LEGISLATIVE COUNCIL

Thursday 2 June 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11.03 a.m. and read prayers.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 1 June. Page 2074.)

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank members for their contribution on the bill. When the Appropriation Bill is introduced into the council, when we return in several weeks, we will have a much more detailed debate on the finances of the state. I look forward to debating those issues at that time. I commend the bill to the council.

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

MOTOR VEHICLES (DOUBLE DEMERIT POINTS) AMENDMENT BILL

In committee.

(Continued from 1 June. Page 2077.)

Clause 1.

The Hon. CAROLINE SCHAEFER: I would like to thank the government for graciously giving the opposition time to consider the new evidence, which the minister in another place churlishly withheld from the shadow minister over quite a long period of time. The document is dated 10 May and would have been in the possession of the minister; or, certainly, he would have been able to obtain it any time after that. In the light of the evidence in that document, and the ability that we have had to reconsider some of the evidence put in that document, the opposition will now not be supporting this piece of legislation.

I do not wish to go into any great detail, except to say that the major recommendation in this discussion paper (which was prepared by minister Conlon's department) is that, at this stage, the Road Safety Advisory Council does not support the application of double demerit points on long weekends or selected holiday periods. The crux of the evidence within this paper is that there is no evidence to support the fact that the application of double demerit points does anything to increase road safety.

Certainly, the statistics in Victoria—where there is a holistic package, including massive police presence, massive advertising and no double demerit points—are no different from New South Wales or Western Australia where, in fact, double demerit points are applied together with a massive police presence and a concerted advertising campaign. There is considerable evidence to say that moneys should be put into supplying the police force with sufficient presence to be able to do its job, and money should be put into advertising campaigns for people to drive safely, particularly when there are more people on the roads over holiday periods.

The threat of double demerit points, it would appear, is merely a big stick and, potentially, a big revenue raiser for the government. It is a great populist headline grabber for the minister, but there is absolutely no evidence that we can now find to suggest that people are safer on South Australian roads if they have double demerit points imposed on them than if they do not. As I have said, all the evidence suggests that what is needed is a holistic package and a holistic campaign, including putting some real money into our roads, some real driver education and a more concentrated police presence throughout the year, but particularly at holiday times.

For people who do not understand, I point out that, if you happen to be caught under a double demerits system using a hand-held mobile phone and doing 65 km/h in a 50 km/h zone, you would summarily lose your licence. Both are unacceptable behaviours, but I defy any member in this chamber to say that they have never committed either of those unpardonable sins, unless they are in the habit of being driven in a ministerial vehicle. The opposition, under these circumstances, will not be supporting this piece of legislation. We would urge the government, therefore, to go away and bring back a more realistic package that is really about increasing road safety and not about punishing drivers.

The Hon. R.I. LUCAS: The Hon. Caroline Schaefer has outlined the Liberal Party's position, and, obviously, our shadow spokesperson will do that publicly as well. I have previously indicated a view to this chamber that I do not believe that the current Minister for Transport should be the minister in charge of road safety legislation. My views are very strong on that issue. I think that his handling of this legislation is further evidence of why he should not in be in charge of road safety issues. It is certainly the opposition view—and held very strongly—that we and the community have been gravely misled by statements and approaches that have been adopted by the minister in charge of road safety (Hon. Mr Conlon).

One has only to look at the House of Assembly *Hansard* debate on this issue when, on more than a handful of occasions, the shadow minister for transport sought information in relation to the attitude of the Road Safety Advisory Council. I defy anyone to look at the answers provided by the minister to the questions that were asked in that debate and not come to the conclusion that the opposition was being deliberately misled in relation to these issues.

The Hon. Caroline Schaefer has now read from this document that went to the Road Safety Advisory Council and, clearly, the recommendation under 4.2 is that the Road Safety Advisory Council does not support the application of double demerit points on long weekends and selected holiday periods at this stage. The Minister for Transport has sought to seek refuge behind the position that the chair of the road safety council expressed a personal view to him. I understand that the letter is dated 27 May. I stand to be corrected, but I think that the date of the letter was after the debate in the House of Assembly. I do not have the date with me at the moment, but it is my understanding that it was after the debate in the House of Assembly.

The minister also, in a feeble fashion, has sought to defend his position by saying that he had recommendations from the police. As I understand it, a police officer represents the

police on the Road Safety Advisory Council. That is the formal police representation on road safety issues—

The Hon. Nick Xenophon: He said it was a senior police officer.

The Hon. R.I. LUCAS: Well, he said this morning 'the police'. Previously he has talked about a senior police officer but this morning, as I said, in a feeble attempt to defend his position, he talked about 'the police'. He said, 'I have had recommendations from the police on two occasions', or whatever it is. That was going to be his position. I do not dispute the fact that a member of the police force—and a senior member of the police force—has expressed a view in relation to this issue, but I would assume that the police, in nominating a person for the road safety council, have that person to represent their views. I do not know, because I am not on the advisory council, whether or not the police officer on the council either supports or opposes the recommendation that went to the Road Safety Advisory Council and what came out of it. I am not in a position to know that, and I do not impute in any way a particular view to that officer who attends the Road Safety Advisory Council.

The point that I am making is that the minister in charge of road safety in South Australia, Mr Conlon, seeks to defend his position on the basis that a personal view has been expressed by a member of the Road Safety Advisory Council, even though it would appear that the council has disagreed with that position and with the government's position. It would appear that the minister is indicating that the view of one police officer, expressed publicly, on the issue is the view of police generally in South Australia. That might be the case; I do not know. At this stage, the information available to us is: one police officer has expressed a particular view; I have not seen a view from the Commissioner on behalf of the police generally; and, as I understand it, another police officer is on the Road Safety Advisory Council and I do not know his or her view, depending on who that person happens to be.

I would have thought the reason a government has a Road Safety Advisory Council is to take advice on road safety issues. It is not just an issue of the views of the police: it is the views of a number of groups, organisations and individuals collectively which come together to provide advice to the government of the day and to the minister of the day. Certainly, on the information available to the opposition now, it would appear that that Road Safety Advisory Council is certainly not supporting this current minister's position and the government's position on the issue.

The other matter, of course, is that at this stage I am not aware of the position of the RAA in relation to this issue. Various claims have been made as to its position. It would appear, at the very least, that it is absolutely lukewarm in relation to this proposal. I have had some people suggest that the RAA is opposing it. It would appear that the minister believes that the RAA opposes it because I think he has been critical in part of some of its statements. At this stage, it would appear very difficult to understand where the support for the minister's position is in relation to road safety issues.

My colleague the Hon. Caroline Schaefer has outlined the party's position in relation to this, based on the new advice. I am not surprised that the government wanted to rush this through last evening, preventing consideration by all members of the new information which became available only late yesterday. Now that we have it, I am not surprised that the minister did all he could, for as long as he could, to prevent the release of this information, because it is severely embarrassing to the minister personally and to this government in terms of openness, accountability and integrity of decision-making by any government and any minister.

I conclude by saying that I have the very strong view that this minister should never have been the minister for road safety. His incompetence in handling this issue is further evidence why he should never have been appointed, and he should be dismissed immediately.

The Hon. SANDRA KANCK: I indicate that the Democrats are delighted to hear that the opposition will now join us in ensuring the defeat of this bill. I think it is a very commonsense move. We must always in this place make our decisions based on fact and not, as we heard yesterday from the shadow minister Robert Brokenshire, on a fear of having minister Conlon berate him. By all means, the government should put extra police on the road on the Queen's birthday long weekend, and it should advertise and let the public know that that will happen. But, it does not need this legislation to make it happen. Passing legislation that is populist is the wrong way to go: simply because something is popular does not mean that this parliament has to pass it, and in fact it may well produce the wrong outcome. That is the Democrat's view, and we are very pleased to hear that the opposition has seen it our way.

The Hon. NICK XENOPHON: I continue to support this bill. It was very unfortunate that the information was not provided until late yesterday, and that is why I thought it was fair that the opposition had an opportunity to look at the report, the letter from the Road Safety Advisory Council and the memorandum from the Road Safety Advisory Council of 10 May 2005. My reasons for continuing to support this bill are many. It is incumbent on us to do whatever we can to get the message across to drivers that speeding can kill, can lead to accidents, death and serious injury, and only this week—

The Hon. T.J. Stephens: Where's the scientific fact?

The Hon. NICK XENOPHON: We know that the scientific fact is that even going at 12 km/h above the speed limit can significantly introduce—

Members interjecting:

The Hon. NICK XENOPHON: We had a debate in this place just a few days ago about excessive speed, and the scientific evidence is that at 45 km/h above the speed limit there is something like a 500 times greater risk of an accident than if one is sticking to the speed limit; and on country roads even 10 km/h above the speed limit can cause a significant increase of the risk of an accident.

The Hon. T.G. Cameron: We're not disputing that; we are disputing the approach the government is using.

The Hon. NICK XENOPHON: The Hon. Terry Cameron says that they are disputing the approach. My approach—

The Hon. T.G. Cameron: You are worse than the government.

The Hon. NICK XENOPHON: I take that as a compliment, because we need to do more.

The Hon. T.G. Cameron: You are a plaintiff lawyer, yet you are supporting the approach of taking out the baseball bat.

The Hon. NICK XENOPHON: Well, I will make these points. We know from the report of the Road Safety Advisory Council of 10 May 2005 that New South Wales and Western Australia have reported reductions in road trauma during periods when double demerit points have applied and that there has been a perception that it has changed driver behaviour in some cases to slow down if they know—

Members interjecting:

The Hon. NICK XENOPHON: I am just quoting from the report. If it jolts some drivers and reminds them of their responsibilities and that speeding is a factor in serious accidents and fatalities, then its worth trying. Perhaps there ought to be an on-going evaluation of this whereby parliament gets a report and we receive an undertaking from the government that we will be made aware of the impact of these changes. It is worth trying, because the road toll we have had in recent weeks and months has been horrific. If this is part of a arsenal of measures to reduce the road toll, it is worth trying. That is why I will continue to support the bill.

The Hon. J.F. STEFANI: Will the minister tell the parliament how many countries in the world are adopting the double demerit points system on long weekends and public holidays?

The Hon. P. HOLLOWAY: I do not know whether other countries even have demerit points.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: The Hon. Caroline Schaefer should not laugh, because we just had one of the most appallingly incompetent displays by a shadow spokesperson ever heard in this state. She talked about mobile phones. She does not realise that using a mobile phone while driving will not incur double demerits. She got something basic about the bill wrong. She made a much more stupid comment when she said that this was to do with revenue raising. How on earth could anyone suggest that having double demerit points is a revenue raiser for the government? If people have double demerit points they are likely to lose their licence, and if they lose their licence they are not out there contributing revenue to government.

It is a completely false, dishonest, misleading argument to suggest that this measure is a revenue raiser. They are the two arguments the member handling this bill for the opposition is using as the basis for saying we should reject it. That is the sort of gross incompetence displayed by members opposite in trying to put their viewpoint. Is it any wonder that this opposition is a disgrace? It cannot even get its own facts right.

Members interjecting:

The CHAIRMAN: Order! All honourable members will have the opportunity in committee to make multiple contributions and they should not be making them when the minister is on his feet. There has been no interjection from this side of the committee and I am offering full protection on this occasion, as I will when members opposite are on their feet.

The Hon. P. HOLLOWAY: I will correct many of the other completely misleading statements made here. The Road Safety Advisory Council had a meeting on 10 May. This so-called report is quoted in the media as a report, when in fact it was briefing notes provided to the Road Safety Council meeting on 10 May. It says, 'Agenda Item: Double Demerit Points'.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Whoever is the secretariat for the council. What does it say?

Members interjecting:

The Hon. P. HOLLOWAY: Members opposite will not listen, because they are scared of the facts. The last thing you want to hear is the truth. If you are an incompetent Liberal opposition which is not worthy to be in government, then of course you would interject. The last thing members opposite want is a bit of truth, because it reveals the appalling ignorance of their position. The suggested agenda item states:

> 4.1 That the Road Safety Advisory Council considers the issue of double demerit points on weekends and selected holiday periods.

Clearly, this issue was important enough for it to be considered at the meeting of 10 May. Section 4.2 states that the Road Safety Advisory Council's suggested recommendation does not support the application of double demerit points on long weekends and selected holiday periods—at this stage.

Members interjecting:

The Hon. P. HOLLOWAY: At this stage.

The Hon. R.I. Lucas: Snap!

The Hon. P. HOLLOWAY: Yes, snap—at this stage. Maybe it is finally getting through to the Leader of the Opposition. This meeting was held on 10 May. What happened just after that? We had the May long weekend holiday.

Members interjecting:

The Hon. P. HOLLOWAY: It happened after this agenda item, which was clearly discussed at length. The very fact that it was on the agenda meant that this issue was considered important enough to be considered by the Road Safety Advisory Council. They said that they would not support it—at this stage. After that weekend, Assistant Commissioner Graham Barton, the manager of the Traffic Division, the most senior police officer in relation to these matters, expressed his reaction to the horror and carnage that we had on that May long weekend combined with the Easter long weekend earlier. He expressed the view that the state should introduce double demerit points.

On 27 May, Sir Eric Neal, Chair of the Road Safety Advisory Council, wrote a letter to the minister—remember: unlike the minute, this was after the long weekend—which I will read into *Hansard*. It states:

> In response to your request that the Road Safety Advisory Council investigate the option of applying double demerit on long weekends and holiday periods such as Easter and Christmas, at its meeting on 10 May the Council considered the matter. A double demerit scheme was one of 13 key initiatives identified by the Road Safety Advisory Council in its document *Reducing Road Trauma. . . The Next Steps* for further consideration.

So, they had been considering this matter for some time. The letter continues:

> The issue was previously considered by the Advisory Council at its meeting on 10 August 2004 following which the Council recommended double demerit points should not be imposed at that time.

The Hon. R.I. Lucas: Snap!

