any Multanova 6F speed analysers or similar devices. This device uses a different radar beam and antennae than the speed camera devices currently in use within South Australia.

4. SAPOL generally allows a tolerance for speeding offences, which allows for reasonableness and fairness when taking into account any variance of speed detection equipment and road user vehicle speedometers. This tolerance does not denote any perception that it is permissible to drive up to the tolerance level. Police officers may exercise their discretion to take action regardless of this tolerance depending on the circumstances of any breach.

The general speed enforcement tolerance allowed in South Australia is a policy issue for the Commissioner of Police.

In response to the supplementary question, fixed site speed cameras are checked every seven days. Mobile devices deployed by SAPOL are checked for accuracy daily by means of a run through whereby a SAPOL vehicle with a known accurate speedometer is driven past the speed detection device at a set speed. The speed recorded is checked to ensure that it is accurate. This process is overseen by a supervisor and is repeated during the course of any one day if the device is deployed over more than one shift. The vehicle speed and the vehicle used to conduct the run through is speed tested every three months by the Royal Automobile Association (RAA). The speed testing apparatus used by the RAA is certified by the National Association of Testing Authorities (NATA). The speed camera is immediately defected if there is any discrepancy found between it and the testing vehicle.

No compensation due to faulty speed cameras has been paid in South Australia.

BROKEN HILL COMMUNITY FOUNDATION

In reply to **Hon. SANDRA KANCK** (14 September 2004).

In reply to **Hon. J.S.L. DAWKINS** (14 September 2004).

The Hon. P. HOLLOWAY: The Minister for Regional Development has provided the following information:

1. As the Broken Hill Community Foundation falls into the New South Wales jurisdiction the South Australian Government is not in a position to provide a donation to the foundation.

2. The Premier provided a response to the Broken Hill Community Foundation in a letter dated 29 September 2004.

In response to the supplementary question, I advise that this is the same as 1 above.

POLICE, TRAINING

In reply to **Hon. IAN GILFILLAN** (14 February).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has advised that the South Australia Police recruit training course currently involves 28 weeks of training at Fort Largs Police Academy. Following this recruits are appointed as probationary constables and complete a further 18 months training in the field.

Training is based on adult learning principles and focuses on providing trainees with the knowledge, skills and attitudes required by a police officer to provide a professional service to the community. Training recognises that police officers are a part of the community they serve. The training of police recruits is not military training.

Police training includes information technology systems, authorities, traffic, equity and diversity, investigational procedures, communication, incident management, driver training and operational safety procedures. It also includes training to equip police to work with victims and people with a diverse range of needs and cultural backgrounds.

Integrity and ethics are core values which employees are expected to display at all times. The South Australia Police does not tolerate or use bastardisation or dehumanising behaviour in training programs.

WIND FARM

In reply to **Hon. R.D. LAWSON** (31 May 2004).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** I advise:

1. An application pursuant to section 12 of the Aboriginal Heritage Act (Determination of Aboriginal Sites or Objects) was received on 3 July, 2003. The consultation process in relation to this application commenced in December, 2003 and concluded in May, 2004.

An application to section 23 – to authorise damage, disturbance or interference – was received on 28 May, 2004. The consultation required under the Act concluded on 22 June, 2004 and included a community meeting held in Port Victoria.

2. The consultation process for the section 23 application commenced immediately on its receipt from the developer.

3 and 4. The Company is required to comply with the requirements of the Act to ensure that its operations do not damage, disturb or interfere with any Aboriginal sites, objects or remains, unless otherwise authorised to do so.

This matter was discussed with the company during the assessment process and to the best of the Government's knowledge the company was fully aware of its obligations under the Act. The company is working closely with the Department for Aboriginal Affairs and Reconciliation (DAARE) during the assessment process.

5. The matter has been resolved.

REGIONAL COMMITTEES CONSULTATIVE COUNCIL

In reply to **Hon. J.S.L. DAWKINS** (1 March).

The Hon. P. HOLLOWAY: The Minister for Regional Development has provided the following information:

1. The make-up of the Regional Communities Consultative Council for 2005-06 was announced in the House of Assembly on 3 March 2005.

2. A preliminary meeting of the Regional Communities Consultative Council has been scheduled to take place in Adelaide on 12-13 April 2005.

The first meeting of the new Regional Communities Consultative Council in a regional area will take place on Kangaroo Island from 26-27 May 2005.

In reply to **Hon. J.S.L. DAWKINS** (22 November 2004).

The Hon. P. HOLLOWAY: The Minister for Regional Development has provided the following information:

1. Expressions of interest were sought from interested people in regional communities to act as members of the Regional Communities Consultative Council (RCCC) for a period of two years. Past members of the RCCC were eligible to re-nominate in this process.

2. Membership of the RCCC for 2005-06 was announced in the House of Assembly on 3 March 2005.

3. At the present time, there are no plans to re-establish a regional development issues group made up of senior public servants across all portfolios to work with the RCCC.

YOUNG DRIVERS

In reply to **Hon. J.M.A. LENSINK** (25 November 2003).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Transport has provided the following information.

1. The reported incidence of illicit drug use by drivers is of great concern to the Government.

The Road Safety Advisory Council (RSAC), established in 2002 by the Government, has formed an Alcohol and Drugs Task Force to examine this issue. In particular, developments in Victoria, where the first random roadside drug testing program in Australia is expected to begin operation this year, will be closely monitored.

The RSAC has forwarded recommendations to the Government, aimed at improving South Australia's road safety performance, one of which recommended amending the Road Traffic Act to provide for testing for drugs. A draft Bill has been circulated, for consultation.

2. Legislation for major enhancements to the learner and provisional licence requirements in South Australia has been passed by the House of Assembly and entered debate in the Legislative Council on 3 March 2005.

The Rann Government will adopt a 'carrot and stick' approach for novice drivers, penalising the small number of irresponsible learners who choose to do the wrong thing and providing incentives to behave responsibly on our roads.

Key features of the Government's proposed legislation expected to come into effect from July 2005, are:

- A minimum of 50 hours of supervised driving in the learners phase (including ten hours of night driving)
- A requirement that the supervising driver (in the L phase) must have held a licence for a minimum of two years and have not been disqualified in the previous two years
- A two stage provisional (P1 and P2) with conditions that vary to reflect the development of competencies and driving skills by the novice driver. This will include a mandatory computer based hazard perception test (HPT) which must be passed before moving from P1 to P2.
- The incentive on not having to display a plate in the P2 phase.
- New sanctions for provisional licence holders who breach the conditions of their licence, specifically, for extreme cases, curfews

From July 2006, further measures to be introduced would include:

- Further sanctions for provisional licence holders who breach the conditions of their licence, specifically regression to a former licence stage and re-taking of tests for those novice drivers who lose their licence
- A computer based theory testing for applicants for the Learner's Permit

These sanctions are aimed at strengthening the educative and supervisory influences for novice drivers. Considerable positive benefits for the community, in terms of significant reductions in serious injury and fatality crashes, particularly among young people, will directly and indirectly result from these measures.

3. The Road Safety Advisory Council has established an Education and Training Programs Sub-Committee convened by a senior officer of the Department of Education and Children's Services, to investigate and provide specific advice on this matter. When this advice is received, the Government will develop and implement appropriate strategies to ensure young drivers are guided to use appropriate driver behaviour when they become drivers.

4. The Road Safety Advisory Council has established task forces to examine the Graduated Licensing Scheme, speed management, alcohol and drugs, and media promotion and advertising – all of which are related to young drivers.

The variety of organisations represented on the task forces provide a level of expertise best suited to advise the Government on how to address the problem of young driver behaviour on the State's roads.

The Government will receive this advice and will develop specific initiatives to respond to any recommendations, as has occurred in the recent announcement regarding enhancements to the learner and provisional licence requirements in South Australia.

5. Clearly the Government is already honouring its stated commitment and has made considerable progress with the introduction of a wide range of initiatives since gaining Office. Investments into projects wholly or overwhelmingly associated with road safety have increased from $15.0 million in the last year of the previous Government to an average of $27.3 million in each of the three Budgets of this Government. Initiatives in the overall safety program include:

- Creation of the State's first Black Spot program.
- Doubling of the previous Government's expenditure on shoulder sealing, statistically the most effective road safety investing intervention.
- The range of major road safety reforms that have been passed by the Parliament in 2003 and have now been implemented
- The new legislative reforms that are or will shortly be in the Parliamentary process, including drink driving enhancements, loss of licence for excessive speed, changes to the novice driver scheme and drug testing drivers/riders.
- The establishment of the Community Road Safety Fund with all monies from offences detected by the use of anti-speeding devices now to be used to improve road safety.
- The establishment of a Road Safety Ministerial Council and a Road Safety Advisory Council, to provide clear accountability and more comprehensive policy responses.
- Release of the South Australian Road Safety Strategy 2003 – 2010 focusing on meeting the national road safety target for 2010 as committed to in he State Strategic Plan.

SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (15 February).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has advised that:

1. In the period from March 2002 to January 2005 there have been no physical assaults on speed camera operators.

2. There were nine incidents where speed cameras and/or vehicles were damaged in this period. The total value of damage was $18,710.00.

3. Safeguards in place to protect speed camera operators include:

- Speed camera operators are identified as being employees of the South Australia Police (SAPOL);
- Speed camera operators are trained in the use of, and are issued ASP batons for personal protection;
- Speed camera operators are issued with police GRN radio to call for assistance from sworn police officers when necessary; and
- As part of the speed camera operator course, all speed camera operators receive a presentation on conflict resolution and dealing with aggressive people.

4. There has been no study into a correlation between where attacks occur and the location of speed cameras but anecdotal evidence from operators would suggest that incidents can occur anywhere.

OLYMPIC DAM

In reply to **Hon. T.G. CAMERON** (27 October 2004).

The Hon. P. HOLLOWAY: WMC has indicated to the Government that its current pre-feasibility study will be completed in early 2006. If this results in a decision to undertake a final feasibility study, that could take a further two years, so it is likely to be 2008 before any final decisions are taken by WMC about further major development at Olympic Dam.

LOTTERIES COMMISSION

In reply to **Hon. A.J. REDFORD** (11 November 2003).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Gambling has provided the following information:

1. Is the Minister for Gambling aware of the Lotteries Commission's target markets?

I am advised that the term "target market" is a common marketing term to describe the audience most likely to be receptive to a message or offering.

I understand that with up to 70 per cent of adult South Australians playing an SA Lotteries game at least once each quarter, it is necessary for SA Lotteries to segment the market/audience in some way in order to make the most effective use of marketing budgets.

2. Is the Independent Gambling Authority aware of these target markets?

The Independent Gambling Authority is broadly aware of SA Lotteries' marketing activities and communications strategies. Indeed the release of sensitive marketing information via the Freedom on Information process to the Hon Angus Redford MLC demonstrates SA Lotteries' transparency, as a Government agency, in this regard.

The Codes of Practice operative in the gambling sector since 30 April 2004, recognise that advertising messages in particular are directed to particular segments of the market. It is a requirement of the Codes that, when SA Lotteries advertises, such advertising is not to be directed at minors, or at vulnerable or disadvantaged groups (including recovering problem gamblers) within the community.

3. When will the Codes of Practice be available and promulgated?

The Codes of Practice have been operative since 30 April 2004.

4. Does the Minister approve of the Commission's strategy to target families and impulsive or compulsive purchasers?

I am advised that SA Lotteries does not target families nor impulsive or compulsive gamblers.

5. Does the Minister approve of the strategy to give consumers compelling reasons to keep coming back, potentially encouraging problem gambling?

I am advised that SA Lotteries promotes and conducts lotteries games and services to meet the needs of its customers and in doing so, to build loyalty and satisfaction.

I understand that SA Lotteries' commitment to providing a consistent offering and a high quality service that "keeps people coming back" is not an endeavour to encourage problem or increased gambling, but good business sense.

6. How do we know these campaigns are not targeted to compulsive gamblers?

SA Lotteries is committed to the implementation of harm minimisation strategies in South Australia to reduce any incidence of problem gambling associated with its games.

SA Lotteries has undertaken information and training sessions in regional South Australia and Adelaide to ensure that all of its 525 agencies across the State are aware of SA Lotteries' corporate commitment to responsible gambling and are fully aware of their own obligations under the State Lotteries Responsible Gambling and Advertising Codes of Practice. By ensuring that all agents have undertaken accredited responsible gambling training, SA Lotteries can be sure that all of its practices – from its advertising through to the sale of its games – are community friendly and definitely not targeted to compulsive or problem gamblers.

7. Is the Minister aware that some 23 per cent of the target of the Lotteries Commission is aimed at adrenalin rush gamblers who are described as enjoying "the thrill and excitement of playing our games", and is he aware that the Commission has a strategy to better communicate that thrill and excitement to consumers?

I am advised SA Lotteries does not target "adrenalin rush gamblers".

SA Lotteries has identified a segment of consumers who seek to play lotteries games for the thrill and excitement of winning.

These consumers are those most likely to buy a ticket in jackpot draws (ie Powerball) where they are excited by the thought of winning a large prize.

This market segment does not represent 23 per cent of SA Lotteries' target, but represents the percentage of total revenue attributed to this segment.

In response to the supplementary question asked by **Hon. NICK XENOPHON**:

Given the serious allegations of potentially misleading and deceptive conduct carried out by the Lotteries Commission, as well as predatory marketing practices, will the minister ask the Independent Gambling Authority to launch an urgent investigation into this conduct? Further, does the minister consider the conduct referred to potentially breaches the Trade Practices Act, including its unconscionability provisions?