The Hon. P. HOLLOWAY: Yes, at that time, but they brought it back to consider it. Clearly, this was a matter to which they had been giving consideration for some time. Sir Eric Neal's letter continues:

> The members of the Council considered the matter noting research and evaluation reports prepared by New South Wales and Western Australia (both of which currently apply double demerits) and research by the Australian Transport Safety Bureau. The Council considered that taking into account other road safety measures recently introduced and those currently before the parliament and recommended that double demerit points not be introduced at this stage.

As I said, that was before the long weekend—

> However, the Council considered this issue prior to the May long weekend when eight people lost their lives on South Australian roads. I personally as Chair of the Council was deeply saddened by the loss of lives in the recent long weekend and this came on top of losing seven lives over the Easter long weekend—the worst Easter on our roads since 1984.
>
> I therefore as Chair of the Council following the May long weekend indicated my personal support for consideration of double demerits on long weekends and holiday periods on the basis that any

application of double demerits is supported by increased enforcement and intensive advertising—

which, of course, the government has accepted.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, the government has accepted that. We are putting in significantly more money. The government has never argued otherwise: this sort of measure should be one of a whole suite of measures and to have any impact it needs to be supported—and it will be, if it is introduced, but sadly it appears now that it will not. I will continue Sir Eric Neal's letter:

It is important that drivers are aware of the application of double demerits. I note Sapol's support for the application of double demerits. I also support an evaluation/review after a period of 12 months.

The Hon. David Ridgway asked what scientific evidence there is. For a start, we have what has happened in Western Australia and New South Wales, but if we do not try this and have an evaluation how will we ever know whether there was any scientific evidence? If we took the Hon. David Ridgway's point, we would never do anything, ever. A lot of work has been done on this, and it is appropriate that, if it is introduced, we should review it. The letter continues:

South Australia faces a significant challenge to reduce the road toll and I believe a range of measures, such as double demerit periods, must be applied. I trust that you will take into account the comments of the Council and my personal view when considering this issue.

So, it is quite clear that when this matter had been first put before the Road Safety Advisory Council back in August it said: not at that time, that it needed to do more work on it, and that it would consider it again before the May long weekend. We had that horrific period on the roads, but after Easter—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes. Why was it put on there? Because clearly this is one of the 13 points that were identified. We have one of the most senior police officers and the chair of the council wanting them to be introduced. On the basis of that, should we wait?

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: The fact is that the committee made its recommendation on 10 May. The Hon. Terry Cameron might not like that fact, but it was 10 May. It is now June; there has been a long weekend since then, and there will be another long weekend in two weeks. The Hon. Sandra Kanck said that this is a populist measure. Why is it populist? I do not know that imposing extra penalties on people is what you would particularly describe as populist. What concerns this government is that—

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: Yes. I think the Hon. Bob Sneath is much more on the mark. Maybe that is what is really behind the Liberal Party's views. It would certainly be consistent with its behaviour over the last 3½ years that it would put political self-interest ahead of any principle, because that has been its record. In fact it has almost been a lifetime record. Was it any wonder that the Prime Minister of this country a few days ago said that they actually needed to give more money to politicians because of the low talent levels in the Liberal Party in the states.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: That is what is reported in *The Advertiser*.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: That is exactly what it says in *The Advertiser*—go and read it—and is it any wonder? We have had are a number of distracting arguments. We have had this red herring being introduced about this document, this background paper about an agenda item for a meeting that was held before the last long weekend on 10 May. We have had that on the agenda—

The Hon. J.S.L. Dawkins: Why didn't you bring it forward before?

The Hon. P. HOLLOWAY: Why should a government produce every single background paper? There would be hundreds of them. There are government meetings of advisory boards going on every day of the week. There is no report, as the minister consistently said, in relation to the Road Safety Advisory Council. What we have here is the briefing note which goes in the folder for a particular agenda item. Any person who has been in government would know that dozens of committees are meeting all the time and briefing notes and agenda items are prepared for those committees, but to say it is a report of the council and the like is a little—

The Hon. J.S.L. Dawkins: Why didn't you bring it forward?

The Hon. P. HOLLOWAY: You have got it; it was produced. Members opposite asked for it and they have it. The point is that we do not have to decide something on the basis of what was on a background paper for an agenda item of a council meeting which happened a month ago and before the last long weekend. In this chamber today, we have to decide whether we believe that the introduction of double demerit points would do something for road safety. Members opposite can say all they like and raise all the doubts they like about the effectiveness of this legislation, but I defy any of them to say that this measure would be detrimental to increasing road safety over the coming long weekend. I defy any of them to say that. Clearly, to be effective double demerit points do need the other saturation measures. I put on record yesterday—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Members like the Hon. David Ridgway chose to close their ears to all the evidence from New South Wales which I put on the record during my second reading speech. Members opposite can deny it all they want. They can be in a state of mass denial, if they choose. However, a long weekend is coming up in this state. We know that there has been an horrific period on our roads. We know that new initiatives are needed to address the road toll. This government has put one forward, so let us vote on it. If members opposite do not want it, so be it.

The Hon. J.F. STEFANI: Obviously the minister does not know the answer to the question I asked before—and I did not expect him to know. However, maybe the government can find out and, at some stage, bring the answer to parliament so that we are all better informed about what countries are adopting this approach to road safety. A question that he may be able to answer is: will the minister tell the parliament how many licensed drivers have currently lost their licence through the demerit point system?

The Hon. P. HOLLOWAY: First, let me answer the first part of the question in relation to what happens overseas. As I said, the demerit point system obviously was developed in this country. I am advised that some states in the United States have double fine periods over such times as long weekends and the like. At least, in principle, they have similar systems, but in relation to demerit points—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The honourable member has a parliamentary travel allowance so, if he is really interested, why does he not go to look at some of these things around the world? I think it would be a very good use of the allowance for members to travel overseas to look at some of these ideas. As I say, we have developed a particular system in relation to demerit points. It is a concept that has evolved in this country. As I say, some states have it and the evidence that they have produced is positive. In relation to the second matter asked by the honourable member, as at the end of March 2005, there were approximately 1.03 million licensed drivers in this state.

It was estimated that, at that time, 74.2 per cent had no demerits; 23.3 per cent had between one and six demerits; 2.1 per cent had between seven and 12 demerits; and 0.004 per cent (so it is a relatively small number) had accumulated 13 or more demerit points but had not commenced either a demerit point disqualification or entered into a good behaviour agreement with the Registrar of Motor Vehicles. It was estimated that 0.14 per cent were serving a demerit point disqualification; and 0.3 per cent were currently subject to a good behaviour agreement. As I said, 74.2 per cent of licence holders had not incurred any demerit points.

The Hon. J.F. STEFANI: Will the minister advise the parliament how many fatal accidents have occurred in the past 12 months which were contributed to by people driving without a licence?

The Hon. P. HOLLOWAY: I do not have that information with me. If the honourable member wants that information, we will see whether we can provide it to him.

The Hon. J.F. STEFANI: Will the minister, at some stage, bring that information to parliament?

The Hon. T.G. CAMERON: Can the minister indicate whether or not the government has undertaken any studies to examine the impact of the introduction of this double demerit points system in conjunction with its announcement that it will introduce an additional 48 red-light speed cameras in South Australia? If it has conducted any of these studies, what do they indicate in terms of how many South Australian drivers are going to accrue additional demerit points, and how many of those drivers are likely to lose their licence as a direct result of that?

The Hon. P. HOLLOWAY: In relation to the studies, I placed on the record yesterday that we had the experience in other states, which will always give the best scientific basis for it. This is a new measure. It would be very hard to predict behaviour in advance in one state, but we have evidence from other states with a similar experience—and Australians in all states are fairly similar, and conditions and vehicles etc. are similar. There was the evidence from Western Australia and New South Wales that I put on the record yesterday at length.

The Hon. T.G. CAMERON: It would appear then that the government has not undertaken any studies to examine the impact of the introduction of this scheme and, in particular, the government has not undertaken any studies to determine the impact of the introduction of the additional 48 red-light speed cameras. Is the minister aware that tens of thousands of South Australians over the next couple of years run a real risk of losing their driver's licence, and that South Australia will have the highest per capita number of speed cameras of any state in Australia? Here we are embarking on double demerit points when the data for South Australia clearly shows that the number of fatalities during holiday times is essentially the same or lower compared to all other times during the year. It was a real tragedy what happened over Easter, but it should be put into context. It was the worst Easter we have had since 1984, but how does the minister feel about South Australia becoming the speed camera capital and the demerit capital of Australia?

The Hon. P. HOLLOWAY: I do not know how the honourable member can talk about the demerit capital of Australia as he calls it. I have already given the figures in relation to this. At the end of March 2005, 74 per cent (or nearly three-quarters of the population) had no demerit points, so three-quarters of the population are managing to drive on the roads without any demerit points at all.

The Hon. T.G. Cameron: But that quarter would comprise tens of thousands of drivers.

The Hon. P. HOLLOWAY: People will lose their licence only if they accumulate the requisite number of demerit points. In any case, we have a scheme, which I explained last night in the second reading response—because there seems to be some misunderstanding of this by some members in the parliament—whereby people can negotiate a good-behaviour clause to enable them to drive even though they have exceeded 12 demerit points. I suppose one could loosely describe it as a sort of double or nothing scheme. As I said, 0.3 per cent of drivers were subject to a good-behaviour agreement, so they would be people who had accumulated more than the requisite number of demerit points. In other words, providing they do not offend again during a 12-month period, they can keep their licence.

The Hon. J.F. STEFANI: As we are debating and considering this piece of legislation, I have had my personal assistant search the net worldwide. So far, the net has searched 19 countries and has come up with a negative result in terms of double demerit points for speeding.

The Hon. P. HOLLOWAY: As I indicated, we are aware that some US states have a double fine system. As I say, demerit points are, to my knowledge, a particular Australian development. Perhaps the honourable member should have searched for demerit points to determine whether other countries have such a system. They might well call the system something different overseas. This country has developed its own methods to improve road safety, and I think what is significant is the knowledge that other countries—particularly those like the US that have large distances and lots of vehicles on the road, with less use of public transport—certainly in principle have similar systems. They may not involve demerit points as such, but they do recognise that holiday periods can be dangerous and so they have increased fines or double fines, or whatever the system is, to recognise the fact that there is a particular risk during holiday periods.

The Hon. T.G. CAMERON: Page 3 of the Road Safety Advisory Council minute of 10 May, at 3.13, says:

> When comparing the average fatalities for South Australia Christmas, New Year and Easter holiday periods with the remainder of the year for the five years between 2000 and 2004, the graph below shows the number of fatal crashes at holiday times is the same or lower compared to all other times during the year.

It goes on to say:

> Fatalities during the Easter period are markedly lower, while fatalities during the Christmas-New Year period are much the same as the rest of the year.

In view of that finding, why is the government persisting with this double demerit points system?

The Hon. P. HOLLOWAY: Let me answer that question by reading the conclusions of the Australian Transport Safety Bureau in its report of May 2003, as follows:

> Analysis of the available data suggests that there is no significant difference in the daily fatality rate between the holiday period and the non-holiday period. The number of fatalities during the holiday period between 1989 and 2002 has followed a similar trend to that of the number of fatalities in the remainder of the year. However—

I think this is important:

> what cannot be known is the counterfactual of how much worse the holiday fatality rate would have been if additional enforcement and fatigue reduction measures had not been in place.

That is the unknown. During holiday periods, there is a significant police presence on the roads, as well as significant advertising. Great effort has been put in by governments to try to reduce the road toll at these periods. The only other point I make is that the graphs to which the honourable member refers were prepared before the most recent holiday period. Of course, what concerns a number of people in this state—and, no doubt, particularly Assistant Commissioner Barton from the traffic division—is that, over both the Easter period and the May holiday, we had an incredibly high number of deaths—I think it was eight. So, the recent spate of deaths on those two holiday periods has raised the concern of people such as Assistant Commissioner Barton, who is, no doubt, one of those police who has to knock on the door and tell a family that a loved one has been killed.

The Hon. R.I. Lucas: Unlikely.

The Hon. P. HOLLOWAY: I am sure that he would have done plenty of that in his day, as would all traffic police. That is why he and others have suggested that we look at this measure.

The Hon. R.I. LUCAS: In terms of process, does the Minister for Transport have advice, within his department, on road safety issues? If so, is it a unit, a section or an individual officer?

The Hon. P. HOLLOWAY: I am advised that a number of units provide advice on the subject to the minister. For example, it could be the legislative section, and there is a specific road safety strategy section. Of course, if it were a technical engineering matter, advice could come from the engineering division, or whatever its title.

The Hon. R.I. LUCAS: Did the road safety strategy or legislative sections of the minister's department express a view, either to him or to the Road Safety Advisory Council, on the issue of double demerit points?

The Hon. P. HOLLOWAY: As with any legislative proposal, a cabinet submission was required. It was prepared by the relevant unit and would have provided full and frank advice to the minister in relation to the matter. The road safety strategy section also provides a secretariat function to the Road Safety Advisory Council.

The Hon. R.I. LUCAS: This paper was prepared for the Road Safety Advisory Council. Is it correct that the road safety strategy section prepared this paper with this recommendation?

The Hon. P. HOLLOWAY: Yes; that is the case. Again, I make the point that it was prepared before the May long weekend. If one reads the report in its entirety, and one considers the fact that the Road Safety Advisory Council has considered this on a number of matters and has one of its 13 issues, it is a matter that has obviously been on the agenda for some time. I guess there comes a threshold point, when they move from being ideas to hard proposals. From the government's point of view, we have now crossed that threshold but, clearly, the matter has been discussed for some time.