I am informed that the Independent Gambling Authority is broadly aware of SA Lotteries' marketing activities and communications strategies and it is a requirement of the Codes that, when SA Lotteries advertises, such advertising is not to be directed at minors, or at vulnerable or disadvantaged groups (including recovering problem gamblers) within the community.

In response to the supplementary question asked by **Hon. A.J. REDFORD**:

Would these campaigns be acceptable had they been adopted by the gaming machine industry or, indeed, the wagering industry, such as bookmakers?

All gambling providers are subject to the mandatory Advertising and Responsible Gambling Codes of Practice that commenced on 30 April 2004. I am advised that these Codes will be reviewed periodically to reflect current community concerns about the delivery of each form of gambling product and the review will have regard to the unique position of that gambling product.

ROAD AND COMMUNITY SAFETY FUND

In reply to **Hon. T.G. CAMERON** (20 September 2004).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information.

Income into the Community Road Safety Fund in 2003-04 was $38.76 million and fines revenue received each year to date to 31 December 2004 was $15.458 million. No funds have been redirected into general revenue. As reported in the Department of Transport and Urban Planning 2003-04 Annual Report, at 30 June 2004, the balance of the fund was $276,000. Funds from the Community Road Safety Fund form part of the total safety related investments, which are allocated over a number of safety related programs. Road Safety initiatives include Road Safety Audit Works, State Black Spot Program, Shoulder Sealing Program, and Minor Safety Improvements. In addition to the budget papers, a report on the Community Road Safety Fund is presented in the Department of Transport and Urban Planning's Annual Report.

WHYALLA HOSPITAL

In reply to **Hon. T.J. STEPHENS** (3 March).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Health has provided this information:

1. Whyalla Hospital strives continually to function within its allocated budget.

As 65 per cent of surgery performed at Whyalla is either day surgery or day of surgery admissions, management decided to test the weekend closure of an 18-bed surgical ward. The trial commenced on Friday 25 February, 2005. Evidence from other hospitals has shown that it is possible and efficient to manage most surgery cases over a five-day week. By re-arranging operating theatre lists at Whyalla it has been possible to accommodate the major (longer-stay) cases in the early part of the week ensuring that most are fit for discharge by Friday.

Patients that require post-operative management for longer than five days (including patients who have had joint-replacement surgery or major intra-abdominal surgery) are not nursed in the surgical ward, which closes on the weekend. They experience two bed movements after their admission, transferring after surgery to a high density nursing area before settling in a general ward. This pathway is common for complicated surgery in major hospitals.

Many country and metropolitan public hospitals, including Whyalla, no longer have ward accommodation determined on the basis of gender. All wards contain a mix of sexes but there is no mixing of sexes in the ward bed-bay area. Where possible, children are lodged in what is mostly a women's ward area. There are a limited number of private rooms that have one-between-two toilet and shower and these are carefully monitored to keep the sexes segregated.

The staff are conscious of the need for patient dignity and the use of appropriate night attire and dressing gowns.

2. The Northern & Far Western Regional Health Services Inc. received $1.025 million additional funding in 2004-05. Of this amount, $750,000 has been allocated to Whyalla Hospital.

Supplementary question asked by **Hon. KATE REYNOLDS**:

The Department of Health does not have a policy or protocols if patients indicates that they do not want to be placed in a mixed sex ward.

Given the different capacities in hospitals, direct operational issues such as the issue of mixed sex wards are managed by the individual health unit.

Hospitals do attempt to accommodate people of the same sex together and the needs of the individual and a person's need for privacy are utmost in their mind when admitting patients. Hospitals certainly try to preserve the dignity of all patients and sex is an important consideration.

There are occasions where mixed sex patient accommodation cannot be avoided such as the Intensive Care Unit, High Dependency Unit, Short Stay Ward or the Emergency Department. I stress that hospitals do strive to protect the patient's right to privacy and dignity in all circumstances.

MARINE PROTECTED AREAS

In reply to **Hon. SANDRA KANCK** (3 March).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Environment and Conservation has been advised that:

1. While the primary goal of the South Australian Representative System of Marine Protected Areas (SARSMPA) is the conservation of marine biodiversity, the system will cater for many different uses. One of the key outcomes of the SARSMPA will be the establishment of a framework for the integrated and sustainable management of a range of human activities, including economic, cultural, indigenous and social resource use.

South Australia's Marine Protected Areas (also referred to as 'marine parks') will be zoned for multiple-use in order to protect marine and estuarine ecosystems, while also providing for continued

ecologically sustainable use of suitable areas. This means that most activities - such as recreational and commercial fishing, and the operation of an aquaculture development - may still be allowed within a marine park boundary. However, in order to protect significant habitats, species, and ecological or cultural features, there will be particular zones, or periods of time, where some activities will not be permitted.

The dedication and zoning of marine parks will provide greater certainty to these industries and other users of the marine environment, as there will be a clear understanding of the activities permitted, and not permitted, in each area. Aquaculture developments existing prior a marine park's dedication will generally be recognised in Special Purpose Areas (specifically designed to manage this development in line with the intent of the marine park) and any future developments will be restricted to General Managed Use zones. The multiple-use system provides higher level protection to significant ecosystems through Restricted Access, Sanctuary and Habitat Protection Zones. The marine environment is currently not afforded this protection and this is the '*effective planning and management*' referred to by the Premier.

2. New aquaculture developments are assessed in accordance with the *Development Act 1993* and are licensed under the *Aquaculture Act 2001*. Both of these pieces of legislation seek to further the principles of ecologically sustainable development through balancing economic, social and environmental considerations. There are two public consultation periods for new aquaculture developments. PIRSA Aquaculture undertakes the first public call as part of its licensing operations and the second is undertaken by the Development Assessment Commission as part of its independent assessment. Government agencies, such as the Environment Protection Authority and the Coast Protection Board, submit formal comments on proposed aquaculture developments during the second phase of consultation as part of the Development Application process.

As such, the Environment Portfolio has not yet provided formal comment to the public consultation process associated with the developments at the centre of this matter. Rather, the Government's official comments regarding the proposed developments will be provided to Development Assessment Commission at the appropriate time.

In addition, the Department for Environment and Heritage is working closely with PIRSA Aquaculture to ensure that aquaculture proposals do not adversely compromise options for future marine parks.

3. The introduction of protection for the marine environment has been managed in an orderly fashion based on sound scientific research and community engagement to ensure, as far as possible, all social, economic and environmental issues are adequately considered. This approach has been embraced to ensure that South Australia establishes a world class representative system of our marine ecosystems for future generations, while minimising impacts on existing marine activities and uses.

Purpose-specific legislation will be introduced to provide the necessary framework for the dedication and management of South Australia's marine parks. It is envisaged that this legislation will include mechanisms to provide an interim level protection for environments within a marine park boundary while the detailed zoning scheme is developed in partnership with local communities and key stakeholders.

4. The Government has set a target of establishing 19 marine parks, including the two raised by the Honourable Member, as part of SARSMPA by 2010. This commitment is one of the 79 targets within South Australia's Strategic Plan – *Creating Opportunity*. These marine parks will be progressively rolled-out, commencing with the Encounter Marine Park (its Draft Zoning Plan is currently out for public consultation with comments closing on Tuesday 7 June 2005) followed by other locations in central and western South Australia and finally along the southern coast.

ALDINGA DEVELOPMENT

In reply to **Hon. T.J. STEPHENS** (2 March).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Environment and Conservation has been advised that:

1. There are several types of cat proof fences, all of which rely on constant vigilance and maintenance to ensure they provide an effective cat proof barrier. For example, tree limbs or other objects overhanging the fence provide cats with entry. All access routes such as roads and paths must also be fitted with cat proof gates to ensure that the integrity of the enclosure is not lost. This can be restrictive to people wishing to enter and exit an area, as well as being difficult to maintain. It should be noted that such fences are most effective when used in conjunction with a cat control program outside of the fence. The Arid Areas Recovery Program at Roxby Downs, run in partnership with Western Mining Corporation, University of Adelaide and the Department for Environment and Heritage, is possibly the most tested fence for its cat proof nature. Other fences reputably cat proof surround Warrawong and Yookamurra private Sanctuaries.

2. Information programs can be effective if communities are involved, supportive and adequately consulted. The Shire of Sherbrooke in Victoria undertook a very successful cat management campaign some years ago to protect a local colony of lyre-birds. Similarly, a cat management program on Magnetic Island in Queensland was successful in reducing the predation of wildlife by cats in the adjoining sanctuary. The Kangaroo Island Council and the Roxby Downs Council are both currently considering a combination of education and by-laws to address cat management in their environmentally sensitive jurisdictions.

3. Cats, whether feral or domestic, are a concern for all near-urban reserves, including Aldinga Scrub Conservation Park, as they hunt native fauna, in particular reptiles and birds for which the reserves provide natural habitat.

4. Funding of $200,000 pledged by the developer is for a package of protection works in the Park, including fencing, weed control, feral/non-native animal control, habitat restoration including revegetation work, provision for managed visitor access and provision of visitor information. A Reference Group with community representation is guiding the Department in the preparation of a plan for this work and will advise on its implementation.

RED-EARED SLIDERS

In reply to **Hon. SANDRA KANCK** (28 February).

In reply to **Hon. J.F. STEFANI** (28 February).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Environment and Conservation has been advised:

1. No.

2. The red-eared slider is considered to be a species of high pest potential and is proclaimed as a Class 3a animal under the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*. It is an offence to keep or possess, move, sell or release this species in South Australia without a permit.

3. No. The Animal and Plant Control Commission has issued permits to Adelaide Zoo and Gorge Wildlife Park to keep this species for public education purposes. A total of three red-eared sliders are held under high security in these facilities.

4. South Australia was one of the first States in Australia to introduce legislation to control the entry, movement and keeping of exotic vertebrate animals. Since that time policies on the keeping high risk exotic animals have been publicised via various forms of media. The South Australian Government also participated in a National Exotic Reptile Amnesty with all States and Territories and the Australian Government from March 2004 to May 2004 where there was considerable national publicity about the risks of keeping exotic reptiles. During this amnesty, red-eared sliders were surrendered in QLD, NSW and Victoria, none were surrendered in South Australia. Information on the risk of all exotic animals is posted on the Department of Water, Land and Biodiversity Conservation website – www.dwlbc.sa.gov.au

In reply to the supplementary question asked by **Hon. J.F. STEFANI:**

The risk of deliberate release of red-eared sliders into waterways is mitigated by national efforts to educate the public on the potential impacts and increased penalties of deliberate release of exotic animals.

SCHOOLS, HEARING IMPAIRMENT SERVICES

In reply to **Hon. KATE REYNOLDS** (28 February).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Education and Children's Services has advised that:

1. Every district is given a base allocation using the percentage each district has of the state's total school enrolment figure. This factor accounts for half of a district's entitlement.

Every district is given an additional allocation using the percentage each district has of the total state hearing impaired enrolments. This factor accounted for half of a district's entitlement.

2. In 2004, the Department of Education and Children's Services established a new district structure with multidisciplinary student services teams.

The aim of this change was to help deliver services more effectively and efficiently to the children and students across the state through more responsive and effective delivery at a local level.

The decision to use the formula across the State was made in late 2003 and was based on the need to achieve a public, consistent and equitable distribution of support services staff into each of the 18 districts.

Overall there has been a 0.7 FTE increase in resourcing for Eyre District support Services.

3. Students in the Eyre district with verified disabilities, including hearing disabilities, are listed on the state Students with Disabilities database. Eyre keeps a list of students who they support but not all students named on the Eyre District list meet the statewide criteria as a student with a hearing disability. The state Students with Disabilities database is the official record of students with a hearing disability.

4. Audiology services are available free from Child and Youth Health and Australian Hearing, both of whom provide service in the Eyre District. Parents may also choose a private audiologist.

5. The entitlement for the position of Coordinator Hearing Impairment was determined according to a formula to achieve a public and equitable distribution of services. The use of a formula resulted in different outcomes for individual districts and ensured that a fair distribution method was applied across the state.

Budgets for districts are carefully worked out to reflect the needs of each district including those related to travel, distance and access to training opportunities. Each district then decides how it will use its budget and these decisions are a local matter.

6. The Department of Education's Early Intervention Service provides support to babies who have a hearing impairment and their families from time of diagnosis. Eyre District has negotiated for Early Intervention Service staff to provide support to families in Eyre and dates have been arranged for the visit.

7. The distribution of support services staff ensures that each district's services are allocated in a fair and consistent manner. Resources are allocated fairly and do not favour any one district or area. Support services allocations reflect the district's profile.

HOMEWORK POLICY

In reply to **Hon. A.L. EVANS** (7 February).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Education and Children's Services has advised that:

Schools in South Australia determine their own policies relating to homework. The principal and Governing Council are responsible for jointly determining policies for the school. Policies such as those governing homework are developed in consultation with the school community, focusing on specific consideration such as the needs of the students and the school's geographic location.

A 'no homework' policy can, therefore, only be a decision of a particular school and its community. 'No homework' is not a policy that applies generally in South Australian schools.

As with other policies, homework policies across the country are revised from time to time. For example, in 2002-03, New South Wales undertook a review of its homework policy. The outcomes of this and other reviews are broadly consistent with South Australian policy and practice.

WATER SUPPLY, PEAKE

In reply to **Hon. CAROLINE SCHAEFER** (7 February).

The Hon. P. Holloway, on behalf of **Hon. T.G. ROBERTS:** The Minister for Environment and Conservation has been advised that:

On 11 March, 2004 a Notice of Intent to Prescribe the wells in areas immediately adjacent to the Mallee Prescribed Wells Area (PWA) was published in the *Government Gazette*. The areas recommended for prescription included the Hundred of Peake.

At the time, a moratorium was not considered to be necessary as there was little evidence to suggest that there was a risk to the quantity or quality of water available to meet present or future demand.

Since the time of the issuing of the Notice of Intent to Prescribe, additional irrigation development has taken place that has caused localised decline in groundwater levels in the Hundred of Peake. Although this is of concern, it is a separate issue from the long-term sustainability of the groundwater resources in terms of the capacity of the resource to meet demand. The localised decline in groundwater levels can be managed by lowering pumps within existing wells or modifying or upgrading pumping infrastructure.

While it is likely that the current demands for water in the Hundred of Peake are sustainable in terms of the capacity of the resource, there is now a risk that any further development may cause an increase in the salinity of the groundwater and therefore affect the ability of landholders to use the water for stock and domestic and irrigation purposes.

Based on this information, a Notice of Prohibition on the taking of additional water from wells in the Hundred of Peake was published in the Gazette on 3 February, 2005 in accordance with Section 16(1)(a)(ii) of the Water Resources Act 1997. This is to prevent any further irrigation development in the Hundred of Peake while the sustainable extraction limit for the resource is established.

The fact that a Notice of Intent to Prescribe the water resources in the Mallee, including the Hundred of Peake, was published without a moratorium is not an isolated case. This occurred when a Notice of Intent to Prescribe the wells in the Far North was published in December 2001 and when a similar Notice was published in May 2004 in relation to the water resources in the Upper Wakefield catchment.

PUBLIC SECTOR MANAGEMENT (CHIEF EXECUTIVE ACCOUNTABILITY) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.I. LUCAS: On 4 May, the minister responded in part to some of the questions that I raised in my second reading contribution; and we can explore some of those issues under specific clauses of the bill. I am having a quick look through my second reading contribution, and I do not believe that some of the questions I asked of the minister representing the government were responded to, even in part, in the minister's second reading conclusion. I raised some questions in relation to what advice and early information is now available to the government in respect of the concerns raised with me by officers on the ASO8 level about whether or not they would be prepared to apply for executive level positions given the potential issue of loss of tenure. I would like to explore that.

I asked questions about whether the government would provide information about the salary difference between tenured and untenured executives at all levels, and what estimate had been made of the increased cost as a result of moving people from tenured to untenured positions. I asked whether or not there had been consultation with the PSA in relation to this. I sought advice from the minister in relation to the provisions which require consultation with the PSA prior to any major changes in the public sector.

I sought an undertaking from the minister to provide copies of the total package of the Commissioner for Public Employment determinations for the information of those members of the committee who might be interested. Also, I asked the minister to provide advice as to whether the practice that was being outlined in this bill was consistent or

inconsistent with the practice in other Australian jurisdictions. They are a handful of the issues which I put on the record in my second reading contribution and which, I believe, have not been even partly responded to. I acknowledge that we will be able to pursue the other issues in relation to the contracts and the accountability of the Premier during the specific clauses of the bill that relate to those provisions.

The Hon. P. HOLLOWAY: First, in relation to the consultation with the PSA, my advice is that, while it has not been formally consulted in relation to this bill, the PSA has been briefed by the Public Sector Reform Unit on the bill and its consequences and on issues relating to consultative tenure. In relation to untenured and tenured salary ranges, my advice is that there will continue to be some tenured executives, so it will be necessary to continue the tenured and untenured salary ranges.

The Hon. R.I. LUCAS: In relation to the Public Service Association consultation, will the minister outline the requirements on ministers and chief executives that currently exist in the legislation which require consultation prior to any major changes being implemented in the Public Service? I gave an example when I was the minister for education, that is, that the Public Service Association informed the department that, if there were to be a restructure, for example, of the department, these provisions required consultation with the Public Service Association and other representative bodies prior to decisions being taken. Does that provision still exist within the legislation and, if it does, why was it not followed in relation to this issue?

The Hon. P. HOLLOWAY: The amendments that are before us in this bill relate specifically to chief executives: this bill does not apply more generally to members of the Public Service, so it is a fairly specific situation that we are addressing. We are just checking to see what the provisions of the Public Sector Management Act are in relation to consultation. But, again, I make the point that we are really talking about those conditions that relate to chief executives.

We are seeking some advice from parliamentary counsel. There is reference in relation to recognised organisations. The definition of 'recognised organisation' refers to part 5—Commissioner for Public Employment. I notice under clause 24 there is reference there to the duties of the Commissioner for Public Employment, to the effect that:

> Before making a decision, or determination, or taking action, that will affect a significant number of employees, the Commissioner must, so far as is practicable—
>
> (a) give notice of the proposed decision, determination or action—
>
> (i) to the employees; and
>
> (ii) if a significant number of the members of a recognised organisation will be affected by the proposed decision, determination or action—to the organisation; and

I will see whether there is any further reference but that, to our knowledge, now appears to be the only reference, and of course here we are referring to this matter as it relates to chief executives.

The Hon. R.I. LUCAS: Given that there are other provisions in the bill, I am happy for the minister to take advice while we continue with the discussion of the other clauses, with either an undertaking from the minister that he will provide an answer of the last clause that we debate, or we can recommit this particular clause, but I refer the minister not only to clause 24—and I am not sure whether it is both—but also to clause 16 of the Public Sector Management Act, as follows:

> Right of employee representatives and recognised organisations to make representations
>
> (1) Before making a decision, or taking action, that will affect a significant number of employees, a Chief Executive must, so far as is practicable—
>
> (a) give notice of the proposed decision or action—
>
> (i) to the employees; and
>
> (ii) if a significant number of the members. . . will be affected by the proposed decision.

I am not sure how the related decisions that the government has taken have been enacted. Have they been enacted by chief executives being required to enact them? Perhaps if I can put that question to the government. The changes in relation to the chief executives are being attempted to be changed by this legislation: how were the actual changes in relation to all executives enacted by the government? There was certainly no legislation. So, was that a determination of the commissioner or were they decisions of chief executives required upon them by the government, or was there some other administrative means used to change the executive employment arrangements for all executives in the public sector?

The Hon. P. HOLLOWAY: My advice is that we are really dealing here just with chief executives. We are not dealing with executive tenure. We are dealing just with chief executives, and they are covered by a specific part of the act, and of course clause 16 to which the honourable member just referred is, in fact, under part 4, which relates to chief executives. So the requirement to consult in that case really was a requirement on chief executives to consult in relation to changes that might affect a large number of employees. But here in this bill we are dealing with just that part that relates to chief executives. Part 7 of the Public Sector Management Act applies to Public Service appointments apart from chief executives. So the appointment of public servants, apart from the chief executives, is covered in part 7. This part 4 of the Public Sector Management Act relates to chief executives.

The Hon. R.I. LUCAS: I refer the minister to section 14 of the Public Sector Management Act, entitled 'Chief Executive's general responsibilities'. Paragraph (d) requires the chief executive to ensure 'that the unit contributes to the attainment of the government's overall objectives consistently with legislative requirements'. There are requirements on the chief executive to ensure that actions taken are consistent with legislative requirements. One requirement about which I inquire is whether or not employee associations were appropriately consulted. During the second reading debate, I was a little tentative in my questions but, having looked at the legislation, it seems clear that those provisions still exist in the parent act, and the chief executive is required to ensure actions consistent with legislative requirements.

I am happy to accept from the minister an undertaking to provide a response later in the committee stage or, indeed, a written response. However, I seek some sort of undertaking from him in an endeavour to expedite discussion on this issue. During the second reading debate, I raised the issue of whether the appropriate legislative provisions were followed and whether there was appropriate consultation. I accept that the answer is that there was not appropriate consultation with the PSA, but I seek an explanation from the government as to why it believed that it did not have to consult with the PSA prior to its making the decision.

I assume that the Commissioner for Public Employment must have taken some action to enact the changes to the employment arrangements for executives, because there has been a legislative change. The minister has not indicated

which mechanism was used, so I am making an assumption that it was done by virtue of some action taken by the Commissioner. Under section 24, it appears that the Commissioner is required to have engaged in consultation prior to undertaking that action. I am happy to be corrected by the minister if he indicates that the changes to executive employment were not enacted through a determination of the Commissioner but in some other way. I am happy to hear an answer from the minister along those lines. These issues have been raised with the opposition by a small number of persons affected by these changes. As workers for this current government, they are interested in its reply.

The Hon. P. HOLLOWAY: In relation to executive tenure, my advice is that it was a policy matter determined by cabinet. Again, I point out that in relation to those specific clauses—

The Hon. R.I. Lucas: How did you enact it? I know it was a decision taken by cabinet, but how did you put it into place?

The Hon. P. HOLLOWAY: It simply becomes policy.

The Hon. R.I. LUCAS: Did you have to do that through the Commissioner?

The Hon. P. HOLLOWAY: To return to the earlier question, my advice in relation to clause 24 of the bill relating to consultation with registered organisations is that subclause (3) says 'before making a decision or determination or taking action that will affect a significant number of employees, the Commissioner must', and it goes on to the consultation provisions, and that applies to decisions or determinations made under the act and does not apply to amendments to the legislation itself. Here in this bill we are talking of a change to the act and not about making decisions or determinations under the act.

I also remind the committee that, while the PSA was not formally consulted for the reasons I indicated, it was briefed by the Public Sector Reform Unit on the bill and its consequences. Appropriately there has been that discussion, but the consultation was not formal as we are talking about amending the bill and not making decisions or determinations under the Public Sector Management Act. In relation to the other matter raised by the leader about executive tenure, my advice is that that will be executed by the Commissioner for Public Employment.

The Hon. R.I. LUCAS: I therefore take it that, if it was executed by the Commissioner for Public Employment, the Commissioner would then have been bound by section 24 in relation to consultation.

The Hon. P. HOLLOWAY: We have no advice as to what action the Commissioner took in that instance and will have to seek advice.

The Hon. R.I. LUCAS: I am happy to leave it to the minister to take advice and provide an answer by way of correspondence rather than delaying the bill. If it is as the minister has outlined, that changes to executive arrangements for up to 400 executives was instituted by an action of the Commissioner, it would appear that the Commissioner was required to consult under the provisions of section 24. The advice provided to the opposition is that no-one consulted with the affected employees and their representative associations as required under section 24. I am sure the government will have a constructed response to that and I am happy to receive that and engage in debate using other forums of the chamber, if required, on that issue.

I am also happy to accept a commitment from the minister to provide an answer through correspondence rather than delaying the committee, but I think it is just a matter of the provision of information in two key areas. One is that there are specifically designated salary level differences between tenured and untenured executives at the different classifications, and I am seeking from the minister the detail as to what the difference between a tenured and untenured executive is at the various executive band levels. I accept that the minister is saying that a small number of tenured executives is going to stay on, although the overwhelming number will be untenured. Clearly there will be some increased cost as a result of that. My second question to the minister on this question of cost is whether the government has received any advice about a potential increase in costs as a result of the move from tenured to untenured executives.

The Hon. P. HOLLOWAY: My advice is that salary bands are applied and there have to be negotiations in relation to the bands, so we would have to get advice from the commissioner in relation to the average impact. We will have to provide that information in writing.

The Hon. R.I. LUCAS: I am happy with that. Is it possible for the minister to provide later on, not now, a copy of the Commissioner for Public Employment's determinations or is there a publicly available web site where someone other than a public servant is able to obtain copies of all currently applicable determinations from the Commissioner for Public Employment?

The Hon. P. HOLLOWAY: My advice is that all existing determinations are on the commissioner's web site. There are some under negotiation. There are some currently being reviewed and I understand that he has published a series of standards that are on the web site now and, presumably when they are completed, the final determinations will be posted on the web site.

The Hon. R.I. LUCAS: I am happy to accept that. I take it that those determinations are publicly available.

The Hon. P. HOLLOWAY: Yes.

The Hon. R.I. LUCAS: Has the government received any advice from representative associations, or anyone else, about problems that some public servants envisage with the changes and that officers may well choose to stay on at ASO8 level rather than seek executive appointment?

The Hon. P. HOLLOWAY: My advice is that the government will be relying on the Commissioner for Public Employment to design strategies to overcome that issue if in fact it becomes an issue. The government concedes that it may be an issue but, as I said, we are relying on the commissioner to devise strategies to deal with that.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. SANDRA KANCK: I move:

Delete this clause.

I have indicated with the amendments I have tabled that the Democrats will oppose this clause. I have made a second reading speech, and this is not the place to make speeches, so I will make a further contribution at the third reading stage. Suffice it to say that, since making my contribution during the second reading stage, when I said that we would support the second reading and allow it to move into committee and I would wait to find out what other people had to say and formulate my views, I have come to the position of strong opposition to this bill overall. In opposing this clause, this is the first step in expressing that opposition so that Emperor Rann does not have quite the amount of power that he seeks.

The Hon. P. HOLLOWAY: The proposed amendments by the Hon. Sandra Kanck effectively remove the Premier from the accountability mechanism. The chief executive would not be accountable to the Premier but would receive information from the Premier on whole of government objectives. The chief executive's contract of employment would not contain the standards and the chief executive would not be subject to direction from the Premier. However, a definition would be left in the act for whole of government objectives. The amendments would raise the question as to why one would amend the act, as the effect is to leave chief executive accountability resting squarely with portfolio ministers; in other words, there would be—

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: Yes. Effectively, the Hon. Sandra Kanck's amendments defeat the whole purpose of the bill.