The Hon. R.I. LUCAS: I think it is now clear to members of the committee that the minister for road safety has his own expert advisory officers within his department in this road safety strategy unit, or bureau, or whatever it is called. These are the minister's own experts, and their advice is that they 'do not support the application of double demerit points on long weekends or selected periods at this stage'. They prepared the recommendation to go to the Road Safety Advisory Council, and it was agreed to by the advisory council. That recommendation comes from the minister's own officers, and that is the incredible part of what we are being asked to accept. The minister has highly paid, competent, professional officers advising him on road safety issues. They say to him, and to the Road Safety Advisory Council, 'Double demerit points don't work. We don't support them at this stage.' They recommend to the Road Safety Advisory Council, 'Don't support it.'

I refuse to believe that they tell the Road Safety Advisory Council, 'Don't support it', and they are telling the minister to support it. I can only assume that those officers were telling the Road Safety Advisory Council, 'Don't support it.' They were telling the minister, 'Don't support it.' His own officers are telling him not to support this legislation. That is what is now clear in this debate, that his own officers—

The Hon. T.G. Cameron: The minister says that they have changed their mind.

The Hon. R.I. LUCAS: No, he does not say that.

The Hon. T.G. Cameron: He is implying it.

The Hon. R.I. LUCAS: He is implying it. That is a very good point.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Exactly. That is a very good point from the Hon. Mr Cameron: he is implying that. There is no evidence that they have changed their mind, unless they have been told to change their mind about this issue. I defy the minister in this chamber to stand up and say that road safety experts within his department would change their position on the basis of one weekend's occurrences. All the debate that we have endured in this place (and some of us have been here for 20 years) has always been on the basis of trends that have been established over a period of time in relation to road safety issues.

The debates about random breath testing, seatbelts and all the road safety issues have been on the basis of trends established as a result of evidence. You do not make decisions on the basis of what happens on one weekend and turnaround the advice completely. If the minister is implying that, on the basis of what happened on one weekend, those officers within the minister's department said, 'All the views we have expressed, having studied the evidence of years of experience and what is happening in the other states, are: don't do double demerit points, and we think that is what the Road Safety Advisory Council should agree to', and they agreed to that position—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I think that the interjections of the Hon. Mr Cameron are very apt in relation to this issue. The position is that if the minister wants to stand up in this chamber and say that the experts within the minister's department have now changed their advice on the basis of the—

The Hon. T.G. Cameron: Bring them down here.

The Hon. R.I. LUCAS: They might be here, I do not know. I am not sure who they are. If what the minister wants to imply is that, having considered all the evidence, the experts in the minister's department have a view to oppose double demerits but that, as a result of the May long weekend result, they have now completely changed their recommendation, I challenge him to stand up now and say that that is the case, and let us have the officers down here through the minister to provide that advice.

The Hon. P. HOLLOWAY: This parliament can, if it wishes, impose double demerit points. The facts are out there about what happened on the last May long weekend and Easter before it. It was not just one event: there were two consecutive long weekends when we had mayhem on the roads. It is up to this parliament to decide, 'Yes, officials in the department work and produce documents such as this', which, incidentally, I did indicate yesterday I would table. I do not think that I got around formally to tabling it. For the record and for anyone who wants to read this debate in the future, I will at least formally table it. The fact that this issue has been on the agenda for two years and the fact that the recommendation was qualified 'at this stage' illustrates the fact that—

The Hon. R.I. Lucas: So, they have changed their minds, have they?

The Hon. P. HOLLOWAY: They advise 'at this stage'. Back in 2004 they advised 'at this stage'. Obviously, they were looking for further evidence. We now have a situation where—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: If the Hon. Caroline Schaefer wants to ignore it, ignore it. If she wants to ignore what Assistant Commissioner Barton from traffic operations says, go ahead and do it, but it is up to this parliament to do it. The evidence is out there. As I said, we have evidence from New South Wales and Western Australia. I have provided all the facts in relation to who has demerit points and who does not. They propose to introduce this for a 12-month period to evaluate it. This parliament should either get on with it and try it or, if members do not want it, let them vote it out. All the evidence is out there now. I really think that no member can claim that they have not been fully informed—as much as one can be—in relation to this issue.

The Hon. J.F. STEFANI: I have a number of questions. The minister may not have the answers, but I would ask him to bring the answers back to parliament. Will the minister advise the parliament how many fatalities that occurred over the last two long weekends (that is, Easter and the Adelaide Cup weekends) were directly attributed to speeding motorists? I think that, somewhere along the line, the police would have that information. Secondly, will the minister advise the committee how many of those fatalities that have occurred over the past 12 months were attributed directly to speeding motorists without a licence?

The Hon. P. HOLLOWAY: I would have to get those figures, but I make the point that it is not just speeding that would be caught by double demerit points. I well recall the debate—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: It is certainly not using mobile phones. That does not come into it, but not wearing a seatbelt does. That is one of the factors I well recall at, I think, Easter when the police did make a comment that several people had not been wearing seatbelts. That was my understanding of it. We can check that. Of course, there is also drink driving, which has its own form of penalties. We know that drink driving is a significant contributor. We can get the figures about what caused the accidents, but I would not want the honourable member to assume that this is solely an attack on speeding. There are a number of causes for fatalities in road accidents, and some of those offences are also covered by double demerits.

The Hon. CAROLINE SCHAEFER: I have been accused of being incompetent in this, and the minister has said a couple of times that mobile phones do not come into this debate. Let me read from the document:

> In New South Wales double demerits apply to speeding, non-restraint use and non-motorcycle helmet use. However, every other demerit point offence attracts an extra demerit point when double demerits apply. In Western Australia double demerits apply to speeding, drink driving and non-restraint use only. If a double demerit scheme was to apply in South Australia, the application of the scheme to drink driving offences is seen as problematic given the recent passage of legislation providing for immediate loss of licence for category 2 and 3 offences.

In other words, double demerits will not apply to drink driving offences in South Australia because we have another system of stopping drink drivers. It then goes on:

> Consequently, the offences selected by New South Wales seem more appropriate to South Australia. In addition, the offence of using a hand-held mobile phone whilst driving could be included. The demerit points for the key offences in South Australia are as follows. . .

It then goes through the demerit offences that are applicable—failure to wear a seatbelt, three demerits; failure to wear a motorcycle helmet, three demerits; and using a hand-held mobile phone while driving, three demerits. We then go to the bill, which simply says:

> A person is convicted of or expiates an offence of a kind prescribed by the regulations for the purpose of this subsection. . .

So I can only assume that, if the minister ever listens to the advice given by his department, hand-held mobile phones would be part of the double demerit scheme.

The Hon. R.K. Sneath: You said a while ago that they were.

The Hon. CAROLINE SCHAEFER: I am just telling the Hon. Bob Sneath—and this is going to be difficult for him—that that is the logic that I used in assuming that—

The Hon. R.K. Sneath: You said in your first contribution that they were.

The Hon. CAROLINE SCHAEFER: Well, I believe that, under this legislation and under these regulations, if the minister ever listens to his department, and that is becoming highly debatable, hand-held phones would have been included. Since this document has now been quoted extensively, I would like *Hansard* to record this particular piece of supporting evidence, as follows:

> In New South Wales and Western Australia the double demerits are applied for specific holiday periods prescribed in regulations, that is, every long weekend including June long weekend, Christmas, New Year, Easter. However, while it may be thought that these periods are traditionally associated with high crash rates, there is little evidence to support this association.

It goes on to say that one of the reasons for any decrease in accidents in Western Australia is, amongst other things:

> . . . showed a net increase of 324 more enforcement hours per day, that is, 7 times more enforcement activity during double demerit points in Western Australia.

It is nothing to do with the double demerit points. It further goes on in the summary and states:

While there are self-reported positive results from double demerit points being applied in New South Wales and Western Australia, ATSB research indicates there is little or no difference between long weekends, selected holiday periods and the remainder of the year in terms of road trauma. South Australian data also shows that periods over which double demerit schemes apply in other states are either the same or better in terms of road trauma.

In other words, our record in South Australia without double demerit points is no better and no worse than the states which have them.

What we have is a minister who has decided, without the advice of, and possibly against the advice of, his department, after two weekends which certainly were tragic and from what I read were the two worst weekends for road trauma in South Australia since the middle 1980s, to ditch all the advice from his own department and bring down something that is not supported by science or data and, from what we can work out, not supported by the Road Safety Advisory Council. I think there is no-one here who does not have immense respect for Sir Eric Neal, but the letter that the minister quoted so extensively continually says: 'I, therefore, as chair of the council', 'my personal points of view', 'I trust you will take into account my personal view when considering these issues.'

So we have a personal letter, a very genuine personal letter, which Sir Eric has written expressing his concerns. We have no evidence that, in fact, the Road Safety Advisory Council has overturned its previous two resolutions which recommended that double demerit points not be introduced at this stage—one of those was in August last year and the other, from what we can ascertain from the sketchy pieces of information, on 10 May this year.

The minister also said, 'Why should we bring forward every piece of paper and every advisory note?' Certainly they do not have to, but the reason they should have brought this particular piece of advice forward is that it was asked for—not once, but on many occasions. It was asked for and not mentioned on many occasions. We will not support this legislation until the government can convince us that this is anything more than knee-jerk populist reactionism.

The Hon. P. HOLLOWAY: To correct one matter, I will refer to the second reading explanation, as follows:

The bill I put before the house will amend the Motor Vehicles Act to enable double demerits to be applied to a range of current offences, namely, speeding, running a red light, seat belt and restraint use offences, drink driving and combined red light and speeding offences committed during long weekends and the Christmas-New Year period.

So, it was quite clear that a decision was made to restrict double demerit points to those key offences. It goes back to the earlier question asked by the Hon. Julian Stefani that they are the key areas of concern over the most recent long weekend. The fact that we have had two horrific long weekends in a row is the reason why this matter has been brought forward. I put the rhetorical question: how many bad long weekends in a row would we have to have before we convince members opposite that there is a need for additional measures on long weekends?

The CHAIRMAN: In my legendary way of ensuring that we have widespread debate on clause 1, I will take the Hon. Mr Cameron's comments, but I am anxious to put the show back on the road. We have a legislative program. We have had two or three lots of second reading speeches and opinions. The Hon. Mr Cameron indicated that he wanted to make a point and I will take it, but I ask committee members to bear in mind what I have said.

The Hon. T.G. CAMERON: You used the term 'legendary', Mr Chairman, and you may well be correct, but I am not sure what it is you are legendary for. I hold the Hon. Sandra Kanck responsible for all of this. Here we are now, having spent hours debating this bill. I blame her because of the speech she made yesterday, in which she effectively belled the cat and called the government populist. We have sat here for a couple of hours as members have examined the government, and I am not sure that the Hon. Sandra Kanck is any more convinced of the merits of the scheme after two or three hours of fairly intensive questioning.

I will give an example of what this idiocy would mean and why I am opposed and have been opposed, ever since I came in here, to the stick approach that this government and the previous government use and have used in relation to drivers. If this bill passes, motorists ought to be well aware of the fact that, if they get caught driving down Port Road on a three lane highway—a favourite position for speed cameras, because they generate heaps of revenue—at 75 km/h and are not wearing a seat belt, that is an automatic loss of licence. You would accrue three points for the breach on the driving offence and three points for the seat belt. The demerit points would then be doubled and they would automatically lose their licence for three months, unless they are one of the .03 per cent (which is still thousands of people) who are eliminated in order to keep their jobs, I suspect. If you accrue another point within 12 months, you will lose your licence automatically for another six months. That is what the scheme would introduce, and the Hon. Sandra Kanck ought to be thanked by the motorists of South Australia for belling the cat on this issue.

I would be interested in the government's comments. Did the government examine the double accumulation period scheme and, if so, why did the government reject this scheme? Will the minister outline what the panel of experts advising the minister recommended in relation to this scheme?

The Hon. P. HOLLOWAY: My advice is that that part of it is still under consideration by the committee.

The Hon. T.G. CAMERON: Irrespective of whether or not this bill is passed, will the government give an undertaking to continue its research on the results of the trials of this scheme and, when it conducts that research—

The Hon. P. Holloway: In other states?

The Hon. T.G. CAMERON: Yes, in other states.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: You might get the bill up. I said that I am not sure whether the bill will get up or fail, but if it gets up will you continue the research here in South Australia and, if it does not get up, will you continue to monitor what is going on in New South Wales and Western Australia? In particular, will the minister look at the possible placebo effect that occurs with the introduction of double demerit points? Forget about all the pain it causes. I say that because, if one looks at the Road Safety Advisory Council's report (and I am always very balanced about these issues), one can see that there are high levels of awareness of the scheme—93 per cent—and very high levels of support. In fact, 87 per cent of respondents stated that they thought it was a good or very good idea. That could well be the figure that caught the attention of the government when it decided to introduce it.

There is a whole range of other statistics. I will not read them all, but it does say that even larger percentages of drivers in high risk speeding target groups reported that they

slowed down: 38 per cent of drivers who usually travelled at a speed where they believed they could be booked and 52 per cent of drivers aged 17 to 24 years. From a trial in Western Australia (and it is consistent with New South Wales), police enforcement data showed a net increase of 324 more enforcement hours per day (or 7.9 times more enforcement activity). One wonders how much enforcement activity there must be going on outside long weekends.

I have always argued that nothing slows down a speeding motorist more than the sight of a blue-and-white car with a police officer behind the wheel. That has the impact of slowing down the driver immediately, not getting a speed enforcement infringement notice three or four weeks later when they cannot even remember where and when it was they were speeding.

Whether the government wins or loses this bill, I would like it to give an undertaking to continue to monitor and examine the possible placebo effect and to consider some approach other than this what I call populist law and order approach to all law and order issues, which is basically motivated by the Premier's re-election campaign. I ask the government to have a look at this to ensure that the results that come out of these studies have actually got nothing whatsoever to do with giving people double demerit points and taking away their licences. What it is to do with is the 790 per cent law enforcement activity during the double demerit periods, and it is the issuing of traffic infringement notices directly by these police officers that could be responsible for any variations in road death or trauma accident statistics.