The Hon. SANDRA KANCK: I suspect that that might just be my intention. I have no objection to there being a definition of whole of government objectives. If my amendment was successful I would have no problem, for instance, in the government's wanting to amend this act so that it requires the Premier to advise his ministers what are the whole of government objectives. The ministers would then be perfectly capable of advising their chief executives as to what are the whole of government objectives. It does not require this heavy-handed approach.

The Hon. R.I. LUCAS: I indicated at the second reading stage that the Liberal Party will not oppose the government's legislation. A number of us have expressed concerns about provisions, and the Hon. Sandra Kanck will know that, as one individual, I have expressed some reservations about aspects of the legislation, including clause 4. Be that as it may, the opposition's position is not to oppose but to allow the government to institute its proposals and to place on the record that some of us have reservations and will want to monitor closely some of the claimed advantages and impacts that the government has stated in relation to the legislation.

I will not go into any great detail over the concerns that I raised about this provision but, as I indicated during the second reading stage, the construction of this clause allows the Premier to set new standards from time to time. I note that, in the reply to the second reading, the government did not indicate that that was not possible. The government has sought to use words to indicate that there are whole of government potential uses of this provision, and the inference is that the circumstances that I outlined were unlikely to occur, that is, the minister says it is not designed to catch chief executives unaware or hijack them.

With the greatest respect to the Premier, I do not think that this Premier and this government indicating that in the second reading will soothe or mollify the concerns of chief executives and executives. As I indicated during the second reading stage, heaven help any chief executive who stands in the way of the Premier and a good news story, or who stands in the way of the Premier and having to put out a particular bushfire, in the terms that the Premier might see it, anyway, that might impact on him or his government. We have seen that, in those circumstances, chief executives—and, indeed, others—are the first to be criticised. We have seen criticism from the Premier, and the celebrity participants in the cabinet executive committee have on occasions been quick to publicly criticise senior public servants.

I think that the Premier's indicating that these provisions are not designed to catch chief executives unaware or hijack them is, nevertheless, tantamount to indicating that the circumstances I outlined are quite possible. They might not be designed, in the Premier's words, to do that—although I think some of us might disagree—but they are certainly capable of being used by the Premier in the circumstances that I have outlined, that is, that the Premier could set a new standard from time to time—that is, at any time—in respect of a chief executive.

As I indicated during the second reading, a chief executive may well have moved from interstate and signed up to a five-year contract with an understanding of the contractual requirements and the performance measurements that will be applied to his or her performance and then, for whatever reason, six or 12 months later it is possible that the standards specified in the contract could be changed by the Premier's directing his or her minister to jointly make those changes and potentially place the executive in an untenable position. The Premier claims it is not designed to do that but, clearly, in his response through the minister, he does not deny that it is possible. Certainly, I think senior public servants will need to view the questions that we have raised and the minister's response very closely in terms of possible requirements upon them.

The Liberal Party has determined its position. It will not be supporting this amendment or, indeed, the others, because, I think, as the honourable member has indicated, her four amendments are tantamount to defeating the whole bill. It may be that the honourable member chooses to vote against the third reading. I am interested because, in her second reading contribution, the honourable member did indicate that she had not received one email, letter or expression of concern about this legislation from anyone.

I would be interested to know, when she speaks to her other amendments, whether the honourable member might illuminate the committee as to whether or not the Public Service Association or, indeed, other representative bodies that are prepared to be identified, did oppose it; or were there, as occurred with the opposition, a small number of individual public servants who expressed concerns about aspects of the legislation. I would be interested to hear from the honourable member what did lead (other than possibly the contributions made by members in this chamber) to the changed position the Australian Democrats have adopted to the legislation between the second reading and the committee stages.

The Hon. T.G. CAMERON: I note that the opposition is supporting the government on this bill, and that does not surprise me. Clause 4(1) provides:

> . . . standards set from time to time by the Premier and the minister responsible. . .

Would those standards always be set down in writing so that there is a clear record of them, and so there is no misunderstanding between the chief executive and either the Premier and/or the minister? I raise that following, I think, the suspicions that started to bother the Leader of the Opposition when he made his contribution.

The Hon. P. HOLLOWAY: It is my advice that, in fact, the intention of the government is to ensure that there is more clarity in writing in relation to the responsibilities. That is the direction which—

The Hon. T.G. CAMERON: That does not answer my question. My question is: when these standards are set from time to time by the Premier and the minister and/or varied will they be set out in writing so that there is no miscommunication? Everyone will know what the standards are

and, if they are being varied, how they are being varied—not that you will seek to improve the clarity of them.

The Hon. P. HOLLOWAY: To answer that question properly one needs to understand the current arrangements, because section 14 of the Public Sector Management Act, which, I assume, has been in that form since 1995 (I am not sure whether there has been any amendment since that time), states:

> The Chief Executive of an administrative unit is responsible to the minister for the unit for. . .

Essentially, the amendment is to include the Premier and the minister so that whole-of-government objectives can be included. The current provision does provide that the chief executive is responsible to the minister. My understanding is that contracts are put in place but that these can be varied from time to time by discussions between the minister and the chief executive. What is intended by the government is to put those past practices on a more formal basis and to ensure that they are in writing.

The Hon. R.I. LUCAS: Is it not unfair for one party to vary it without agreement? Do you not think that is unfair?

The Hon. P. HOLLOWAY: The current section provides that he is 'responsible to the minister for'.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: The Hon. Nick Xenophon said, 'What about retrospectivity?', and one wonders. It is a good interjection. Can these standards that are set from time to time be set retrospectively? That is one question. I thank the minister for his answer, even though I am not sure that we got there in the end. The minister talked about whole-of-government objectives. I do note that whole-of-government objectives means objectives for the government that are approved in cabinet from time to time. Would the setting of these whole of government objectives be covered by cabinet secrecy? In other words, could we have a situation where cabinet is setting these whole-of-government objectives, but they are covered by cabinet confidentiality and no-one can ever see them?

The Hon. P. HOLLOWAY: The honourable member is quite correct: how do you set whole-of-government objectives unless it is done through the cabinet process? The spirit of this legislation, surely, is that they should be communicated. I have been a minister now for just over three years, and I think that the whole-of-government objectives (the cross-portfolio issues, if you like) are the most difficult issues facing any government. In many ways the success of a government, in my opinion, depends on how successful the government is in ensuring that these issues do not get lost in the silos of the various departments but that there is a whole-of-government approach.

That is why I fully support the direction in which it is going. I think that anything that can move towards that whole-of-government perspective is likely, in my view, to give better government. I remind the honourable member that, since the act was introduced in 1995, section 14 states:

> The Chief Executive. . . is responsible to the minister responsible for. . .
>
> (b) the attainment of the performance standards set from time to time under the contract relating to the Chief Executive's appointment; and. . .

That is in the existing act and has been since 1995. I am sure that there have never been any retrospective requirements under those standards, and nor would one expect that there would be. That is obviously intended. But essentially the amendment here—and I think this needs to be put into perspective in this debate—is that this bill does not introduce any new accountability except in as much as it extends the Premier's involvement for those whole-of-government issues.

The Hon. T.G. CAMERON: To follow on from my line of questioning, in view of the answer and in view of section 14, 'Chief Executive's general responsibilities', paragraph (d) says:

> ensuring the observance within the unit of the aims and standards contained in Part 2.

I would have thought for a chief executive to be able to meet that criteria he would have to know what the whole of government objectives are that were approved by cabinet. He would have to know that.

The Hon. P. HOLLOWAY: Again, I say that in the current act section 14 provides:

> The Chief Executive of an administrative unit is responsible to the Minister responsible for the unit for. . .
>
> (d) ensuring that the unit contributes to the attainment of the Government's overall objectives consistently with legislative requirements.

That is the current provision. Here the modification is 'ensuring the observance within the unit of the aims and standards contained in part 2' and, of course, part 2 is the part of the Public Sector Management Act that sets out the general public sector aims, standards and duties.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: Well, this is the bill, but part 2 of the Public Sector Management Act is headed 'General public sector aims, standards and duties'. I am suggesting that, apart from the extension to the Premier, I do not think that new paragraph (d) is substantially different from the current paragraph (d).

The Hon. NICK XENOPHON: I ask the minister this question: given that the standards are to be set by the Premier and the minister responsible and reference is also made in clause 5 to the joint role of the Premier and the minister, how is it proposed that that will work? Does the Premier determine the standards and the minister signs off on those?

The political reality is that we have two ministers who are not members of the Labor Party. What is the interaction? How will the protocols work with respect to determining the standards? What would be the case if the minister has a particular view, given the joint role of both and given that there are some crossbench ministers? How is it proposed that it will operate in terms of the setting of the standards?

The Hon. P. HOLLOWAY: The answer is contained in clause 3 of the bill, as follows:

> 'whole-of-government objectives' means objectives for Government that are approved in Cabinet from time to time and relate to the functions or operations of all or various public sector agencies.

It is in cabinet that the contribution of all ministers will be involved. In relation to the Hon. Terry Cameron's earlier point, I add that clause 5 of the bill provides:

> ensuring that the unit makes an effective contribution to the attainment of the whole-of-government objectives that are from time to time communicated to the chief executive of the unit by the Premier or the Minister responsible for the unit—

The Hon. T.G. Cameron: Will that communication be in writing?

The Hon. P. HOLLOWAY: Yes, that is the intention. But, again, I point out that that has not necessarily been the case in the past, so in that sense when just the minister was responsible that has not been the case.

The Hon. T.G. Cameron: Is it the government's intention to communicate this in writing?

The Hon. P. HOLLOWAY: Yes.

The Hon. SANDRA KANCK: I am disappointed to hear that the opposition will not support my amendments. They have certainly raised a lot of concerns and clearly see that the impact of this will be far-reaching. My view is that if you want to stop the excesses of government you take the opportunity to do so before the excesses start.

In terms of what I am trying to do with this amendment, I verify what the Hon. Mr Lucas queries with me, and that is to say that, yes, it is my intention to basically take away all of these powers that will be given to the Premier and ultimately to vote against the whole bill. The Premier himself should know, as a religious man, that 'no man can serve two masters'. That is exactly what this clause, and the bill, are trying to do. It is trying to make senior executives effectively yes men and always trying to second guess what the Premier wants them to do.

The Hon. Mr Lucas has asked about how we reached the position that we have, and in his second reading speech he queried whether or not I had had any further representations from people. The fact is that I have not. As I said in my second reading speech, I had not had—and I still have not had—a single representation from anyone, either by mail, email, phone or fax. Nevertheless, once I started to look at the bill and talk about it with other people, I started making inquiries, testing ideas and talking with my colleagues about it, and the more we talked about it the more concerned we became. In particular, we saw the example of what has been happening in the Aboriginal affairs portfolio where most of the powers of the Aboriginal affairs minister appear to have been taken away from him by the Treasurer and the Premier and, in many ways, it has become a fairly directionless portfolio.

Despite the intervention and promises, what has happened in the Aboriginal affairs portfolio is a very clear indication of what happens when you do have too many masters. So ultimately, by talking about it amongst ourselves, and by contacting a few other people in the public sector, we came to a very clear position that, despite the lack of representations, this is bad legislation.

The Hon. P. HOLLOWAY: Just to address this nonsense about serving two masters, if there are any problems with the act in relation to that it already exists because, under clause 10 of the Public Sector Management Act, it says:

> The conditions of appointment to a position of Chief Executive of an administrative unit are to be subject to a contract made between the Chief Executive and the Premier, in consultation with the minister responsible for the unit.

So, we already have a situation where the contract exists. The contract is actually signed between chief executives and the Premier. That is the situation at the moment.

The Hon. R.I. LUCAS: The minister is responsible. If a contract is signed, the minister is responsible for the actions of his or her chief executive

The Hon. P. HOLLOWAY: The minister is responsible for the unit, but the point is that the signatories to the contract are the Premier and the chief executive, and that is the way it has been since the Public Sector Management Act was changed in 1995. I think that, if anything, this clarifies some of the situation in relation to the Premier not only in terms of the contract but in relation to these standards. So, as far as serving two masters is concerned, I think the Hon. Sandra Kanck is trying to find issues where they do not exist. I do not think it is surprising that there have been no representations to her in relation to the matter, because essentially this tidies up situations that are a little bit vague under the Public Sector Management Act.

The fact is that the Premier and cabinet at the end of the day will set the whole-of-government objectives, and this simply, I would suggest, improves the administrative efficiency in relation to that by, rather than having the whole-of-government objectives having to go down through the chain, through the minister, it simply enables that to be done through the Premier, acting on the decisions of cabinet in setting the whole-of-government objectives.

We have the senior management committee, where all the chief executives regularly meet and discuss these objectives, and I think it is appropriate that the Premier and others should be able to discuss those sorts of whole-of-government issues with those chief executives who do meet and discuss those issues, as they should, in a whole-of-government way rather like cabinet does. I do not think there is anything particularly exceptional in this measure. I think the Hon. Sandra Kanck is really boxing at shadows here in terms of excesses. She certainly has not produced any case at all to say that there have been excesses in relation to what I thought is a measure that really just clarifies the situation.

The Hon. SANDRA KANCK: I have to say: them's fighting words. The fact that public servants did not contact me is probably indicative of the way this government is going. Public servants are scared. They do not understand why there have been continual attacks on them by this government. How and why would any senior executive who has limited tenure take the risk of contacting any member of parliament to criticise what the government is doing? It is beyond belief that the minister expects someone who does not have tenure to make contact and lobby against a bill that is reducing their powers still further and confusing it. This is quite clearly an unadulterated exercise in power. It is centralising power for Premier Rann. That is what its intention is.

The Hon. P. HOLLOWAY: It is so much nonsense to suggest that there is centralisation of power. This is rubbish. Presumably the Hon. Sandra Kanck would rather have non-elected public servants. Somehow, she regards them as the true guardians of democracy, rather than the parliament. Let me also deny that there have been attacks. Give me an example of an attack that has been made on a chief executive. There have certainly been plenty in this parliament by the Leader of the Opposition, who has attacked a number of chief executives, including the person in my own department, with absolutely shoddy personal attacks? However, where have there been attacks in relation to chief executives?

The Hon. SANDRA KANCK: Let me just give you one very good example. In April last year at the economic summit one year on, in the middle of the speeches that were occurring, we were suddenly told that because of Public Service inefficiencies there was going to be a review of the Public Service. During the coffee break I went and spoke to members of the public sector association and asked them whether they knew anything about it. They were still breathless, and they still were trying to come to terms with the announcement that had been made in this way without any prior notification to them. I can assure the committee that they were very wounded by what had been done. That is just one example where a public platform was used to attack the Public Service in front of all of the business representatives of South Australia. They have been reeling ever since.

The Hon. P. HOLLOWAY: So there we have this dreadful wounding—the government said that it wants to set up a unit to improve the efficiency of the public sector. That is how we have wounded it. There it is. It is now on record, this dreadful thing. I have been wondering what it was, because this government has been attacked for ages for supposedly attacking public servants. So now I know what it is. Our attack has simply been to say that we are trying to improve the efficiency of the Public Service.

The Hon. R.I. LUCAS: I do not intend to prolong this debate too much, other than just to say that the Hon. Sandra Kanck has highlighted one example of many from the Premier in particular, but also from the celebrity advisers to the government. Mr de Crespigny and Monsignor Cappo have been very critical of senior public servants and chief executives in the *City Messenger*, in newspaper articles and in various interviews on ABC Radio and elsewhere.

I remind the honourable member, who professes innocence in this matter, that he issued a disgraceful, untrue release, attacking a senior public servant, and he was embarrassed during other proceedings. However, I will not refer to those in detail. The Leader of the Government professes innocence in all these matters, but he has dirt on his hands and right up to his armpits.

The Hon. P. HOLLOWAY: I reject that. Unfortunately, in accordance with standing orders, I cannot respond. The issue to which the honourable member refers relates to a select committee in which we are investigating a person as a result of a particular finding in the Auditor-General's Report. I rest my case.

The Hon. R.I. Lucas interjecting:

The CHAIRMAN: Order! I draw the attention of honourable members to the clause before us. I think that the minister made a tactical error by inviting people to make contributions about misdemeanours. Bearing that in mind, some may be different versions of the truth. I think that we should return to the clause.

Amendment negatived; clause passed.

Clause 5.

The Hon. SANDRA KANCK: I move:

Page 3, line 5—Delete 'Premier and the'

I move this amendment for the same reason we debated in clause 4, namely, we oppose the accumulation of power with the Premier.

The Hon. P. HOLLOWAY: The contrary argument we made before applies.

Amendment negatived.

The Hon. T.G. CAMERON: I move:

Page 3, line 8—After 'communicated' insert 'in writing'

I think that the amendment speaks for itself and, as I adverted to in my reasons before, it is pretty clear what I want to do.

The Hon. SANDRA KANCK: I indicate Democrat support for the amendment.

The Hon. P. HOLLOWAY: As I indicated earlier, it is the government's intention to move in that direction. We have no particular concern about the amendment.

The Hon. R.I. LUCAS: It is a very important amendment for me, and I am prepared to indicate opposition support for it.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 3, lines 14 and 15—Delete all words in these lines and substitute:

time under the contract relating to the Chief Executive's

Again, this amendment is moved for all the reasons we have been debating—that is, the centralising of power with Emperor Rann.

The CHAIRMAN: Order! The Hon. Mrs Kanck knows better than that. It was a slip of the tongue for which she has apologised. I assume that the amendment will be opposed for all the same reasons, so I will put the question.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. SANDRA KANCK: I move:

Delete this clause.

I think that the point I made before—namely, no man is able to serve two masters—is very relevant in regard to this clause, which will put in place a presidential style of management in this state. For that reason, it is very important that the clause be opposed.

The Hon. P. HOLLOWAY: I again indicate that there are not two masters: there is one master, namely, the elected government of this state—in this case, cabinet.

The Hon. R.I. LUCAS: The opposition's position is as I outlined during the second reading debate. I indicate that the minister's reply to the second reading does not, unsurprisingly, respond directly to the proposition I put, that is, whilst this provision allows the Premier as well as the minister to issue directions, the Premier could issue directions in relation to whole-of-government objectives. As I indicated during the second reading debate, there are a number of examples of a whole-of-government objective, such as the reduction of the extent of drug abuse in the community, when the Premier would be able to issue directives to the Minister for Health, the Minister for Education and Children's Services, or the Minister for Police, consistent with that whole-of-government objective.

This then raises the issue that I notice the government is seeking to run away from, namely, that there will now be a requirement on the Premier to accept political accountability for some of these issues as well. Under the current arrangements, if a directive is issued to a particular officer or if a particular minister is responsible for a particular portfolio area, he or she accepts political accountability and responsibility for anything that goes wrong within his or her portfolio area. We now have a set of circumstances where, for whole of government areas, the Premier has the capacity, whether he does or does not, to issue directives in relation to the particular whole-of- government issue.

Whether the Premier has or has not issued a whole-of-government directive, he clearly will have the capacity under this legislation to issue a directive to a particular chief executive or executives in relation to a whole-of- government issue. The Premier will not be able to escape political accountability if there is a particular problem in relation to a particular area. I am sure he will seek to, but under these new arrangements the government is seeking, which, as I said in the second reading, are contrary to the well-established conventions of many decades in relation to political accountability, this is what this government wants and my party room has voted not to oppose it. This Premier will have to accept the political accountability for responsibility in a number of these areas. The answer the minister provided at the second reading does not deny that fact and sought to indicate that that might not be the case. However, he certainly did not deny that that is indeed the way this provision could and should be interpreted in future.

Amendment negatived; clause passed.

Title passed.

Bill reported with amendments; committee's report adopted.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a third time.

The Hon. SANDRA KANCK: As I indicated earlier, being aware that you cannot make speeches in committee, I wish to put on record some of my concerns about this bill. The minister in committee challenged me to give examples of the attacks that this government has made on the public sector. I suggest that he just look at a few media clippings and see the quite volatile comments the Treasurer has made from time to time against public sector employees in the past 18 months to two years. They really have been extraordinary. If people need to be convinced, I suggest they look at the regulations the government promulgated back in the middle of January, limiting superannuation for senior public sector employees.

I also have become aware that in the past few weeks the Commissioner for Public Employment has had his delegations removed, and that office is about to become the office of public employment and have its powers reduced in the process. It is part of an on-going attack on the public sector that this government has been undertaking. I find it a little strange as in the past the public sector has identified itself with the Labor Party. In fact, back in 1995, when parliament was dealing with public sector legislation, the then opposition, which included Mike Rann, supported the employer of public servants as being the Commissioner for Public Employment. What is happening in this bill is in absolute contravention of the position the Labor Party held back in 1995—10 years ago.

I have speculated as to why the government is weakening the position of public servants and why it continues to attack them. I think part of it is that, because the public sector and its union have so often identified themselves with the Labor Party, the government feels that it can ride roughshod over them knowing that they will not turn around and put their support behind the Liberal Party. In the end you wonder what is behind that. I understand the pragmatic approach governments take. It is not the approach I favour, but I understand the approach they take when they say, 'We've got the vote from this government sewn up and the vote from that group sewn up, so we don't have to do anything that will in any way help or protect them.' To go down the path that this government has of offending them and taking away some of their rights and privileges is extraordinarily hard to understand.

I think that what we are seeing, and in a way again quite surprisingly, is that this government is taking us down the path that Jeff Kennett took Victoria some years earlier. Surprisingly, it does appear to be the case, because Jeff Kennett had similar legislation and I really do wonder that some members of the Labor caucus allowed this piece of legislation, and others that have been going through this parliament, to have its approval.

The Hon. Ian Gilfillan interjecting:

The Hon. SANDRA KANCK: I suspect there might have been some disagreement in caucus. Basically, this is going to disempower the minister. We will have chief executives who will be second-guessing all the time and, when it comes to making a choice between taking advice from their minister or from the Premier, clearly they will take their advice from the Premier. What we are seeing, as I said earlier, are the beginnings of a presidential style of government. Unfortunately, from the Democrats' perspective, we see this as the beginning of the breakdown of the Westminster system. We will be opposing this bill at the third reading and we will be dividing on it.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will briefly respond to those comments. The Hon. Sandra Kanck has suggested that this government has been attacking public servants because we have set up the Public Sector Reform Unit and proposed a number of reforms which we believe will make the public sector more efficient. I would have thought there is a big difference between attacking it and proposing reforms. I want to place on record that, as far as I am concerned, this state is extremely fortunate to have so many high calibre public servants. I have been extremely impressed by the calibre of those people, particularly in the upper levels of the Public Service within this state, and this government greatly appreciates the efforts of those individuals. I hope that most of them will support the moves and assist the government in trying to make the public sector even more efficient than it is at present.

I certainly do not accept the claim that this bill is an attack upon public servants. Rather, as I indicated earlier, it is seeking to make government, the public sector, more responsive to whole of government initiatives rather than having, as is so often criticised, government as a group of independent silos. I am certainly convinced that, after three years as a minister, this is the way we need to go to improve government. I hope that most of those senior executives would appreciate that, as well.

The council divided on the third reading:

AYES (13)

Cameron, T. G.	Dawkins, J. S. L.
Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Schaefer, C. V.	Sneath, R. K.
Zollo, C.	

NOES (6)

Evans, A. L.	Gilfillan, I.
Kanck, S. M. (teller)	Reynolds, K.
Stefani, J. F.	Xenophon, N.

Majority of 7 for the ayes.

Third reading thus carried.

Bill passed.

FIRE AND EMERGENCY SERVICES BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1783.)

The Hon. A.J. REDFORD: I rise to indicate that I am now responsible, on behalf of the opposition, for the management of this bill following my appointment as shadow spokesperson for emergency services. At the outset I indicate that the opposition supports the passage of this bill subject to the amendments regarding the board's structure, and we will consider our position should we be unsuccessful in that respect. I wish to thank a number of people. First, I thank the Hon. Caroline Schaefer and the Hon. Wayne Matthew (the member for Bright) for the work that they have put in with respect to this bill. I also thank Mr Vincent Monterola, the

current Chair of the South Australian Fire and Emergency Services Commission, for the briefing that he gave me last week. Finally, I thank those who serve this state in their capacity as volunteer fire people and also our magnificent volunteers with the State Emergency Services. They all serve this state so well. They do not seek thanks for the tremendous work they do. I know that all members in this chamber would share that sentiment.

I have had some experience with emergency services. For a period of time in the late 1980s and early 1990s I was the lawyer for the South Australian Metropolitan Fire Service. I enjoyed that work. Also on two separate occasions I have joined in with the CFS in fighting fires, and I have to say that they were both memorable experiences. I will not go into the details here, but I recall when staying at Beachport being involved in fighting a significant fire that occurred around Lake George, with extensive loss of property. There are a lot of funny stories I could tell about both the occasions on which I had the opportunity to volunteer.

I think the volunteer fire services and the CFS have become a lot more professional since the days when I was involved. I know that there has been a stronger emphasis on occupational health and safety and the protection of our fire officers, and that is to be applauded. We also now have the emergency services levy. I know from talking to volunteers and, indeed, paid officers of the State Emergency Service and the CFS that that funding base stands them in good stead and gives them a sense of security in relation to their role within the South Australian community.

This bill follows a review by the Hon. John Dawkins, the Hon. Stephen Baker and Mr Richard McKay, and I have great regard for all three. They recommended the establishment of the Fire and Emergency Services Commission. They also indicated in their recommendation that the commission was to have a governance role and, as part of that, there would be a board that would manage the affairs of the commission and, of course, that the commission would be funded by the emergency services levy.

I will not repeat all of what the Hon. Caroline Schaefer said earlier this month. She raised the issue of consultation and, in that respect, I look forward to the minister's response. She also raised concerns about the protection of the volunteer part of the CFS. We on this side of politics have a strong recollection of what happened when the Bannon government (and I know that is a long time ago) poked its sticky little fingers into our ambulance service and we lost a tremendously valuable volunteer ambulance service to this state, never to be returned, and that is disappointing. In fact, that explains substantially our policy regarding the protection of volunteers and our policy that they ought to have a real say in this new body.

I will be moving amendments that were put on file in the name of the Hon. Caroline Schaefer, and I look forward to the debate in that regard. I listened with a great degree of interest to the Hon. Ian Gilfillan's usual well considered contribution and, indeed, I look forward to his contribution during the committee stage of this bill. I was advised that there has been consultation in a briefing I had last Friday with the MFS, the CFS, the SES, the Volunteer Fire Brigade Association, the UFU, the PSA and the Department of Justice.