The Hon. P. HOLLOWAY: I am advised that the Safety Strategy Section within the Department of Transport actually monitors all developments throughout the country—and, I assume, overseas. They are always monitoring developments, so they will continue to look at this and all other developments that happen wherever they can pick up information that might affect road safety. That is their charter.

The Hon. NICK XENOPHON: As I understand it, the Liberal opposition in the lower house successfully moved or pushed for an amendment to ensure that there is a sunset clause in this legislation—I think that is a good thing—and to require the minister to monitor it.

The Hon. R.I. Lucas: It's a much earlier sunset now.

The Hon. NICK XENOPHON: Yes, a much earlier sunset. I think the government has done the right thing in saying, 'Let's see how this works.' We will have this 18 month period in which it can be monitored and evaluated, and the parliament can then evaluate it again. That is why I think it is important that we should at least implement this measure and see whether it has any benefit. I believe it can only assist in reducing the road toll rather than have any detrimental impact.

The Hon. CAROLINE SCHAEFER: We will oppose the third reading of this bill and we will therefore not be making any comments, asking any questions or moving any amendments during the processing of the bill.

The Hon. T.G. CAMERON: After careful consideration of all the points made by all the speakers—particularly, the extremely worthwhile contributions by the Hon. Sandra Kanck and the Hon. Caroline Schaefer—I have decided that I cannot adopt my usual position of supporting the government and that I will have to vote against this measure.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without any amendment; 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 council divided on the third reading:

AYES (6)

Evans, A. L.	Gazzola, J.
Holloway, P. (teller)	Sneath, R. K.
Xenophon, N.	Zollo, C.

NOES (11)

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

PAIR(S)

Roberts, T. G.	Lawson, R. D.
Gago, G. E.	Stephens, T. J.

Majority of 5 for the noes.

Third reading thus negatived.

MEMBER'S REMARKS

The Hon. SANDRA KANCK: I seek leave to make a personal explanation on comments made by the Hon. Paul Holloway in debate last night in which I was misrepresented.

Leave granted.

The Hon. SANDRA KANCK: Last night, in debate on the double demerit points legislation, the Hon. Paul Holloway attacked me because of a comment in my second reading contribution in which I had said that, if a person is disqualified because of double demerit points, there is no appeal mechanism. I had an interchange with the Hon. Paul Holloway at that time regarding the accuracy of that. I think it is important that I refer to the handbook for safety on the road, which, at the beginning, says that it has been prepared to provide information to drivers and riders on their duties and responsibilities to ensure the safe and efficient use of the Australian road system. On page 102 it says—

The Hon. CARMEL ZOLLO: Mr President, I rise on a point of order.

The PRESIDENT: I think I can anticipate the point of order. The honourable member is starting to enter into debate. She needs to explain where she was misrepresented or misquoted.

Members interjecting:

The PRESIDENT: Order! The honourable member is introducing supporting material.

The Hon. SANDRA KANCK: As the handbook that is given out to drivers—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: —in South Australia states on page 102, there is no right of appeal against a disqualification imposed as a result of demerit points or breach of the good behaviour option. Therefore, I clearly was misrepresented by the Hon. Paul Holloway.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I seek leave to make a personal explanation.

The PRESIDENT: If it is not in the nature of extending a renewed debate.

The Hon. P. HOLLOWAY: I have just been misrepresented by the Hon. Sandra Kanck.

The PRESIDENT: Is leave granted?

Members interjecting:

The PRESIDENT: Order! Is leave granted?

An honourable member: No.

The PRESIDENT: Leave is not granted.

EDUCATION (EXTENSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 2036.)

The Hon. KATE REYNOLDS: I will be very brief. Our position in relation to the charging of fees for materials and services in schools has not changed. We oppose the charging of fees. I will be interested to hear through the committee stage of this bill the government's position on a number of questions that have been put to it by the opposition. I understand that some further reports will be made available. I have had some material made available to me during briefings from the minister's office, and I am very appreciative of that, but, in relation to one amendment that has been foreshadowed by the opposition, we will determine our position on that at the time. I make it clear that our position on the compulsory charging of materials and fees has not altered one little bit.

The Hon. NICK XENOPHON: I indicate that I will support the second reading of this bill. This matter has a long history, and I previously moved for a sunset clause in relation to this legislation with respect to materials and services charges. I note that the Democrats have been entirely consistent on this. When the Hon. Mike Elliott was leader of the Democrats, he maintained that position and it has continued to be maintained by the Democrats. It seems there are only two ways to deal with this: either the materials and charges are entirely free to students, and this government has not shown any willingness to do that; or, alternatively, it is all-in and you have compulsory charges.

What was occurring before was that some parents were snubbing their nose at the system, making it unfair on those parents who were trying to do the right thing and paying their materials and services charges. So, the choice is a stark one. Unless the government is prepared to make it entirely free—and there is no suggestion that the government will do that, and neither did the former Liberal government—I believe the most equitable thing to do is to ensure that everybody pays their fair share of the material and services charges. The issue with this bill is whether there ought to be an extension until after the next election or whether the government bites the bullet and acknowledges that this is something that ought to be dealt with in a more permanent fashion.

The Hon. Kate Reynolds: It is a reverse somersault.

The Hon. NICK XENOPHON: I am getting dizzy just thinking about the gymnastics. That is the dilemma. There is one issue that I will be asking in the committee stage of both the government and indeed the Hon. Mr Lucas as a former education minister. There is a claim by the government that, if the opposition's amendment of December 2005 is accepted, it will cause chaos. I cannot quite understand how that would occur, but I think it is important that the government acknowledges that this is the fairest way of dealing with the issue in the absence of making materials and services entirely free. So, I will be supporting the second reading of the bill, and I look forward to the committee stage.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): First of all, I would like to thank honourable members for their input into this bill and, in particular, the Hon. Nick Xenophon who has indicated his support for the second reading. I understand that all members have been offered a briefing from the minister's office and her department, and that the information requested in these briefings and in the chamber during the second reading has been provided to all members.

Before the bill goes into committee, I feel there are a number of points which must be addressed and brought to the attention of all members. I am greatly concerned that the opposition and other members in this chamber may be trying to play an unnecessary ugly game of politics with this bill which will affect every school student and their parents in South Australia's public schools. I point out to all members opposite and all who are thinking of opposing this bill that they will be playing politics with a structure that has been in place since 1997 and something that is vitally important to our schools and, more importantly, to the children and students of South Australia.

First, it is important to point out the hypocrisy of the amendment foreshadowed by the leader in his second reading contribution and proposed by the Leader of the Opposition in another place. To amend the sunset clause date to 1 December 2005 will not only go against the good sense of the members of this chamber but it will also be a blatant backflip by both the Hon. Rob Lucas and the Hon. Kate Reynolds. I remind the chamber that it was an amendment introduced by the Hon. Rob Lucas and supported by the Hon. Kate Reynolds that changed the sunset date to 1 September 2005 during debate on this legislation in 2003.

The original date of the sunset clause was 1 December 2005. However, during the debate, commonsense seemed to prevail, and I quote from the *Hansard* of 25 November 2003 when the Hon. Rob Lucas said:

> I will move my amendment in an amended form. This section will expire on 1 September 2005. This replaces an expiry date of 1 December 2005. As I outlined in my seconding reading contribution, the amended amendment is as a result of some discussion with the Hon. Kate Reynolds. I urge members to support the amendment as it will mean the results of that inquiry will have been concluded in plenty of time for the start of the 2006 school year.

Both the Hon. Kate Reynolds and the Hon. Rob Lucas understood that an expiry date of 1 December 2005 would cause unnecessary confusion and administrative unworkability for schools.

As they both indicated during the debate—and this is the basis of our argument today—schools will have no chance to set their budget for the next school year and therefore will not be able to order the materials needed for the coming school year. Inevitably, this means that students will start the school year without the materials needed for their course. Students doing art may not have paints or brushes, and maths or English students may not have the textbooks required for their course. I am not quite sure why the Hon. Rob Lucas is laughing; he obviously thinks this is funny. He does not care about the children of South Australia. The former education minister is a disgrace!

Is this really the situation members of the council want to impose on the children of South Australia? I remind members

that the introduction of a parental contribution to services and curriculum materials was the policy of the previous Liberal government. The council should not use an administrative fee structure to score political points. Contrary to the assertions of members across the chamber, the government has addressed this issue and has made significant improvements to the system since coming to office. This system was introduced by the former education minister (Hon. Rob Lucas), and we would have thought that, as such, he would have the good functioning and smooth operation of our schools as the highest priority.

When this legislation was last debated, it was evident that he understood how schools apply this charge and that he also understood the need for the sunset date of 1 September so that schools could prepare fully and properly for the year ahead. By removing certainty, and not allowing adequate time for the application of recent improvements, the honourable member reveals an unfortunate priority shift and has perhaps now forgotten how schools operate, or has simply chosen to put political play ahead of the students of South Australia.

Any attempts to stall this bill or to introduce an irresponsible amendment will mean that schools will be badly prepared for the school year ahead—they will have no certainty in their budgets, and this will undoubtedly have a negative effect on our students. This government has responded to a public consultation held late last year to which all members in the chamber were offered the opportunity to make a submission. We have made significant improvements to address the issues raised during the public consultation. On top of this, we have prepared pro-forma documents for schools, step-by-step guidelines and an intensive training package for principals, administration officers and governing councils.

It is planned that this will be rolled out as of 1 August. Schools will have their new documents and pro-formas, and they will be trained well in time for the new school year. Schools and parents will have certainty for the school year in 2006 in a system with greater transparency and equity and fairness. Because we are a sensible government and understand that the sound operation of this charge (even if members opposite do not) must be carefully monitored and continual improvements implemented, the minister has asked the reference group set up during the public consultation process to remain in an advisory role and to monitor these improvements.

This group comprises representatives from peak organisations in the education sector—representatives from all groups affected by this charge. This group will monitor these improvements and the new processes in schools for the coming year to ensure that they are effective and work practically in schools. Again, this is sensible governing from a government that understands schools and continually wants to improve our entire education system. I do hope that members opposite remember this and do not try to play politics with the school system or tinker with the legislation for political gain.

I urge all members to use their commonsense and think about the practical realities for schools in the coming year. Please remember that we are making improvements to the system in good faith, and these improvements have come about following a consultation process, including all members in this chamber. These are improvements which have been asked for by the education community. I commend the bill to the council.

Bill read a second time.

[Sitting suspended from 12.50 to 2.18 p.m.]

ABORTIONS

A petition signed by 19 residents of South Australia, concerning abortions in South Australia and praying that the council will do all in its power to ensure that abortions in South Australia continue to be safe, affordable, accessible and legal, was presented by the Hon. Sandra Kanck.

Petition received.

PAPER TABLED

The following paper was laid on the table:

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

Save the Murray Fund—Report, 2003-04.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to the Office of the Director of Public Prosecutions made yesterday in another place by my colleague the Attorney-General.

QUESTION TIME

AIR WARFARE DESTROYERS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government a question about air warfare destroyers.

Leave granted.

The Hon. R.I. LUCAS: Members would be aware that on Tuesday the Federal government made its decision with regard to air warfare destroyers. The state Liberal Party, through Liberal leader Rob Kerin, has paid tribute to the work undertaken by both the federal government and the current state government in terms of the winning and awarding of the first stage of that contract. As members might also be aware, the work for the winning of this contract has been many years in the coming. As part of a long-term strategy, first initiated by former premier John Olsen, the defence and electronics base of South Australia was significantly strengthened through strategic investment in a number of industries.

Without being completely inclusive, decisions taken in relation to the restructuring and rationalisation of BAE Systems Operations in Australia, SAAB Systems, Tennix, General Dynamic and a number of others were part of a long-term strategic decision making process to strengthen the defence and electronics base in South Australia. Members will also be aware that the current Liberal leader, Rob Kerin, was also active in terms of discussions and lobbying on behalf of the South Australian bid. I also recall, as a former minister for industry for a brief period of two years, the work being undertaken by senior officers in the now Department for Trade and Economic Development.

As an indication of how long these things take to come to fruition, a clearly forlorn view was that a decision on this project might have been taken just prior to the last election in 2002, and in the early stages of discussions that was the

officers' view in relation to that. I noted that, in the ministerial statement given by the Premier in another place on Tuesday, the Premier thanked a group of people and acknowledged their contribution to the project, including a brief reference to the Leader of the Opposition for his support. I refer the Leader of the Government to the important press release issued generally to all the media and all South Australians, wherein the Premier under the heading 'We won' acknowledges and pays tribute to the Victorian Premier (Steve Bracks), the Western Australian Premier (Geoff Gallup) and, more importantly, to the Defence Industry Advisory Board (and lists the individual members of that), and a number of farsighted union leaders (and he lists three). He then pays tribute to the ASC management, business leaders (and names three) and, finally, to Prime Minister John Howard and federal cabinet for their vote of confidence.

I ask the Leader of the Government: why did the Premier make a deliberate decision in the press statement that was issued to the media to exclude any reference to the Leader of the Opposition, Rob Kerin, for the work that he undertook previously on behalf of the Liberal Party and also for his role in assisting the lobbying effort of the federal government on this particular issue?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The defence industry in this state has been built up over a number of years. I suppose you could say that, in relation to this project, it probably began with the Australian Submarine Corporation back in the 1980s. Since then, the defence industry has continued to build on this most important sector of the state, of which electronics is a significant part. I think it is said that something like 30 per cent of the value of modern destroyers is in the hull and the construction platforms and the other 70 per cent is in electronics and other systems. Certainly, this state has built that up over a period of some decades. From the government's point of view, many people contributed to this project and, to the extent that the opposition supported it—and it did—the government is grateful.

The Hon. R.I. LUCAS: If the minister is not in a position to answer the question, can he refer it to the Premier and ask him why, if that is so, he deliberately chose to exclude any reference to the Leader of the Opposition and the Liberal Party in the press release that was issued in relation to the winning of the air warfare destroyer contract?

The Hon. P. HOLLOWAY: I thought the Premier did include reference to the Leader of the Opposition, certainly in his ministerial statement, but, as I said, there were many people who contributed, some of them in a more significant way than others. As I said, I think the leader has already acknowledged that the Premier included the recognition of his efforts in his ministerial statement.

Members interjecting:

The PRESIDENT: Order!

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: I previously asked questions about the forced secondment of Metropolitan Fire Service station officers to the training department late last year. I understand that, under the Metropolitan Fire Service's service administrative procedure 6, a selection committee must be formed to select officers for the training department if insufficient station officers have volunteered for secondment. My questions are:

1. Will the minister bring back the names and ranks of the members of the selection committee which seconded 11 station officers on 30 December 2004?

2. Will she also indicate the date or dates on which the selection committee met?

3. Will the minister advise the council which MFS officer has the responsibility for convening such selection committees and who chaired the committee last December?

4. Will the minister confirm that reluctant station officers were told that CFS personnel would be used in the MFS training department to fill any shortfall?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Clearly, the honourable member knows an MFS officer who has some sort of a gripe. I encourage the honourable member to say to that person that there are probably correct procedures for taking up his grievances. Clearly, these are operational matters. I will undertake to get some advice and bring back a response, but I encourage the member to take this matter up through the correct channels.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: Nothing. I also said that I would encourage him to take up his grievances through the correct channels.

The Hon. A.J. REDFORD: I have a supplementary question. Is the minister implying that taking up issues with a member of parliament is an incorrect channel?

The Hon. CARMEL ZOLLO: I did not say that at all, but I would encourage the member to give that advice as well. It takes a lot longer to take up the issue this way.

LOCAL GOVERNMENT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Emergency Services—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stefani has the call and he is entitled to be heard in silence.

The Hon. J.F. STEFANI: —representing the Minister for State/Local Government Relations, a question about local government finances.

Leave granted.

The Hon. J.F. STEFANI: Members would have received (as I did) a copy of the independent inquiry into the financial sustainability of local government. The inquiry found that ratepayers would need to pay a special one-off 7 per cent increase on their rates to balance the councils' budgets. This increase would be on top of any other annual increase in rates which local councils will impose on their ratepayers. The report contains a serious warning for councils to improve their management or face future problems. It urges councils to address their shortcomings in financial governance, policies and practices as a matter of priority, in order to overcome the unsustainable nature of local government finances in South Australia.

The report also suggests policy adjustments on the part of councils to address their financial performance and position. The report warns that three or four councils were conducting significant operating deficits, spending more than what they receive. In view of this serious situation, my questions are:

1. What action will the minister take to address the serious problems identified by the independent inquiry?

2. Will the minister give an assurance to the parliament that the councils which are operating deficit budgets will not reach a crisis situation which will cause hardship to their ratepayers?

3. What will the minister do about the proposed 7 per cent increase to be applied by all councils?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I will refer the honourable member's questions to the Minister for State/Local Government Relations in another place and bring back a response.

FIREFIGHTERS, PERSONAL PROTECTIVE EQUIPMENT

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Emergency Services a tough question regarding personal protective equipment for firefighters.

Leave granted.

The Hon. J. GAZZOLA: I understand that, following the Eyre Peninsula bushfires earlier this year, the government undertook an initiative to provide identical standards of protection for all South Australian firefighters. Will the minister provide the council with reasons why this initiative was undertaken?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Earlier this year, we saw the lower Eyre Peninsula experience particularly devastating bushfires where nine lives and nearly 100 homes were lost. The government realised that firefighters in both the Metropolitan Fire Service and the Country Fire Service are exposed to identical risks when they attend structural fires and determined that both agencies should have the same level of protection. A government initiative was undertaken to ensure the level of protection available to firefighters from both the SAMFS and the South Australian Country Fire Service meet operational needs and offered levels of personal protection at the forefront of development.

A comprehensive process commenced to achieve this goal, including evaluating previous PPE and investigating the latest technology in protective clothing. Lion Apparel, which is the world's largest provider of firefighter PPE, won the six-year contract; and I was asked to officially launch the new generation of personal protective equipment at the Stamford Plaza last month. The government has committed $1.3 million of funding this financial year and $1.2 million over the next three years for the maintenance of the equipment at a 'total care' facility at Wingfield to ensure that the clothing remains fit for its purpose.

The benefits of this initiative provided to South Australia include improved protection for South Australian firefighters as they carry out their duties protecting the community of South Australia. Firefighters in South Australia are deservedly well respected, and this is one way that the community shows support for our firefighters, by providing them with the best possible protection when undertaking their hazardous work. The other benefit is the establishment of the Asian-Pacific regional office as an international company here in South Australia. This is an excellent example of cooperation between the two fire services and shows that the government initiative in introducing the South Australian Fire and Emergency Service Commission SafeCom Bill will work successfully.

CHILD PROSTITUTION

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 regarding children in motels being groomed for prostitution.

Leave granted.

The Hon. KATE REYNOLDS: I received this morning a letter from a woman who was subcontracted as a carer by an agency called Alabricare to work with children who are in the care of the state and who are housed in motels. I am not going to use any of the names in my explanation, but they were in the original correspondence, and they have been included in the material that has been forwarded today to the Child Abuse Hotline, and they will be included in the material to be provided to the Mullighan Inquiry. I am going to talk about two particular cases, but I think seven were mentioned in the entire letter. This former worker writes:

> J2, a ward of the state, is living in room x and x of a motel in Glenelg East. She was there on the 22nd to 25 April and had been there for several months. She is most likely still there. I found her unconscious on 25 April and could not wake her on the morning when a carer called T had slept with her. I saw evidence of this. T and the room stunk heavily, very heavily, of perfume. It camouflaged something else which made me feel very nauseous. Around the unconscious J2 were scattered loads of clothes. It appeared to me that there had been a dress-up session. The woman—

that is, the worker—

> T, told me that she had taken J2 to Glenelg the night before and they had stayed there until 2 a.m. and that was her explanation of why J2 was asleep at 9 a.m. T took the two Sprite bottles into the shower with her. I didn't see the bottles again. I had noticed they were half empty on the bedside table next to where T and J2 had been sleeping together, and they had no caps. I later looked for the caps in the rubbish bins but couldn't find them. T must have taken the Sprite bottles with her.

That is one example. The second example is as follows:

> I have noticed S—

and she is talking here about one of the workers—

> has three late-model cars and told me she drives a different car each day. As we are paid $16 per hour during the day and $9.30 at night I am surprised that she can afford three cars, especially as she is on her own. I understand that CYFS is charged double plus $2 by Alabricare, so they are charged $34 during the day. Saturdays and Sundays are charged at $42 per hour and public holidays are charged at $46 per hour. When the girls go missing, that is, they run away from motel rooms, we notify the police and they are listed as missing persons.

She then goes on to talk about how Alabricare continues to charge CYFS and CYFS pays even though the girls are not there. She talks about another young woman named S who is not a ward of the state. She has just turned 14 and has been living at a particular motel in Enfield from before the school year started in January until the present time. She did not attend school at all in first term and may not be attending now. The worker goes on to write about how K, another worker, has pursued S, this young 14-year old:

> . . . and many of us have seen her kissing and embracing S. S appears to be hypnotised by K and when K bought her a second mobile phone she was told not to give the number to anyone. Within a couple of days, S had disappeared and the police could not trace her mobile because we did not know the number. She disappeared to Melbourne with only $7 on her, and we didn't know her whereabouts for over three days.

She writes about how S had also been sleeping with carers in her motel room. She states that another worker (R) 'told me S slept with her. I have seen evidence of this too. L (another

worker) had given S cigarettes and alcohol'. This worker goes on to say that she suspects that these children are being groomed for the sex industry and that the motel environment is chosen as one in which the children are totally dependent on their carers for everything. She also states:

> They do not learn to cook and do not gain any independence. Their rooms often have no windows, and daytime can be confused with night-time. Children are not expected to get up with an alarm clock.

In fact, earlier, she writes about how one young girl had her watch taken away and was not allowed to wear one at all. If they run away, they cannot last long by buying food out all the time. Inevitably, they return. Finally, she states:

> The policewoman at the Glenelg police station indicated to me that the police know what is going on with the motel kids and there is nothing they can do about it. The policewoman allowed me to understand that she personally strongly disapproved of what is going on.

Members can imagine my shock and distress when I received this correspondence. I spoke to the woman concerned, and I have every reason to believe that she is very credible and professional. She has other jobs and is not reliant on Alabricare for her income. My questions to the minister are:

1. When did he first become aware of these allegations?
2. What action has he taken?
3. What further action will he take in the next 48 hours?
4. Will he instigate an immediate review of Alabricare's practices?
5. Will he instigate an immediate review of the care arrangements for all children and young people, including those under guardianship orders (his 'own children') currently living in motels?
6. Does he agree that he is not meeting his duty of care and that the Keeping Them Safe program is a disgraceful failure for those children forced into motels?

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

HALLETT COVE SHOPPING CENTRE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, questions about the Hallett Cove Shopping Centre.

Leave granted.

The Hon. T.G. CAMERON: This week's *Southern Times Messenger* carries a story stating that the long-anticipated Hallett Cove Shopping Centre redevelopment had stalled again due to a lack of council funds. Two years after it was trumpeted as part of the $60 million Marion South Plan, the revamp has stalled. It hinges on Marion council's building an $8.1 million access road. The council is short by $3.2 million. The shopping centre owner (the Makris Group) will not complete the $40 million development unless the road is in place to bring shoppers from the isolated suburbs of Trott Park and Sheidow Park.

The council has assembled $4.9 million and commitments from state and federal governments, the Makris Group and Oakford Homes, which plans a $20 million retirement village in the area. Original estimates for the access road put the cost at $4 million. Part of the blow-out is the need to install traffic lights, at the junction of Glensdale Road and the new connector road, to safeguard children moving between Hallett Cove R-12 School and the new centre.

My office has been told that the traffic lights are badly needed, as the area is growing rapidly, and that little road-work has been done in the area for years. Some residents have described the situation as dangerous and have asked, 'What do we have to do—wait until someone is killed?' Marion council's CEO, Mr Mark Searle, was reported in the *Messenger* as saying that the council was casting around for more funding options. In the meantime, traders and shoppers at Hallett Cover are growing impatient for the centre and the estimated 400 new jobs it will bring to the area. It may well be that the Makris Group, Marion council and the state government all have a role to play in this sorry debacle, but I would like to ask the Premier some questions. As he is also the Minister for Economic Development, my questions are—

Members interjecting:

The Hon. T.G. CAMERON: I will ignore the side talk coming from the Leader of the Government.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: You can always rest assured that, when the minister or the Hon. Gail Gago start interjecting from the background, it is hurting. It is always hurting when they start interjecting. My questions are:

1. Considering the length of time involved in the possible creation of up to 400 jobs for the southern suburbs, will, as a matter of urgency, the government enter into discussions with Marion council in order to sort out the funding issues to allow this redevelopment to proceed?
2. Will the government have the Department of Transport look at the costings again of the required traffic lights on Glensdale Road to see whether it is possible for them to be funded under a general upgrading of Lonsdale Highway?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I would have thought that, if it had concerns, Marion council would have raised those directly with the government. I am not sure whether it has. However, I will refer those questions to the Minister for Transport and bring back a reply.

The Hon. A.J. REDFORD: As a supplementary question: why was the access road not put in the State Infrastructure Plan?

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

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The honourable member laughs, but does the Hon. Angus Redford think that every access road that is planned for the state in the next 10 years should be included in the State Infrastructure Plan? How stupid is this honourable member? This honourable member is seeking to represent this area, and that is why he has now suddenly become an expert. He did not know that it existed; he did not care about it; he never went near it. Suddenly, now that he is standing for that area, he is trying to portray himself as the expert. I do not believe that the electors of Bright are so stupid that they will believe this ring-in really is that concerned for their welfare. As I say, if the honourable member really believes that every access road should go into—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Mr Redford might get a closer look at the road in a minute.

The Hon. P. HOLLOWAY: —the State Infrastructure Plan—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The Hon. Mr Redford has a bit of a track record here. I look forward to the election campaign, because there are a lot of skeletons in that closet. There are plenty of skeletons in that cupboard over there.

Members interjecting:

The PRESIDENT: Order! We are not here to listen to the personal attributes of individual members.

The Hon. J.F. STEFANI: As a supplementary question: will the minister refer this matter to the Minister for the Southern Suburbs to see whether he can resolve the problem?

The Hon. P. HOLLOWAY: The supplementary question, of course, assumes that there is a problem that is necessarily of the state's making. There are issues. What we are talking about here is a private development. There are things here that are the responsibility of councils, and there are developer's proposals. These things are always resolved, as I am sure you are aware, Mr President, through discussions and negotiations. What we can guarantee is that the Hon. Angus Redford's contributions, like those opposite in this council, are rarely if ever helpful.

CHRISTIES BEACH HIGH SCHOOL WEST CAMPUS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for the Southern Suburbs, a question about the Christies Beach High School West Campus.

Leave granted.

The Hon. T.J. STEPHENS: Members may be aware that the *Southern Times* Messenger newspaper this week ran a front-page story detailing the appalling condition of the Christies Beach High School West Campus. The school's functions were transferred to the east campus some time ago, and there has been much public pressure for the land to be maintained as open space and not turned into further housing. Members may remember that I asked questions in July 2003 for an indication from the government of its intentions towards this land and why it seems so reluctant to earmark it for open space.

The Hon. J.M.A. Lensink: When?