I am told that everyone is supportive of the government position. I hope that the debate that is about to transpire in committee will indicate to everyone that the Legislative Council is an important chamber. I must say that, when I read the contribution by members in another place (particularly the extraordinary performance by the then minister after dinner), I would hope that we would never engage in a debate of that sort in this place. I hope that, if I am fortunate enough to be elected, we can improve the standards of debate in another place in the next parliament. With those few words, I look forward to a healthy and constructive debate in committee.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank those members who have spoken on this very important and historic piece of legislation. My second reading conclusion will be of some length. However, I think it is important to place on the record, particularly in relation to comments made by the Hon. Caroline Schaefer on behalf of the opposition, this government's intent and its consultative process in relation to this legislation. It is almost two years since the government tabled in the parliament the report on the review of emergency services in the state.

At that time, the recommendations made in the report were warmly received not only by the parliament but also by the 20 000 men and women on the front line of our emergency services. For more than 20 years attempts have been made by different groups to bring about reform in the emergency services—all failed. While the reasons for failure may have been varied, there was one common element in each of the reform attempts: not all the people affected were consulted. One group had an idea and sought to impose it on others in the emergency services sector, and those others rejected the idea outright.

For 20 years, the leaders among career staff and volunteers knew that reform of the sector was needed, but there was no common platform through which dialogue between the three services (MFS, CFS and SES) could begin. Rather than provide any sort of solution, the introduction of the Emergency Services Administrative Unit (ESAU) in 1999 was yet another failure. At least this failure was not because of anything people in the sector had done. ESAU simply made it more difficult for operational fire and rescue officers to do their job. Bureaucrats had been placed in ESAU to manage the emergency services sector, and neither career staff nor volunteers could work under such arrangements.

When the government announced terms of reference in October 2002 for a review of emergency services, there was positive acceptance by the sector. Senior officers in the MFS, the CFS and the SES were keen to participate with the review team, as were the volunteer associations and the unions who represented staff and volunteer interests. From the beginning of the review by the Hon. John Dawkins AO, the Hon. Stephen Baker and Mr Richard McKay, staff and volunteers could see for the first time the possibility of their making a definite contribution to the reform of their sector. Their expectation was rewarded.

On receiving the report with its 29 recommendations, the government immediately appointed an implementation task force and an industrial volunteer liaison committee. The composition of both the task force and the committee was of operational fire and rescue officers, paid staff and volunteers from all three services—note that both career staff and volunteers were involved in the reform process from the start. They were given the task of implementing the 29 recommendations that were designed to bring about reform of the entire emergency services sector.

It is most unlikely that any bill previously brought before the council has received the level of consultation, revision, challenge and review as has this bill during the months it was drafted. Consultation with around 20 000 people located all

around the state is not a simple task. However, the people who were appointed to the implementation task force were very aware of the need to make consultation on this vitally important reform process work. They sought to consult through two separate channels of communication with all three services—the MFS, the CFS and the SES. These channels were the chain of command and the volunteer association or trade union representing volunteers and staff in respect of services.

The task force allowed time for consultation up and down these extensive and lengthy communication lines for a planning exercise that could have been readily managed by the task force. Three months consultation with volunteers and career staff extended the planning time beyond 12 months. The entire planning, implementation and bill drafting process was as open and transparent as possible. Volunteers, career staff, union officers and volunteer association officers participated in more than 20 project teams that each took one of the non-operational functions that had been managed by ESAU and made decisions about how those functions should be managed in a new collaborative structure.

We had volunteers and career staff, together with their union and association officers, recommending to the task force how services such as human relations, occupational health and safety, volunteer support, finance and risk management should be provided in the future. Every effort was made to ensure that volunteers and career staff throughout the sector were informed and understood the nature and potential effect of changes being proposed by the recommendations. It is accepted that not all volunteers, not even all career staff, are really interested in the process; but, certainly, those who were had numerous opportunities to obtain information and provide input to the process.

I will use the volunteers of the Country Fire Service to provide an example of how it was consulted and provided with regular information throughout the process. The Volunteer Fire Brigades Association (VFBA) was recognised as the primary volunteer managed body for leading the consultation process with its members. The association is managed by an executive committee constituted by the chairperson from all 12 committees. Each branch committee comprises representation of group VFBA committees, and group committees are made up of a representative from each brigade. That means that around 500 CFS volunteers hold a position within the VFBA structure.

For over 12 months, developments towards the proposed commission were discussed at VFBA state and branch meetings and group and brigade meetings. The VFBA has its own web site and newsletter which included information about the commission and sought feedback from volunteers. CFS volunteers receive a bi-monthly magazine, *Volunteer*, which included reports on commission developments in each issue. The implementation task force published a newsletter fortnightly and copies were mailed to all CFS brigades and groups, and placed on various web sites visited by volunteers. The task force chairman attended 13 meetings requested by VFBA branches, brigades and regional committees of group officers to discuss aspects of the commission.

At five state volunteer management committee meetings attended by volunteers and staff the commission was debated. The task force chairman and staff made representations and received feedback at 16 information meetings conducted around the state. Details of meetings, venues and dates were widely publicised and the meetings were open to all members of all services. Volunteers attended every one of these public meetings, which were held at Tailem Bend, Mount Gambier, Berri, Kadina, Whyalla, Ceduna, Wudinna, Port Lincoln, Meadows, Marion (two meetings), Angle Park, Brukunga, Nuriootpa, Bordertown and Kingscote. The task force chairman offered to attend meetings at any other location people requested. There were no further requests.

CFS volunteers participated on the 13 key working parties deciding the degree and nature of cross-agency collaboration on operational and functional roles in the SAFECOM model. The VFBA was represented on the volunteer and industrial liaison committee that worked in tandem with the implementation task force. Numerous combined meetings of the committee and task force were held where information and ideas were exchanged, and where recommendations and decisions were made.

VFBA volunteers and officers participated in planning meetings and workshops with the task force during the development stage of the commission. The task force chairman addressed various volunteer meetings and VFBA state and branch meetings to discuss the commission and seek input. The structure of the CFS includes a range of joint staff and volunteer committees. Plans for the commission were discussed at each of these meetings throughout the developmental period.

It remains inconceivable that the opposition keeps alleging that volunteers were not consulted or have been unaware of development towards the commission. Indeed, during the committee stage I will place even further evidence on the record. Any volunteer with an intent in the proposal for change had numerous opportunities over an 18 month period to become informed and provide input. When a working party was established to work on drafting a SAFECOM bill, volunteers were asked to join. During the drafting process representatives from all three services—from the Volunteer Fire Brigades Association (the SES volunteers' association), the United Firefighters Union and the Public Service Association—regularly met to debate and ultimately agree on every clause in the original bill. That in itself is a strong sign of the collaboration with which this range of stakeholders is prepared to operate.

The opposition may not like the idea of unions being totally involved as equal partners in planning for the reform of our emergency services sector, but it should tell them something when management of all agencies had no difficulty, including the unions and the volunteers through their associations, in forging a sound working relationship with union staff as they worked together towards a common goal. It is a known fact that until two or three years ago there were regular instances of friction between one or other service. There was little cooperation and no liaison between union and volunteer associations. All that has changed in the two years since the review was conducted, and the operational people are charged with the task of implementing reform. Now the role of this parliament is to provide the sector with legislation that enables it to get on with the task, to improve cost effectiveness of service delivery, to share resources and facilities, and to work more closely together, all with the goal of enhancing public safety.

As we debate this bill we need to remember that the ultimate goal of reform is the further enhancement of public safety. The leaders of the emergency services sector, both volunteer and career staff, have not been easy on themselves in drafting this bill. The review was quite critical of governance arrangements and practices in all areas of the sector. The

bill addresses this by the appointment of a board with strong governance powers over the MFS, the CFS and the SES.

Let us be clear on what we mean by 'governance'. The Australian National Audit Office provides working definitions. Broadly speaking, corporate governance refers to the process by which organisations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, direction and control exercised in the organisation. Quite clearly, for a board to effectively govern a complex organisation with three distinct organisations sharing over 20 000 staff and volunteers, it must consist of well-qualified and experienced members.

The board proposed for the fire and emergency services commission is primarily a board of governance. The opposition, in its attempts to convince volunteers that only they know what is best for volunteers, makes the audacious claim that only a board of volunteers could be expected to properly govern the commission because it is the volunteers who are most affected by the governance. The opposition has it totally wrong. It is the management teams in each of the emergency service organisations that are most affected by governance, not the people who deliver the service to the public. Executives and managers are the people appointed to positions of responsibility who are held accountable. It is they who answer to government—to people such as the Auditor-General and occupational health and safety auditors—and to the public, not the volunteers and the career staff.

The opposition does not seem to appreciate what it would be asking volunteers to do any more than it seems to understand what corporate governance is. Would the opposition remain silent if the emergency services sector failed—

The Hon. A.J. Redford: You are goading me.

The Hon. CARMEL ZOLLO: —in addressing any of the range of strategic responsibilities it will have under legislation or fails to properly account for the expenditure of public moneys? Well, I am responding to what the Hon. Caroline Schaefer put on record. Can members opposite expect a group of volunteers serving as part-time members of a board of governance to remain in command of the plethora of information and planning necessary to control a massive organisation? Is it even fair, let alone logical, to expect volunteers (who would meet once a month to govern a complex organisation with three distinct and major divisions, a work force of 20 000, a budget of $170 million and a customer base of 1.5 million people) to be held accountable? In the tragic circumstance where life is lost and property damaged, is it proper to expect a volunteer to be held to account as a member of the board? The opposition does not understand what it is doing or what it is asking volunteers to do.

It is far too simple for the opposition to hope the volunteers fall for their inducements and expect them to be starry-eyed about opposition support. The truth is, as late as this month, when the then shadow minister lobbied volunteers seeking support for opposition amendments, he was rebuffed. The Volunteer Fire Brigades Association 14-person executive voted for at least a third time to stay with the constitution of the board that is in the bill, and their colleagues in the State Emergency Service Volunteer Association strongly support their stand.

Those who drafted the bill—and members must remember that the team included volunteers—accepted the need and importance of populating the board with people able to handle the complex role. They were not ignoring the needs of volunteers or indeed of career staff by omitting them from the list of proposed board members. Instead, they were very conscious of the level of knowledge and ability needed to function effectively in genuine governance role. Volunteers join CFS or SES to provide a practical emergency response to emergencies in their community. Greater public expectation of our emergency services places ever increasing demand on our volunteers for training, equipment, maintenance and administration. At the same time, volunteers face competing pressures of family and employment.

We wanted a provision in the bill that enables volunteers to share the responsibility of managing affairs of the sector through utilising the existing structures and not placing added demands on them. Both services have well-established and well-administered volunteer associations with effective lines of communication and these will be prime media for influencing decision making. Both Mr Dawkins and the bill drafting team recognise the need and place for a second advisory board for the primary purpose of representing the interests of volunteers at the highest level. The advisory board has direct input to the minister, the board and the emergency services organisations. That advisory board will be in a position to influence management decisions and, unlike the board, its members will not be subject to the legal liabilities and accountabilities of directors. They are representative members rather than functional members, as in the board.

The advisory board will provide volunteers with a legally recognised peak body of their volunteer associations. The functioning of the advisory board will be determined by the volunteer to suit their requirements. They will work at their own pace and within their own level of expertise, unencumbered by rigid requirements for strict public sector accountability. Volunteers have told me they are comfortable working with this arrangement, not what is required of the board.

This advisory board is not a meaningless gesture. The advisory board will have a clear role for providing input to key decision makers through formal reporting channels, and, if the members consider that they are not being properly heard, they have recourse to the parliament through the minister. Few other groups of people in South Australia have such assurance, and yet still the opposition clamours to meddle with the well-designed arrangements and take volunteers from the advisory board and place them on the board of the commission, to take them from an advisory board where they can influence decisions to a board where they will be lost in a task ensuring compliance and performance standards by the three emergency services organisations.

Amendments to be moved by the opposition seek to weaken the ability of the sector to establish a strong governance framework under a board with people skilled for the task. There is some mistaken view that only the opposition has an interest in the welfare of volunteers, the CFS and the SES.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I am sure that you do have a genuine view. Nothing could be further from the truth. This government is committed to providing the most efficient and cost-effective fire and emergency service possible to communities right around the state.

Members interjecting:

The Hon. CARMEL ZOLLO: Headed up by public servants. The chiefs of the three emergency services are the people who should know, surely. We rely on volunteers to provide that service through 430 CFS brigades and 68 SES units, and have no intention to change that or allow it to be changed. Constant references by the opposition to the

situation with St John volunteers 15 years ago simply is scare mongering. There is absolutely no similarity to that situation with the use of CFS volunteers, whose role is underpinned by legislation.

Opposition amendments in this council and the other place have taunted volunteers with promises of seats on the board of the commission. It is only natural that some volunteers would be initially attracted to that thought and may wish to pursue that idea. However, what we have repeatedly seen is a wonderful example of the objectively and maturity of our volunteers in rejecting these amendments, and this clearly annoyed the then shadow minister, but volunteer associations have said, yet again, they are satisfied with the original bill they helped to draft. They want a strong board of governance that can provide leadership and direction in bringing about long overdue reform of emergency services, and they see benefit from having an advisory board through which they can lead collaboration between operational members of MFS, CFS and SES and at the same time present a volunteer perspective to the decision makers.

The opposition remains paranoid about union infiltration in volunteer ranks. Its amendment seeks to deny representative firefighters of the MFS and the UFU from participating on the advisory board. In doing so, the opposition demonstrates it has totally missed a primary goal of the entire reform package, and that is to develop closer working relationships between all parties in the emergency services sector. Officers from the volunteer associations and the union have worked effectively together over the past two years and developed strong ties. That should be a sign of the positive gains to be made in the future and not the cause for alarm that is too often expressed by opposition members. While the CFS has a board on which two—

The Hon. A.J. Redford: Are you going to apologise for what you did to the ambulance service? Are you going to apologise to it?