The Hon. T.J. STEPHENS: In 2003. I received the government's usual bureaucratic answer, which said practically nothing of any substance. The buildings are now in such a deplorable state that they would be unsuitable for use and would need to be demolished. In fact, in my opinion, they should be condemned. My questions are:

1. What would be the cost of returning these buildings to some useable state?

2. What would be the cost of demolishing them and replacing them?

3. Why has the government dragged its feet for so long on this issue?

4. What will the government do with the vacant land, which is an issue separate from the buildings?

5. Given the fact that the minister is charged with ensuring outcomes for the south and coordinating the government's activities in the south and there has been a failure on both counts, will the minister resign?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): He certainly will not be doing that, and nor should he. I would have thought that the fact that a school has been closed and left vacant and there is consideration about its future use is scarcely a reason for the minister to resign. We know the reasons for ministers resigning—we saw lots of those during the previous eight years, for all sorts of devious and corrupt behaviour. But, really, is this the best the opposition can do?

The Hon. T.J. STEPHENS: I have a supplementary question.

Members interjecting:

The PRESIDENT: There is a worrying disregard for the standing orders today. Honourable members will come to order. The Hon. Mr Stephens is seeking to ask a supplementary question on a matter arising from the answer. The Hon. Mr Stephens has the call, and I would certainly like to hear him.

The Hon. T.J. STEPHENS: Do I take it from the minister's answer that he does not think that this is an important issue, and I can take that back to the people of the southern suburbs and tell them that he has no interest, and neither does his government?

The Hon. P. HOLLOWAY: The future of the school is, I am sure, an important issue, and I am sure the honourable member would want careful consideration to be given to what happens to future government land. Procedures have been in place for some time now about what happens to surplus property. Obviously, in the first instance, it will be used by other departments. These processes have been in place for a long time, but those assets remain in the hands of government until a decision is made to dispose of them. What is important, of course, is that the government, through the education department, should have access to the resources which it gets from those properties to improve the quality of education, and that has happened consistently under this government.

PARLIAMENT HOUSE, MEDIA ACCESS

The Hon. A.J. REDFORD: Mr President, I seek leave to make a brief explanation before asking you a question about media access in Parliament House.

Leave granted.

The Hon. A.J. REDFORD: Earlier today, I noticed a small army of cameras and journalists gathering around the lower ground floor lift. Curiosity got the better of me and I asked what they were gathering for. I was told that they were going to the roof and the launch of the solar energy panels that recently appeared on the roof of Parliament House. As shadow energy minister, I immediately raced up to my office to look for my invitation to this important event. To my utter dismay, I discovered that as a member of parliament and shadow minister I had not been invited. Quick inquiries revealed that none of my colleagues had been invited also.

Notwithstanding the lack of invitation and given that I could see a large gathering of journos outside my window, I thought I would gate-crash the event, so I weaved my dainty little frame on to the roof where I saw the Premier talking to cameras. I also saw the Hon. John Hill (the Minister for Environment). The Premier was talking to four television cameras. There were numerous journalists and a couple of government media advisers. I asked for a copy of the press release and, to my utter astonishment, the Premier had run out of press releases so I could not have one. So, 2 June will be a special day in my heart and a day long to be remembered as the day that the Premier ran out of press releases. Further, Mr President, to my complete surprise, neither you nor the Speaker, as our representatives, were present. Further, many

people were perched on stairs, perhaps creating an occupational health and safety problem. My questions are:

1. Were either you or the Speaker invited to this media event?

2. Was permission sought from you as chair of the JPSC to conduct this media event on the roof just outside my window? 3. Will you investigate and determine whether roof top media conferences at Parliament House constitute an occupational health and safety issue?

The PRESIDENT: The answers to the questions are no and no. When I investigate whether they constitute an occupational—

The Hon. A.J. Redford: Safety risk.

The PRESIDENT: It is not appropriate for any gatherings of media for press conferences outside the normal spaces allocated for them. I have had to raise this matter with a number of members seeking to do this. There is a procedure, which should be adopted—

The Hon. R.I. Lucas: By all members.

The PRESIDENT: —by all members of parliament. If members wish to conduct media activities outside the interview rooms, they should have my permission as the presiding officer of the Legislative Council or from the Hon. Mr Such. I am not aware of whether any approaches have been made to the Hon. Mr Such, but I have not been involved at all. One of the reasons the procedure is in place includes occupational health and safety issues. I do not know that I need to further investigate whether it creates an occupational health and safety risk to have unauthorised people in places where the Presiding Officers have not been advised or their permission sought to do so.

The Hon. D.W. RIDGWAY: By way of supplementary question, will you please inquire, sir, as to the cost of preparing the plant room and outdoor area for the media conference? I am aware that a deal of painting and removal of sharp edges had to be undertaken prior to the gathering being held there.

The PRESIDENT: The cost and installation of that facility was not drawn at all from the budgets of the House of Assembly or the Legislative Council. The matter was put before the JPSC for consideration and there was agreement that the installation should take place, but the assurance was given that the Premier wanted to give an indication of his commitment to saving energy in South Australia and therefore it would be paid for by the government. I am not aware of the work and costs entailed in the installation or other preparation of the site. I am not aware of whether any extra money was spent to do a clean up or to remove sharp edges or any other obstacles. I do not know that there would be any expenses beyond the overall running costs of the maintenance of the building.

The Hon. J.F. STEFANI: By way of supplementary question, would you investigate, sir, whether any staff of Parliament House were involved in the preparation or in any way aware, directed or involved in this press conference?

The PRESIDENT: I do not know about the press conference, but any such work invariably comes under the purview of the building services manager, as it is his responsibility to do that. I am sure it would have been done in an efficient manner as part of his normal duties.

The Hon. T.G. CAMERON: By way of supplementary question arising from your answer, sir, we still do not know how much money was spent. Would it be possible to find out how much the government spent on this media event? Are the same facilities available for other members of parliament and will other members of parliament who wish to conduct media events in the parliament (for example, the Hon. Nick Xenophon) be supported by the government as well?

Members interjecting:

The PRESIDENT: Order! I am sure that when the Hon. Mr Xenophon has felt disposed to have a media event (as it has been labelled) it was part of his parliamentary duties and not so much an event. He has never sought the cost and he has never been required to provide the cost. The cost of installation I have already explained.

The Hon. T.G. Cameron: You have not told us how much.

The PRESIDENT: The total cost of the project? I am sure that is a matter for which someone could get the figure. The extent of the government's commitment to the saving of energy in South Australia is something which I am sure the Premier would make available. I shall speak with the Leader of the Government and, if he wishes, he can take that matter up as leader of the house and bring back any costs that may be available.

The Hon. NICK XENOPHON: Mr President, will you advise in which areas members are not supposed to hold media conferences and those where we are allowed to; or, if not, can you direct us to where we can get that information?

The PRESIDENT: I shall provide all members with an outline in writing in the next few days. As this matter has now been raised, it is something that I am keen to clarify.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: I rise on a point of order, Mr President.

The PRESIDENT: Order! There is a point of order. There is too much background noise.

The Hon. CARMEL ZOLLO: They are just like a pack of animals.

The PRESIDENT: Order! There is a disappointing lack of decorum in here today.

WINE INDUSTRY, MOUNT LOFTY RANGES

The Hon. G.E. GAGO: My question is to the Minister for Industry and Trade and Urban Development and Planning. As the wine industry plays such an important role, both directly in terms of producing world-class wines for the enjoyment of the state and nationally and internationally, not to mention personal enjoyment—I understand that a number of members of this chamber participate in a bit of personal enjoyment of our wines—and indirectly in terms of supporting our tourism industry, will the minister inform the council of what the government is doing to assist the wine industry in the Mount Lofty Ranges?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the honourable member for her question and her appropriate comments in relation to the importance of the wine industry. Clearly, the Department of Primary Industries and Resources provides direct assistance to the wine industry throughout the state, including in the Adelaide Hills, but in answer to the question I particularly want to respond in terms of the contribution that is made through Planning SA, which of course is now part of the Department of Primary Industries

and Resources—or at least will be formally by the end of the month.

The Mount Lofty Ranges wine industry is a major contributor to the region's economy. It currently produces 38 000 tonnes of grapes, which were worth more than $56 million in 2004. The region has more than 3 300 hectares of vines owned by 263 wine grape growers. Given the close proximity of metropolitan Adelaide to the Mount Lofty Ranges wine region, there is significant opportunity to further value add to the industry as a whole in terms of the capacity for crush size and businesses such as cellar door outlets. This will not only support the viability of the wine industry in terms of production but it will also importantly contribute to the state's tourism appeal and attractiveness.

The Rann government has requested a comprehensive economic study into the Mount Lofty Ranges wine industry. This will provide the government with more in-depth understanding of the industry's potential and sustainability. That study will be undertaken by the Department of Primary Industries and Resources. The study will also provide the government and the industry with crucial decision-making data such as the capital and recurrent costs of various facilities; the minimum viable size of a vineyard or winery in terms of crush sizes and the unit costs of processing; and it will be considered in the context of environmentally sustainable land use and management arrangements.

I anticipate that information collected through this study will also better inform two other planning initiatives which currently are under way. I refer to the draft planning strategy for the outer metropolitan Adelaide region, and the Mount Lofty Ranges winery and the ancillary development plan amendment report. The draft planning strategy for the outer metropolitan Adelaide region provides broad strategic direction to land use and development activity. The findings of the study, along with the submissions received from the stakeholders and the public, will be considered by the government in finalising the strategy. The draft planning strategy for the outer metropolitan Adelaide region was released in April 2005, with the formal public consultation period due to end on 31 July.

The study's findings should also be useful for the draft planning policy being prepared as part of the Mount Lofty Ranges region winery and ancillary development plan amendment report (PAR). This development PAR has been initiated by the government to review and update existing planning policy in the Mount Lofty Ranges region; and it is being untaken with the assistance of the wine industry, councils and the relevant government agencies. Given the importance of the wine industry in the Mount Lofty Ranges, this government is keen to allow the wine industry to develop, whilst ensuring that such growth and development is commensurate with sustainable development and management practices. The PAR is expected to be released for public consultation by the end of August. I am very pleased that this study is being undertaken as it will provide important contributions to decisions made on the future of this region.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Will the minister ensure that the proposed eastern transport route flagged by the Southern and Hills Local Government Association, which would go through the Mount Lofty Ranges to and from the Barossa and McLaren Vale wine regions, is included in the strategy?

The Hon. P. HOLLOWAY: The planning strategy is looking at the entire region. The economic study (which I just announced) is looking at the economics of the Hills region, and the sort of data that we need, such as crush sizes and so on, will help develop the PAR specifically for the wine industry. The transport issues are not necessarily a specific part of the economic study which is being undertaken at the moment, but obviously they will have a part in the broader planning strategy for the outer metropolitan region. I trust that the councils that are proposing it would be making a submission to the current draft planning strategy before the public consultation period closes on 31 July. Obviously, that is the appropriate way in which those issues should be raised.

In relation to the specifics of the economics of the wine industry, that is to help the government develop those issues relating to the wine industry. I am sure all members would be aware of the history of the current policies which were introduced under the former government—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: I do not know whether the honourable member agreed with the plans that were put in place by the Hon. Diana Laidlaw. They were interim policies that even limited the number of cellar door sales outlets that could be permitted within the Hills region. Obviously the government is looking at a review—and the wine industry has been asking for this—so that these decisions can be made on the economic facts. It would allow the wine industry, the tourism industry and so on to address these issues whilst still being fully compliant with the environmental and other constraints in the area. Essentially, that is what the economic study is doing. It is really an update of that existing policy, which is urgently needed. As I said, this study should take only a couple of months at the most, and we should have the draft PAR ready by August.

CYCLING BUDGET

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about the cycling budget for 2005-06.

Leave granted.

The Hon. IAN GILFILLAN: The Minister for Industry and Trade cannot resist the temptation to answer questions which are addressed to another minister, which sometimes lands him in error of fact. For example, in respect of his accusation that I had moved an amendment regarding DNA, he is distinctly in error. Earlier this week he answered a question I asked about cycling as follows:

> I remind the honourable that, while the Cycling Action Plan may have been completed, the Rann government continues to support cyclists within this state.

I will not continue on with the answer. The Bicycle SA web site and *Advocacy Update*, the newsletter of the largest cycling organisation in South Australia, dated 31 May this year, says:

> Since its peak of $2.7 million in early 2000 and its slashing soon after the Rann government came into power, Bicycle SA has been working towards the government recognising its responsibility to the most vulnerable road users. Bicycle SA believes that this government should spend at least the Australian average through its transport department. This is not the case. In fact, we continue to be the lowest spending state by a significant amount.

I will now give the facts. This government currently spends $1.4 million on cycling through its transport department. Cycling spending at its peak in the year 2001 was at a level of $2.7 million. To bring South Australia in line with the average national spending, we would need to spend around

$5.2 million a year through transport. The excellent newsletter goes on:

> Cycling for transport is an accessible form of physical activity and an excellent method of achieving the recommended level of physical activity required to give health benefits. A Denmark study involving 30 000 people found that over 14 years cycling to work decreased the risk of mortality by 40 per cent. In Finland, a similar study found that cycling for 30 minutes a day caused a 40 per cent decrease in the likelihood of developing diabetes.

I ask this question of the Minister for Transport, but maybe the Minister for Industry and Trade, as is his wont, will choose to answer:

1. Has the minister studied and responded to the excellent targets outlined in *Advocacy Update* dated 31 May 2005?

2. Will he make his response available to parliament?

3. Does he agree that South Australian government funding to cycling has been substantially cut since the ALP came to power, which will prevent South Australia's attempt to secure the prestigious Velo Mondiale International Cycling Conference for Adelaide?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): First of all, I will address the matter in relation to the honourable member's preamble. I suppose I do need to apologise to the honourable member. Yes, in my answer the other day it was not about DNA testing; it was about fingerprinting of bouncers. The amendment was moved by the Hon. Nick Xenophon, but nevertheless the honourable member warmly supported it.

The Hon. Ian Gilfillan: I hardly spoke to it.