The Hon. CARMEL ZOLLO: I do not think I need to apologise about anything.

The Hon. A.J. Redford: That's why we get worried about it. You still won't acknowledge what you did.

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: There is absolutely no comparison.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: You are making comparisons you should not be making. While the CFS has a board on which two of the seven members are volunteers—not a board on which the majority is volunteers, as claimed by the opposition—SES volunteers have only their association to liaise with management. Retained firefighters in the MFS have no opportunity for their opinion to be heard because they have no formal association and are not represented by the union. The bill seeks to address these anomalies through the appointment of an advisory board that will bring together operational fire and rescue volunteers, part-time firefighters and local government.

The opposition is totally wrong to deny retained firefighters an opportunity to be represented on the advisory board. They too provide a vital service to their community and have an equal right with all other members of the sector to participate in managing the sector's affairs. The advisory board will have wide-ranging functions, enabling it to influence decisions on operational matters across the sector. It is therefore inconceivable that one section of service providers will be denied membership. It is expected that the advisory board will recommend improvements in the delivery of emergency services in regional centres and other areas of the state in which there is multi-agency presence. Unless all three services participate in this process to improve service delivery to the public, opportunities will be lost and we risk seeing the MFS, the CFS, the SES and the UFU go back to the silo mentality from which they have emerged over the past two years.

Throughout the protracted passage of this bill, which has denied the communities of South Australia, the staff and the volunteers of our emergency services the benefit of reform, the opposition has raised unnecessary alarm about the plight of volunteers. Whether it is genuine concern or scare-mongering, the opposition worries that volunteers will be consumed by rampaging unions set loose by a new commission. Had it studied the true intent of the bill, and analysed the checks and balances built into it, the opposition would have found that volunteers are not only safeguarded from nefarious acts by unions and others but in fact will have a greater say in their own affairs than the current legislation provides.

The opposition refuses to recognise that the bill provides for a clear distinction between governance and management responsibility. It questions the need for effective governance and for the emergency services to be accountable to the parliament, and to the taxpayers of South Australia, by challenging the government's intention to appoint suitably qualified people to the board. It is totally insulting to the chief officers of the Metropolitan Fire Service, the Country Fire Service and the State Emergency Service for the opposition to suggest that the fire and emergency services would be blended into one organisation run by a bunch of professionals who are paid to represent no-one. How absurd! Does the opposition want to return to its plans when it created ESAU? Stage 1 was to establish the administrative unit and position it to take control of the three emergency service organisations.

When in government in 1998, it was the opposition's intention to achieve large-scale sharing of resources and integrate service delivery. The stage 2 plan for the emergency services was to strip the CFS and the MFS of their corporation status. Along with the SES, they were to become divisions attached to the administrative unit. No wonder the three services opposed the creation of ESAU!

Criticism of the Emergency Services Administrative Unit is constantly raised, recently by the Hon. Ian Gilfillan, who cautioned that none of the mistakes in creating ESAU should be repeated in developing the commission. Let me assure honourable members that the transition task force, and every representative on the MFS, the CFS and the SES who has shared in transition planning towards the commission, has been extremely conscious of the need to avoid any similarity to the ESAU created by the previous Liberal government. ESAU was essentially created to impose a management regime over the operational staff and volunteers of the MFS, the CFS and the SES—a management regime in which bureaucrats would direct the operational people and the front-line fire and rescue workers. The commission is exactly the opposite.

This government readily accepted the recommendation from the review team that the operational officers of our emergency services be responsible for their own structure, their own management and their own governance. The operational people, career staff and volunteers will control the

direction of emergency services. The strategic support functions and the administrative services will be centralised for efficiency but, unlike ESAU, the commission staff will respond to the direction and requirement of the operational people. The board (70 per cent operational people) will provide the direction under which commission administration staff function. Gone will be the ESAU days of bureaucratic tail-wagging on the operational dog.

It is difficult to accept that the opposition is genuine in its desire to improve this bill when it constantly fails to demonstrate that it knows the current legislation and fails to accept that volunteer and career staff support the bill—and they do support the bill and simply want to continue with finalising reform. When the Hon. Caroline Schaefer spoke on behalf of the opposition, she claimed that the commission will cause the demise of three existing boards, but three boards do not exist. The CFS has a board; the MFS is responsible to a corporation (and, as minister, I am the corporation); and the SES is an administrative unit which, under Liberal government direction, is responsible to the chief officers of ESAU. Only one board exists in the sector—the CFS board. It is an excellent board which has served the state well and which leaves the CFS in a strong position as a partner in the proposed commission.

Unlike the opposition, the government has listened to the operational fire and rescue people. We will ensure that all three services have equal status and that SES volunteers no longer suffer the indignity of being within a bureaucratic administrative unit under the control of an ESAU chief executive officer, which is where the previous Liberal government placed them.

The commission is an overarching confederation and the way it operates—the power to influence and the leadership it exerts—will be determined by the chief officers and a chief executive, assisted by the qualifications and experience of two external directors. The structure being introduced is no different to that under which the armed services of this nation operate—the Army, the Navy and the Air Force certainly have completely independent identities.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: Well, they do—they have the reserve forces. Each has a chain of command that is free of interference from the other armed services and linking all, for reasons of total accountability, exploitation of synergies and better overall delivery of common services, is a defence department. This arrangement is proven and accepted by all stakeholders. Our model will prove just as effective and achieve total approval by stakeholders. This time we had the sense to enable our services to implement the plan.

Just as the military does not expect its reservists to be responsible for running the Army, so too we will not place the burden of governance of the emergency services on our volunteers. They will have input, but they will not be held accountable in the way they would if the opposition amendment on board membership was accepted. Frankly, we risk becoming a laughing stock of volunteers around the state through the incessant pestering by the former shadow minister wanting to get his own way. This government is listening to our sector members, the volunteers and the career staff. We are not trying to confuse them or to curry favour with them.

The Hon. Caroline Schaefer: Bully them.

The Hon. CARMEL ZOLLO: We are trying to provide them with legislation that enables them to operate the emergency services as they know to be the best way and within accountable guidelines that all public sector agencies must follow. The Hon. Caroline Schaefer says that we are trying to bully them: I can assure her that that is not the case and I have no idea why she would say that.

Members interjecting:

The Hon. CARMEL ZOLLO: We have already placed on record why we certainly do care for our volunteers. We have heard so much comment from the opposition about the need for CFS volunteers to have their board. What did the last Liberal government propose to do with the board in 1998? I can tell you: abolish it! The last Liberal government was going to get rid of the CFS Board and replace it with an emergency service advisory committee—not even an advisory board but a committee. Surely members can appreciate the total hypocrisy and claims by opposition members wanting to change the well-considered proposal for governance and management arrangements in this bill. Unlike when the opposition was in government and plotting to introduce ESAU, we made sure the volunteers were consulted. We know that volunteers from both the CFS and the SES agree with the governance and management framework included in this bill.

More hypocrisy: we hear the constant and totally misleading claim by the opposition that volunteers were not consulted, that grassroot volunteers know nothing about the bill. Volunteers helped draft this bill. How does that measure against the 1998 proposal of the previous Liberal government to change the governance and management of the emergency services sector? It failed to consult with anybody.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: The former shadow minister in the other place saying over and over again that the volunteers were not consulted when evidence is tabled that they were does not make it true, either. No volunteers were aware of the draconian changes in store for them under the then Liberal government. Not even career staff in the MFS, the CFS or the SES were consulted.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: It was a totally bureaucratic exercise designed by the then Liberal government to place emergency services in the control of bureaucrats, with no consultation. Where was the concern for volunteers in 1998? Why was the opposition prepared to deprive volunteers of a board in 1998? It could not answer that in another place, and I do not expect it to here, either.

The Hon. A.J. REDFORD: On a point of order, sir, I fail to see the relevance of this. This was all covered in another place.

The PRESIDENT: What is the point of order?

The Hon. A.J. REDFORD: Relevance. This was all covered in another place. Absolutely nothing was said by either myself, the Hon. Caroline Schaefer or the Hon. Ian Gilfillan about what happened in 1998. It is well documented in another place. This is the summing up of a debate. It is bringing in a whole swag of new material never mentioned at all in earlier discussion at the second reading. I ask you, sir, to rule on relevance.

The PRESIDENT: The matters the minister is commenting on are covered in the bill. There may be differing opinions on different facets of the bill and its interpretation. I am not in a position to tell the minister how she should sum up. If I were to make any comment, I would have to look at the honourable member's contribution about his election to the lower house and whether that was relevant. The best way

to get out of this is to let the minister finish and we will get on with the committee stage of the bill.

The Hon. CARMEL ZOLLO: Whilst I appreciate that the honourable member recently became the shadow minister for emergency services, this bill has been held up for some two years by, I suspect, the scaremongering of the former minister in the other place.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: It is important that the government places on record a response to some of the scaremongering that has occurred and continues to occur by the former minister. I ask why, when the then Liberal government was so unconcerned about volunteers, the sudden interest in volunteers when this government is seeking to implement change that has been discussed with volunteers in many forums and has the consensus of those volunteers. Not only have volunteers been consulted by us but so too have all the key stakeholders in this bill.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: I am a person who generally does not go on for a long time. I feel very passionate about this and about all the misinformation placed on the record.

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: Members of the opposition are finding it difficult to understand how the three emergency services organisations can continue to retain a high degree of autonomy while functioning within the fine Emergency Services Commission. Much of the misinformation and scaremongering peddled by the opposition in this chamber and another place would have us believe that all three services are being rolled into one single organisation, and that is simply not true.

The volunteers and career staff told us they want to retain a separate identification, retain their own chain of command, their operational autonomy, and that is what we are providing them. This is a key element of the proposed arrangement. Volunteers and career staff told the review team very clearly that they did not want any reform that would amount to a merger of services. They wanted an assurance that the separate identity they each valued would be continued. Each service was proud of its history and tradition and each had developed a unique culture. We see tremendous value in retaining the strengths of the past and, despite opposition claims to the contrary, members will find that the MFS, CFS and SES remain quite separate organisations under the bill. The government has recognised the value and importance of these characteristics of our services and has vowed to retain them.

This is demonstrated in numerous ways. Each service has a separate and unique section in the bill, essentially a repeat of the current legislation. Each service will retain its distinct uniform and badges, the chosen colours of its protective equipment and vehicles, and each will retain total operational autonomy under their own command structure. If changes occur in the way in which the agencies work together at an emergency, in training or in community safety programs, it will be because the agencies have agreed amongst themselves to make those changes. The role of the commission is to provide strategic direction and leadership that enables the three services to retain their identity and autonomy while at the same time working closely together for the benefit of our communities. The bill offers the greatest reform ever experienced in the emergency services sector in this state. The timing is right for the enactment of enabling legislation. Our three emergency services—MFS, CFS and SES—continue to develop partnerships across a range of functions.

Members interjecting:

The Hon. CARMEL ZOLLO: I have been in this parliament for nearly eight years and I have heard a lot of people speak for very many hours, repeating themselves. I do not believe that I can say this enough times. The parliament should strongly encourage that development. This government does. Regrettably the opposition spreads fear of union infiltration and a takeover of volunteers. Tensions evident in past years have almost disappeared. Those that remain are being readily addressed now that mistrust in the past has been replaced by staff and volunteers from all services being brought together operationally, socially, in training and in special projects. The key to ongoing success is to leave operational fire and rescue officers responsible for managing the change possible under new legislation and for operational officers to be accountable for governing the affairs of the sector—the antithesis of the ESAU arrangement put in place by the last Liberal government.

This bill has been prepared by men and women who understand what it means to be on the front line in providing emergency response to the people of South Australia. Their leaders understand the need to be accountable to the parliament and therefore what is needed to govern the organisations established to protect life and property. These leaders of our services also understand that, of all the resources at their disposal, it is the men and women, the career staff and the volunteers upon whom they most depend. They have therefore sought to provide for those men and women in the bill. They have sought to provide them with the essentials needed to get the job done. They have sought to protect their desire to remain a valued member of MFS, CFS or SES while still becoming an integral part of an emerging commission. They have sought not to impose on volunteers but to include them as true partners in arrangements that suit their needs.

The debate in both chambers of the parliament on issues of governance and membership of boards has caused unnecessary anxiety amongst staff and volunteers of our services. They have been asked to implement the recommendations of the review. They have been asked to draft a bill that addresses those recommendations and position the emergency services sector for overdue reform. This they did better than any other group in the public sector could have done, and then we see their work challenged by the amendments that have been filed, which add little real value. The staff and volunteers have cause to be anxious, to be disappointed. Let us give these people the chance to finish the task they were asked to begin two years ago by passing this bill without delay, and I commend it to the chamber.

Bill read a second time.

In committee.

Clause 1.

The Hon. A.J. REDFORD: Consistent with your ruling, sir, as lead speaker a little latitude is given to me, so I would like to make a short response to what the minister said in her lengthy concluding comments on this bill. I think the Hon. Caroline Schaefer spoke for about seven minutes in her second reading speech and the only comment that I could make about the minister's reference to the Hon. Caroline Schaefer's speech is that she has been shamelessly verballed as to her comments about what the volunteers were saying and what the volunteers' attitudes were in relation to this. Not only happy to verbal the Hon. Caroline Schaefer, the minister

then started to verbal the Hon. Ian Gilfillan, but I am sure that he does not need my protection in that respect.

I make one comment—and this underlines why the opposition has some degree of suspicion about the government's agenda. The minister alleged in her concluding remarks, in relation to an issue that was not even raised by the opposition in this place (or even in the other place), that volunteers did not want to go on the board because they might well be personally liable for decisions they made as board members. If that is the information that the government has been telling volunteers—if that is the case—the government has been lying to the volunteers. What the government did not tell the volunteers (and the minister certainly did not disclose it in her concluding remarks) was that people who serve on the board, provided they have acted in good faith, are protected.

For the benefit of the minister—and, indeed, those who might have advised her in relation to making this speech—I draw her attention to two particular provisions. Firstly, clause 127 of this bill protects volunteers in relation to criminal or civil liability with respect to carrying out their duties as a board member. Indeed, when legislation is proclaimed in relation to the government's honesty and fairness legislation, I draw members' attention to section 74 of the Public Sector Management Act, which again protects board members, whether they be volunteers or not, from civil liability.

What concerns me (and the minister let the cat out of the bag) is that they have been running around, obviously, based on what she said in her concluding remarks, misleading volunteers about their potential liability should they be allowed or permitted to serve on boards. If that is the case—misleading volunteers deliberately—is it any wonder that the opposition treats this government and its agenda and what it seeks to achieve in this legislation with a great degree of suspicion?

Before the minister rose to her feet I thought this bill would pass relatively simply, because I was going to take the minister at her word. But when she let the cat out of the bag that this is the sort of misleading legal advice they have been giving volunteers, my trust in this minister and this government in relation to this legislation went out the window. I apologise to you, Mr Chairman, and to other members but, given that the minister has lost my trust in relation to this because of what she disclosed to us about what she has been telling volunteers, this will be a much longer and more tedious process than I originally would have anticipated. When someone goes around telling volunteers, 'Look, if you serve on boards you could be personally liable,' in direct contravention of provisions contained in this bill and in direct contravention of legislation passed by this parliament as recently as last year, one wonders what other misleading information was given to volunteers in order to secure their consent and agreement to the passage of this legislation. It was a disappointing response by the minister, and the opposition is not very happy.

The Hon. CARMEL ZOLLO: I place on the record that the honourable member has an incredible imagination. I did not under any circumstances say that volunteers would be legally liable.

The Hon. A.J. Redford: You did.

The Hon. CARMEL ZOLLO: I did not.

The Hon. A.J. Redford: You did. Check *Hansard*—

The Hon. CARMEL ZOLLO: I did not say they would be financially liable. The member should go and check *Hansard*. He was not listening.

The Hon. A.J. Redford: You did.

The Hon. CARMEL ZOLLO: I did not say that at all. I just said that their credibility may well suffer. Not long ago—Ash Wednesday—the entire CFS board was sacked. What did that do for those people's credibility? I did not say that they would be financially liable at all. I really think that the member has a very vivid imagination. I am well aware that they are protected under the Public Sector Management Act.

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order! I think everyone has had a chance to get things off their chest. I am taking into consideration the fact that we have a new minister, whose enthusiasm and dedication to the task before her is unquestioned. We also have a new shadow minister, who I believe is acting in the same good faith. A couple of things have occurred today with respect to which an incredible amount of latitude has been allowed. I ask the minister when she is summing up in the future just to sum up. There was a lot of new information, and I understand that she had to put it together to get it right in her own mind.

I understand the Hon. Mr Redford's position. He is taking on a new portfolio and is enthusiastic about what he does. But when latitude is given in relation to clause 1, it really should be about the bill and its structure. It is improper for members to refer to clause 127 when we are talking about clause 1. However, it was done in a general sense, so I accept that. From now on, I think we should all work as a committee to achieve the best piece of legislation for our emergency services. We ought to get on with that now.

Clause passed.

Clause 2.

The Hon. A.J. REDFORD: Assuming this bill is passed, what work needs to be done before it will be able to be proclaimed to come into operation?

The Hon. CARMEL ZOLLO: I am advised that we need to finalise the regulations, which can be done by the end of June. Discussions have taken place. The only other change to be made will be by the Department of Treasury and Finance so that the commission does have a separate budget and does not need to cross charge the other agencies.

The Hon. A.J. REDFORD: When does the minister anticipate that this bill will be proclaimed to come into operation?

The Hon. CARMEL ZOLLO: As would be expected, it would be preferable to see it happen on 1 July because it is the beginning of the new financial year.

Clause passed.

Clause 3.

The Hon. A.J. REDFORD: I move:

Page 9, lines 3 and 4—
Delete the definition of associate member and substitute:
appointed member of the board means a member of the board appointed by the Governor under section 11(1)(e);

I point out to members that this amendment relates to the constitution of the board. There was substantial debate in another place, and there was substantial debate during the second reading stage of this bill. The Hon. Ian Gilfillan has made some comments on this issue. I do not propose to go over all that. I think that the issues have been clearly defined. I do point out that this is a test clause.

The Hon. IAN GILFILLAN: I indicate Democrat support for this amendment. It is the forerunner of what is a theme of amendments which, in our judgment, arguably do improve the constitution of the board. We believe that that is an area of the legislation that can stand further close scrutiny. I hope that I do not need to repeat that our ongoing concern is that we are, even inadvertently, creating ESAU Mark II. I am almost paranoid about making sure that that does not happen, because I recall as if it were yesterday that, in the latter part of 2002, both the government and the opposition (Labor and Liberal) spoke quite vehemently against our motion to abolish ESAU.

So that at that stage, at least, those major parties decided that ESAU was worth defending. Now, if it was worth defending in the latter part of 2002, our concern is that (and this is where I believe we need to give it very close scrutiny) it must not, as I say, either inadvertently or deliberately replace the same mistakes made in the construction of ESAU but with a different name and presented in a different flavour. I indicate Democrat support for this amendment, not necessarily in its own right—although, personally, I do not believe that it should be an associate member—it is either a member or a non-member. We do not have any problem in supporting this amendment.

The Hon. CARMEL ZOLLO: I appreciate that this is a test clause. I indicate that we will not be able to accept this amendment. It does have the intention of changing the dynamic of the board of governance for SAFECOM. Obviously, it would treat all members as associates and therefore would allow all members to have voting rights. This includes members that are appointed by the minister who are not chief officers of the relevant emergency organisations in the sector. Taking the power to appoint these positions away from the minister and involving the Governor would also create an obstruction to official governance by the government of the time.

The Hon. NICK XENOPHON: I support the government in relation to this amendment. I have some concerns that the very dynamics of the board will change as a result of this amendment. I can understand the rationale behind it. The volunteers and groups with whom I have spoken and who have been consulted by the government do not support this. However, I acknowledge that the opposition has been getting advice from others who have a different perspective. In my view, I thought that the balance was about right by having an advisory member on the board from the advisory committee.

The committee divided on the amendment:

AYES (11)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Gilfillan, I.
Lawson, R. D.	Lensink, J. M. A.
Redford, A. J. (teller)	Reynolds, K.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	

NOES (4)

Gago, G. E.	Holloway, P.
Xenophon, N.	Zollo, C. (teller)

PAIR(S)

Stephens, T. J.	Roberts, T. G.
Lucas, R. I.	Sneath, R. K.
Kanck, S. M.	Gazzola, J.

Majority of 7 for the ayes.

Amendment thus carried; clause as amended passed.

Progress reported; committee to sit again.

NARACOORTE TOWN SQUARE BILL

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I bring up the report of the select committee together with the minutes of proceedings and evidence and move:

That the report be printed.

Motion carried.

The Hon. CARMEL ZOLLO: I move:

That the bill be recommitted to a committee of the whole council on the next day of sitting.

Motion carried.

MINING (ROYALTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1774.)

The Hon. CAROLINE SCHAEFER: This aims to enable the government to change the amount of royalties collected from the extractive industries, and solely from the extractive industries section of mining, and to amend the purposes for which they are to be used. The Mining Act 1971 established the Extractive Areas Rehabilitation Fund (EARF), and that fund came into operation in 1972. Extractive mines produce low-value material from open-cut quarries. The material is used for such purposes as building and road construction, and generally, although not always, they need for that reason to be close to urban areas. Many have a long life span, sometimes up to and over 100 years. There is, therefore, considered to be a necessity for the collection of a fund for the rehabilitation of such mines. The aim of this bill, as I understand it, is to shift more of the responsibility for rehabilitation on to the miners directly, as opposed to such rehabilitation being funded by the EARF.

In November 2004, minister Holloway released new guidelines for the EARF, which were to result in better environmental outcomes and which introduced the concept of core and non-core rehabilitation. Core work is expected to be undertaken by the miner as part of his operations and, as I say, I think the purpose of this bill is to shift that responsibility more on to the mine owner. The EARF would then pay for non-core rehabilitation work, which would include, for instance, the stabilisation of a slope and its revegetation.

Mine owners will be required to provide for a substantial proportion of the required rehabilitation under their mining plans and, under current responsibility, mines must produce a plan and have that plan approved before moving down the path of any mining, including extractive industries mining. That rehabilitation responsibility transfers to the new owner of a mine should that mine be sold and is part of the contract of sale. My understanding, though it may be a little bit cynical, is that with the passage in the last week or so of the EPA bill there may also be a degree of retrospectivity with the obligation of a mine owner, because in some cases the clean-up and rehabilitation responsibility will extend to beyond the life of that mine.

This bill was amended, as I understand it, successfully in the lower house during its sojourn in Mount Gambier to place a cap of 35¢ royalty on this act, and to allow for the extent of the EARF money to be used for compliance to be capped to 4¢ per tonne. There is an expectation that in future years the amount to be collected for the EARF may be reduced because more and more responsibility for quarries, etc., and for

rehabilitation core work will be expected to be taken up during the life of the quarry by the miner.

My understanding is that extensive consultation has taken place with the industry and with the development of the guidelines released in November last year, and I also understand that any work requiring more than $50 000 from the EARF will have to be submitted by the owner-operator to a project assessment panel consisting of an independent chair, three industry people, one of whom represents a regional owner-operator, one representative from the Department of Environment and Heritage and one representative from PIRSA. Royalty payments will also be used to pay for any additional mine inspection required because of the size of that particular project. Given that the areas of concern in the opposition were well aired, as I understand it, in Mount Gambier, and those amendments successfully passed, the opposition will not be opposing this bill.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the Hon. Caroline Schaefer for her indication of support, and also other members, including the Democrats, who have indicated support for this measure but will not speak on the bill. As the Hon. Caroline Schaefer has just pointed out, some amendments to the bill were moved in Mount Gambier. They simply put into legislation figures which, as I had indicated on behalf of the government, were what we had in mind. The bill as it was originally introduced was going to set those by regulation. They have now been put into the act but those changes are in line with what the government proposed. So the government was happy to accept the amendments made in the House of Assembly.

A couple of other issues were raised when this matter was debated in Mount Gambier, and I would just like to put my response on the record. The first issue was the prioritising of rehabilitation. All quarries are to be rehabilitated in accordance with their Mining and Rehabilitation Plan (MARP) in the case of EMLs, and their Mining Operation Plan (MOP) in the case of a private mine. This should be done progressively as mining activities in particular areas of a quarry are completed. PIRSA does not determine which quarry should be rehabilitated and in what order. It is the responsibility of the individual quarry owner to plan and undertake rehabilitation consistent with the MARP or the MOP, and put forward proposals for the EARF funding as appropriate for consideration of the project assessment panel.

Should there be insufficient EARF funds available for the projects required, the project assessment panel will prioritise projects in accordance with section 4.2 of the EARF Guidelines for Operation as follows:

- projects that will alleviate the most adverse impacts on the community (including broader environmental ones), either in terms of severity of impact or number of people affected; and
- projects where special circumstances exist that would show cost savings—for example, the utilisation of equipment still available from the production phase.

I think that answers the questions in relation to prioritising rehabilitation.

The second matter raised during debate in the other place was the transference of rehabilitation liability to a new property owner and the use of EARF funds for rehabilitation of changes in agreed land after-use. An owner of a private mine or the holder of an EML (extractive mining licence) holds the rehabilitation liability until they have fulfilled their obligation. The obligation is defined by lease conditions and/or the agreed mining plan and the agreed post-mining land use (grazing or native vegetation, etc.). This obligation transfers to any new owner. Presumably, the cost of rehabilitation is normally factored into any sale or purchase price. Usually, the landowner has an interest in the agreed after-use, as may other stakeholders. If the landowner wishes to change the agreed after-use, that can be considered and PIRSA will facilitate discussions with the landowner and other stakeholders. Issues that might be of interest to other stakeholders include visual, groundwater matters and so on.

In cases where the agreed after-use has changed, the fund will be used only to the extent that rehabilitation is required to produce a land form consistent with the pre-mining land use, that is, the original agreed after-use. The EARF has recently been involved with rehabilitation of the Eagle Quarry, where the fund was used to provide funds to the equivalent of those required for rehabilitation to the original agreed land use, but the landowner (in this case, the Department of Environment and Heritage) provided the additional funds to provide for the changes needed to establish a mountain bike track for the benefit of the community.

Another example is the rehabilitation of PM18 at Highbury, where EARF moneys were provided, to the equivalent of rehabilitation to the original agreed land use, and a property developer funded rehabilitation to the standard required for housing. The fund will not pay for the cost of rehabilitating and developing an extractive mining site, or part thereof, to suit a commercial entity end use. I trust this answers the questions raised in the debate in another place. I thank members for their indication of support.

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

ADJOURNMENT

At 6.20 p.m. the council adjourned until Tuesday 24 May at 2.15 p.m.