The Hon. P. HOLLOWAY: Nevertheless, I was simply referring to the exchange.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes he was, but the honourable member is correct and I am happy to apologise to him for that. In relation to Bicycle SA, I will refer the question specifically to the Minister for Transport. I point out that not all of the money spent on cycling in South Australia necessarily comes specifically from the transport budget. As I said the other day, of the significant amount of money that has been provided recently for the coastal park, much of that will be for either the preparation or construction of a dual trail along the coastal park. Of course, capital investment over the past few years—

The Hon. Ian Gilfillan: Landscaping.

The Hon. P. HOLLOWAY: That is part of it to make the shared trail a worthwhile experience. To make it attractive for cyclists is obviously part and parcel of it. I take the point the honourable member is making, but I point out that it is not just the money that goes through recreation and sport or the money that is specifically targeted at bicycle groups that is being spent. A significant amount of money, through the Planning and Development Fund in my department, has been allotted to improving those sorts of trails and facilities. However, I do not know whether the minister in another place has that aggregate data. I will refer the question to him and bring back a reply.

STATE BUDGET

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the budget.

Leave granted.

The Hon. CAROLINE SCHAEFER: I refer to three lines in the budget papers of 2004-05, which I assume are now the responsibility of the Minister for Emergency Services: 'Bushfire Safety Program, $146 000; CFS—radio and telecommunications, $1.52 million; CFS Fire Indicator Panels—replacement and upgrade, $235 000.' The budget papers appear to show that none of the moneys for those three budget lines was expended. However, this year's budget papers indicate sums of $149 000, $1.538 million and $241 000 respectively. My questions are:

1. Can the minister explain why none of that money was expended in its original budgeted year?

2. Does she agree that the additional funds to be spent on those budget lines are, in fact, $27 000, not $1.928 million, as indicated?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): How extraordinary! Is the honourable member looking at last year's budget papers?

The Hon. Caroline Schaefer: I look at this year's—don't you?

The Hon. CARMEL ZOLLO: I thought the honourable member said '2003-04'.

The Hon. Caroline Schaefer: No—2004-05.

The Hon. CARMEL ZOLLO: From which page is the honourable member reading? It is rather difficult for me to—

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: Well, it would be polite for the honourable member to tell me from which page she is reading. I can say to her that this government is committed to ensuring that our emergency service volunteers and personnel are better equipped, with the necessary tools and any infrastructure, than they were when the Liberal government was in power. As the honourable member quoted figures, it would be very helpful if she were able to tell me which budget page she is referring to. Is she able to do that?

The Hon. CAROLINE SCHAEFER: Is she asking me a question, Mr President?

The Hon. CARMEL ZOLLO: Yes; I am.

The PRESIDENT: I think that the minister is asking the member to provide that advice at some time, but not necessarily right now.

The Hon. CAROLINE SCHAEFER: I need to reply that this is not an estimates session; therefore, I am not required to give the page number to the minister. I will simplify the question.

The PRESIDENT: Order! We are not running a debate. The minister has asked the honourable member to provide the information. That does not give the member the right to ask a question. I think the minister's question was more a request for a page number. Is that what you were asking for, minister?

The Hon. CARMEL ZOLLO: Yes. I thought the honourable member was looking at a table, and I wondered which page number she was referencing.

The PRESIDENT: It is a question of courtesy between members. If the minister has not completed her answer, she should do so immediately.

The Hon. CARMEL ZOLLO: As I said, this government is committed to ensuring that our emergency service volunteers and personnel are well equipped—certainly better than they were when the Liberal government was in power. If the member is asking why there is an increase—

Members interjecting:

The Hon. CARMEL ZOLLO: Well, they are budget lines, and the honourable member is unable to provide me with that reference. Over the past couple of days, I have already said what we have spent money on in this budget—for example, the Lower Eyre Peninsula bushfires and asset

maintenance. I have also mentioned the lease of the light fleet vehicles and everything from EB to CPI increases. Unless the honourable member has the courtesy to provide me with the budget lines, or the page number, I will have to bring back a reply.

The Hon. CAROLINE SCHAEFER: As a supplementary question: will the minister explain to me why no money budgeted in 2004-05 was expended on the bushfire safety program, the CFS radio and telecommunications program and the CFS fire indicator panels replacement and upgrade?

The Hon. CARMEL ZOLLO: I ask the honourable member to table the information from which she is reading.

The PRESIDENT: The minister can ask the honourable member, but she does not have to do it unless there is a motion.

GAMING MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Gambling, questions about approval of poker machines in South Australia.

Leave granted.

The Hon. NICK XENOPHON: Early this week an interstate gambling counsellor raised with me his concerns that the protocols for the approval of poker machines in Tasmania by the Tasmanian Gaming Commission appear to be much tougher than in other states, including Victoria and South Australia, in relation to the approval of games, particularly with metamorphic features. The current Gaming Approval Gaming Machines Guidelines in South Australia (approved on 2 June 2003) set out guidelines for the Liquor and Gambling Commissioner to assess whether a game is likely to lead to an exacerbation of problem gambling.

Clause 2 of the guidelines, headed 'Game characteristics tending to an exacerbation', refers to a number of characteristics and, if a game has them, it will be likely to lead to an exacerbation of problem gambling unless there is evidence to the contrary. Paragraph (f) provides that a game with metamorphic characteristics will transform into a different game when certain game events (requiring further play) have occurred. Clause 3 of the guidelines states:

> If a proposed game has a feature or characteristics which is new or which causes the proposed game to differ materially from the games already approved at the time the application for approval is made, the Liquor and Gambling Commissioner should require the applicant to provide a responsible gambling impact analysis of the game and the role, feature or characteristic.

I have been advised by this interstate gambling counsellor of his concerns about these games with metamorphic characteristics. In fact, the Victorian Auditor-General has provided a report in relation to these games, setting out concerns in relation to player fairness. A former problem gambler this week has also spoken to me about the addictiveness of these features exacerbating her former problem gambling issues. The interstate gambling counsellor has told me that such games have been banned in Tasmania. I have been provided with a copy of the Australian and New Zealand Gaming Machine National Standard (Tasmanian Appendix Version 8.0.1), which has a date effective from 1 August 2005.

I am not certain what current codes are in place at the moment. The objective clause (T1.5) makes reference to the fact that the commission is looking to set high integrity standards for gaming equipment in Tasmania. These standards may well be in excess of those in other jurisdictions, and it gives some further details. My questions are:

1. Will the minister advise the names of games with metamorphic features in South Australia, particularly any approved after 2 June 2003, that is, after the operation of the new guidelines? How many responsible gambling impact analyses have been provided in relation to such games and what was the consequence of those analyses.

2. Does the minister consider that any games with metamorphic features should be taken off the market given the real risk of exacerbating problem gambling?

3. Does the minister acknowledge that the Tasmanian standards are higher than South Australia's standards in preventing games with features that will exacerbate problem gaming being allowed on to the market, and will the minister consider adopting the Tasmanian standards given that they offer a greater degree of consumer protection?

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

KAPUNDA ROAD ROYAL COMMISSION

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to the Kapunda Road Royal Commission made in another place by my colleague the Attorney-General.

PARLIAMENT HOUSE, MEDIA ACCESS

The PRESIDENT: Before I call on the business of the day, I advise members that we have conducted some inquiries into questions posed today in respect of the installation of solar panels on the roof. My advice is that the original quote was in the order of $180 000. Scaffolding and platforms were put in place as part of the construction and provision of safe working conditions and occupational health and safety. The site was cleaned, as one would normally do in an installation situation. The scaffolding was left in place, which entailed no extra cost. My understanding is that it will now be taken down by parliamentary staff as part of a normal operation and without incurring extra cost.

With respect to places where honourable members can conduct media interviews, my advice is (and I will put this in writing): the Terrace Room upstairs, where there is curtaining and provision for it; the Balcony Room; the Terrace Room; and members' own rooms. This is within the building. Members can conduct their affairs outside in the normal place—on the steps of Parliament House and in the garden area as normal, within the confines of their own rooms or any other place where they are given permission to do so by the presiding officer of each house. That information will be put in writing so that all members can file it, and there should be no more disputes about where these events should and should not take place.

REPLIES TO QUESTIONS

OFFICE OF THE SOUTHERN SUBURBS

In reply to **Hon. T.J. STEPHENS** (5 April).

The Hon. T.G. ROBERTS: The Minister for the Southern Suburbs has been advised:

1. The Office for the Southern Suburbs only has one website. The address is http://www.dtup.sa.gov.au/oss/. The other website Hon. T.J. Stephens may be referring to is not a website but a page

of general information included on the website of the Department of Transport and Urban Planning. The address for this page is http://www.dtup.sa.gov.au/agency/index_oss.htm. There is no cost to the Office for the Southern Suburbs in maintaining the website. Corporate Services Division as part of the Corporate Service PC recharge cost carries the cost of maintaining the site.

2. There is only one website. The other reference is to a general information page on the Department of Transport and Urban Planning website.

3. The Office for the Southern Suburbs provides information updates to the Corporate Services Division and they update the website.

4. The Office for the Southern Suburbs does not maintain two websites.

SCHOOLS, PRIVATE FUNDING

In reply to **Hon. J.F. STEFANI** (20 July 2004).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has provided the following information:

State funding for all non-Government schools is distributed on both a per capita and needs basis.

The Government continues to fund non-government schools in the same way as 2003-04.

The Naracoorte Christian School is now a campus of the Sunrise Christian School. This occurred on the 5 April 2005. State government funding will be calculated according to the average enrolment and the identified needs of the five campuses of Sunrise Christian School.

ONE MILLION TREES PROJECT

In reply to **Hon. D.W. RIDGWAY** (28 February).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has been advised:

1. The survival rate of the trees planted to date is within the range of 85 per cent-90 per cent. This survival rate is exceptionally good for broad-scale native plant establishment.

The cash cost to State Government to establish these plantings equates to approximately $5 per plant. It should be noted that these funds are used to cover the cost of planning, site preparation, seed collection, plant propagation, plant establishment and follow-up, along with the cost of monitoring, administration and also an extensive community involvement and education component.

The advertising is designed to inform South Australians about the multi-faceted nature of the Program and how it is progressing. This major initiative is not about simply creating monocultures of tree plantations and the maxim "Trees are good – Bush is better" comes to mind. The advertising also aims to encourage people to find out more information and to become involved.

The cost of this advertisement was $1,120 excluding GST. The Premier is proud to be associated with the Million Trees Program, proud of its achievement and proud to promote involvement in it by the people of South Australia.

CHRISTIE CREEK

In reply to **Hon. SANDRA KANCK** (17 February).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised that:

1. He is aware of the erosion that has occurred in Christie Creek in particular the erosion that occurred immediately beneath the Southern Expressway Bridge subsequent to its installation and the more generalised erosion further downstream.

Erosion control mechanisms established immediately beneath the Southern Expressway Bridge have been effective in managing erosion at the site. There is one area of the bank that remains unstable. Transport SA has been requested to stabilise this area prior to May 2005 and the onset of winter rains.

The erosion further downstream in Christie Creek has occurred gradually over an extended period of time as a result of natural watercourse processes intensified by changes of land use in the catchment that have occurred since European settlement.

2. The current coastal study referred to is being undertaken by Flinders University which has undertaken investigations of ten watercourses in the metropolitan Adelaide area including Christie Creek.

The study suggests that the erosion that occurs in Christie Creek is a natural function of the watercourse that has been intensified by the high flows associated with most urban catchments. The study also indicates that the stormwater yield from the catchment is high compared to other catchments with similar levels of development and consequently proportionately higher than normal nutrient and sediment loads can occur in Christie Creek following a flow event.

The discharge of nutrients and sediment loads out to sea is not specific to Christie Creek and is a broader issue relating to effective stormwater management. This issue is being addressed through the Urban Stormwater Initiative. The Urban Stormwater Initiative's principle task is to develop management policies for South Australia that establish a collaborative approach between State and Local government and identify priorities for expenditure on works to manage stormwater issues such as flooding, reuse and water quality.

3. There are currently no immediate plans to undertake extensive watercourse rehabilitation along Christie Creek. Watercourse rehabilitation and erosion control projects are prioritised based on a number of factors.

Following a recent meeting I held with representatives from the Friends of Christie Creek Inc and the Onkaparinga Catchment Water Management Board, it has been agreed that a number of monitoring points will be established along the affected length of Christie Creek. This will allow a more detailed assessment of the soil loss resulting from this bed and bank erosion enabling informed decisions to be made on appropriate action later in the year.

CHARTER FISHING BOATS

In reply to **Hon. CAROLINE SCHAEFER** (15 February).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

The Minister has not refused to meet with the Surveyed Charter Boat Owners and Operators Association of South Australia. He received a request from the Association to meet with them in August 2004 when the draft management plan was being prepared. He suggested that it would be appropriate to meet with the Association after the Charter Boat Working Group had developed a draft management plan for his consideration. While the Minister was made aware of the issues of contention debated at the last Charter Boat Working Group meeting in December 2004 and that the Association had some differing views on some final management arrangements, his office advised them that he was not available to meet with them until late January. This date was changed to sometime in February, as PIRSA Fisheries was unable to complete a draft plan due to agency staff leave arrangements during January.

The Minister has not taken a draft management plan for the Charter Boat fishery to Cabinet. Once he has approved the plan, a scheme of management will be prepared for Cabinet consideration.

The Minister met with a delegation of the Association on 22 February 2005 and will be responding to their issues in the near future and prior to the document being submitted to Cabinet.

EYRE PENINSULA BUSHFIRES

In reply to **Hon. CAROLINE Schaefer** (14 February).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has been advised that:

Landholders are not being prevented from clearing fence lines to re-establish property boundaries.

Officers from the Department of Water, Land and Biodiversity Conservation have made regular visits to the fire area to provide advice or clarification on clearance guidelines and to assist landholders on other native vegetation issues. I am advised that officers have taken a sensitive approach and at no stage have prevented a landholder from complying with the guidelines. Advice has been provided to some bulldozer operators and the army to help them understand and comply with the guidelines.

The State and Commonwealth Governments and the Eyre Peninsula Natural Resource Management Group have combined to offer a $500 grant per kilometre of boundary fencing to landholders who choose to rebuild their boundary fences two or more metres inside their property. The use of the money is not tied to the cost of establishing a fence, but recognises that a landholder will be giving up some productive land in order to protect roadside vegetation.

Departmental officers have drawn landholders attention to this incentive program, but there is no obligation for a landholder to take up the offer. Similarly, landholders may be encouraged to consider options of establishing stock management fencing within a property around native vegetation, where such vegetation exists adjacent to a road reserve. Again, Departmental officers have been mindful to

take a sensitive approach on this issue and landholders will not be pressured to adopt this approach.

The incentive scheme recognises that landholders establishing a new fence two or more metres inside a property will be 'giving up' some productive land. It is up to the landholder to determine whether the incentive is worthwhile. In this regard, landholders may consider that they may benefit by the lower cost of establishing a fence in cleared land, and the creation of a fuel break between the fence and the roadside vegetation. The ownership of the land remains the same.

While some of the road reserves on Eyre Peninsula are wide in comparison to other parts of the State, a number of one-chain roads also exist in the area.

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

The Minister for Environment and Conservation has advised that land has not been compulsorily acquired under this incentive scheme.

BRANCHED BROOMRAPE

In reply to **Hon. CAROLINE SCHAEFER** (8 February).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has been advised that:

1. Hon. Caroline Schaefer refers to funding for the financial years from June 2003 to June 2006. The program is reliant on seasonal conditions and the uptake of incentives by farmers often does not match the financial year funding cycle. The program is on track to utilise the $12.7m total funding over the three year timeframe.

2. In the 2005 season, plans are in place to treat more than 360 hectares of infested land which is a significant increase on the area treated in 2004. The extent to which pine oil can be used is dependent on approvals from the national registration body, Australian Pesticides and Veterinary Medicines Authority. The Branched Broomrape Program has sought approval to conduct further trials during 2005. The Program continues to seek alternatives for the fumigant, methyl bromide. Another such alternative is Basamid® which will be used during the 2005 season.

3. Discussions have occurred with the Speaker on a number of occasions and a 10 year eradication program developed using a combination of:

(1) farming strategies to reduce seed numbers by eradicating hosts; and

(2) targeted fumigation to reduce the infestations starting with high risk areas on the perimeter of the quarantine area and moving inwards.

4. Under-expenditure on the Branched Broomrape Eradication Program in any particular year is earmarked for spending on the program in the following year.

EDUCATION, FINANCIAL

In reply to **Hon. A.L. EVANS** (11 February).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has advised that:

The *Dollarsmart* program is not managed by the Department of Education and Children's Services (DECS) and as such there is no record of schools using the *Dollarsmart* program.

Schools make choices regarding the particular resources they use to support each of the curriculum areas within the South Australian Curriculum, Standards and Accountability (SACSA) Framework and financial planners present the program in schools on request through negotiation between individual planners and schools.

Financial Education to the year 10 level is taught within the Mathematics and Studies of Society and Environment learning areas of the SACSA Framework. In addition to *Dollarsmart*, a range of Financial Education resources are available for schools to use. These include:

- *Spendwell*, developed by the Office of Consumer and Business Affairs with input from officers of DECS for students in the middle and senior years
- *MakingCents*, developed by NSW Department of Education and Training (DET) and YWCA NSW for students in years 2, 4 and 6
- a new middle years resource being developed by NSW DET with support from the Commonwealth Bank Foundation and currently being trialed in SA at Seaford 6-12 School and Gepps Cross Girls High School.

A range of Financial Education professional development opportunities will be made available during 2005 targeting primary school teachers.

PETROL SNIFFING

In reply to **Hon. R.D. LAWSON** (24 November 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. It is difficult to provide definitive figures on the number of petrol sniffers currently on the APY Lands, however, according to evidence tendered by Dr Paul Torzillo, the medical director of Nganampa Health Council during the Coroner's Inquest into the deaths of Aboriginal people on the APY Lands in November 2004, there is thought to be over 200 sniffers. In giving his evidence, Dr Torzillo made the point that it was very difficult to gather accurate figures.

The estimated number of sniffers is based on a survey undertaken into the prevalence of petrol sniffing during a two-week period in September 2004 in the ten major communities. The Nganampa Health Council population register was used as a basis for the survey and included people who live in the communities and surrounding homelands, as well as any visitors registered.

On the basis of community reports, the numbers of persons thought to be petrol sniffers was given as 222 or 14.4 per cent of persons aged between 10 and 40 years. Of these 120 were thought to be 'heavy' sniffers, 78 'light' sniffers and 15 'experimental'.

2. There are no full-time Department of Health staff currently working on the AP Lands however Department of Health staff regularly visit.

The State Government and the Australian Government fund non-government agencies to provide health and community services on the AP Lands.

As part of the Aboriginal Lands Task Force projects, funding has been made available for a senior executive officer to be employed to coordinate both the Department of Health and Department for Families and Communities programs. Mr Chris Larkin has been appointed on an interim basis to lead program and service co-ordination on behalf of the Department of Health and Department for Families and Communities until a permanent appointment can be finalised.

3. The Department of Health is unaware of any specific 'company' providing medical services to the APY Lands, however, there are two non-government providers which receive Australian and State Government funding specifically to provide health services along with other government agencies. They are:

- Nganampa Health Council, which is a community controlled non-government organisation that provides primary health care services though clinics located in six of the main communities and four of the smaller communities.
- The NPY Women's Council which is a non-government agency that delivers health, cultural and community services including allied health, aged care, carer respite, domestic violence and disability services.

RIVERLAND HEALTH AUTHORITY

In reply to **Hon. A.L. EVANS** (12 October 2004).

The Hon. T.G. ROBERTS: The Minister for Health has provided the following information:

1. The Riverland Health Authority has not formulated any strategy or supported any recommendations which propose to cease providing emergency surgery by the end of 2005.

The Government is committed to improving services and is continuing to involve the community in decisions about local health services.

2. The Government has a strong emphasis on the involvement of communities in health decisions.

The Riverland Health Authority has developed a Priority Issues Framework and consulted with its regional partners on this in March. The Authority has now approved the development of a Business Plan based on feedback and the Framework. To complement this, a community information process on key health priorities using the local media will be managed by the Authority and the Riverland Division of General Practice over the next twelve months.

In the Priority Issues Framework, Community Consultation is identified as a key issue. A senior officer of the Riverland Health Authority will guide the formulation of a strengthened community consultation process.

In addition, the Riverland Health Authority receives advice on reform from the Riverland Chairs and CEOs Group, comprising members of Flinders University Rural Clinical School and directors of nursing and principal medical officers of all health units in the region, as well as advisory community representatives who are actively involved in shaping regional plans and service responses.

3. To ensure high standards of safety and quality of care in hospitals are maintained, the Flinders University Rural Clinical School is considering an invitation from the Riverland Health Authority to work in partnership with them in identifying strategies to improve clinical quality and safety.

A Clinical Senate has also been created to advise on service delineation definitions and establish clinical networks between metropolitan and country hospitals to assist in achieving high standards of clinical care across South Australia.

The Government will not accept compromising standards of emergency surgery or other health care services.

HOUSING TRUST, TENANTS

In reply to **Hon. A.L. EVANS** (28 February).

The Hon. T.G. ROBERTS: The Minister for Housing has provided the following information:

1. For many years the South Australian Housing Trust (S.A.H.T.) has had a policy to manage customer aggression. A review of this policy was conducted in 2003 and finalised in December of that year. During the review, the S.A.H.T.'s Occupational Health and Safety policies and procedures were evaluated for best practice against those of Centrelink and the Royal District Nursing Service.

2. All customer service officers, including housing managers undergo training in 'Dealing with Aggressive and Violent Customer Behaviour'. S.A.H.T. staff are required to attend a refresher course every two years. As part of this training, they are taught a range of skills and appropriate responses for the difficult and sometimes potentially dangerous situations they may encounter.

The S.A.H.T. has a comprehensive policy that specifically covers the management of customer aggression.

Other measures to ensure S.A.H.T. staff are safe in the workplace include:

- use of a Customer Assistance and Information System (C.A.I.S.) to record notations on customers, including Health Safety Service (H.S.S.) notations that alert staff to any potential difficulties in dealing with some customers. Where a restraining order has been granted and is in force, a suitable reference is displayed.
- front-counter and reception areas have been, and continue to be, re-designed and maintained as per safe interactive-service delivery principles; and
- provision of information and training to all staff in relation to security equipment, including duress alarms and video surveillance equipment.

For S.A.H.T. staff working in the field, these procedures are enforced. Before undertaking field work, S.A.H.T. staff should ensure that:

- Mobile phones are always carried;
- Staff make regular calls to an appropriate office-based staff member.
- If staff feel threatened at any time, they should withdraw as quickly and safely as possible.
- Where there is known risk of a potential critical incident, and a home visit is essential, two staff members will attend.

3. Although primary responsibility for the work place safety of employees of contractor firms hired by the S.A.H.T. rests with the management of those firms, the S.A.H.T. reinforces and supports their safety through its contractor communication, contract conditions and tenancy management.

Before starting work, management of contracting firms are required, in their contracts, to agree to ensure their staff work in hygienic and safe conditions and comply with relevant legislation, such as the *Occupational Health Safety and Welfare Act 1986* and other laws designed to ensure safety and to foster positive relations between the staff of contractor firms and tenants.

4. The S.A.H.T. does not keep a register of the number of incidents reported by contractors. When the S.A.H.T. is, on occasion, notified by management of a contractor firm about unacceptable behaviour by a tenant, it takes preventive and corrective action about the particular tenant and has a process for warning S.A.H.T. staff and contractor firms about the tenant. However, responsibility for completing relevant workplace incident documents lies with the management of the contractor firm.

DIAL-A-DRIVER

In reply to **Hon. IAN GILFILLAN** (10 February).

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

1. Yes.

2. I am advised that the nature of the work relationship has been assessed with reference to the *Workers Rehabilitation and Compensation Act 1986* and found to be one of a contract of service, more commonly referred to as an employer/employee relationship.

3. For some time, WorkCover has been having discussions with Dial-A-Driver regarding the nature of the work relationship between it and its staff. I am advised that WorkCover is awaiting the supply of additional information from Dial-A-Driver's legal representatives which will be assessed by WorkCover to determine if the nature of the relationship between Dial-A-Driver and its drivers has changed. WorkCover will then determine whether there has been a change in Dial-A-Driver's obligation to register and pay a WorkCover levy.

4. As this is a matter regarding registration of a business with WorkCover and the non-payment of WorkCover levies, and not a matter regarding transport issues, this is not a matter for the Minister for Transport, but rather, a matter for the Minister for Industrial Relations.

It is the responsibility of WorkCover to ensure that those employers who are required to register with WorkCover and to pay levies to the Corporation do so, and to prosecute those who refuse to meet their obligations. WorkCover has attempted to work with this organisation to address their concerns.

HOUSING TRUST, TENANTS

In reply to **Hon. A.L. EVANS** (9 February).

The Hon. T.G. ROBERTS: The Minister for Housing has provided the following information:

1. The South Australian Housing Trust (S.A.H.T.) is committed to, and places a high priority on, ensuring that all employees are safe from injury and risk to health while they are at work.

S.A.H.T. employees are encouraged to report all Critical Incidents and complete the Critical Incident Report Form. After this, a thorough investigation of all reported Critical Incidents is done and, where required, things are done to prevent or minimise repeats.

The S.A.H.T's Critical Incident Reports include all types of incidents reported against customers, tenants and others, e.g., agency staff, and are not explicitly related to verbal and physical threats. The number of Critical Incidents reported since 2001 were 169 in 2001, 197 in 2002, 206 in 2003 and 164 in 2004, with
13 critical incidents having been reported between 1 January, 2005 and
22 February, 2005.

2. An S.A.H.T. Manager will only report an incident to the Police for investigation with the staff member's agreement. Appraisal of the available data indicates that Police or security presence/action/intervention was required on six occasions in 2002, on 16 occasions in 2003, on 15 occasions in 2004 and on three occasions in 2005 as at 22 February, 2005.

3. All complaints about an S.A.H.T. tenant, or the household, are referred to the relevant Housing Manager for investigation. The Housing Manager must make personal contact with the complainant, and the alleged disruptive tenant, to discuss the alleged disruption. The complainant will be kept informed of the investigation and the action taken.

To assist in this process, the S.A.H.T. has used a new computer system to manage disruptive-tenant complaints. The system assists in the management process by ensuring that complaints are recorded and investigated, and that action is taken to resolve the disruption.

Of the 1,827 complaints lodged with the S.A.H.T. between 1 July, 2004 and
31 January, 2005, 1,423 have been resolved. A high number of these complaints (39 per cent) were unable to be substantiated, while the majority (53 per cent) were resolved after S.A.H.T. intervention and required no further action.

DISABILITY SERVICES

In reply to **Hon. KATE REYNOLDS** (7 December 2004).

The Hon. T.G. ROBERTS: The Minister for Disability has advised that:

1. Out-of-school-hours care and vacation care are the funding responsibility of the Commonwealth and are administered through the Department of Education and Children's Services in South Australia.

2. Based on the recommendations of the Layton Report into Child Protection, the South Australian Government has initiated a child protection reform program, entitled 'Keeping them Safe'.

The progress to date includes these achievements:

- Funding, through the Disability Services Office, to the Department for Health's Child and Youth Health to train and assess child-care workers to support children with disabilities with high health needs in child care settings, i.e., centre-based child care, family day-care, out-of-school-hours care and vacation care.
- Providing funding for family support in 2003-04 to the:
  - Autism Association $200,000
  - S.A. Deaf Society $50,000
  - Cora Barclay Centre $40,000
  - Novita Children's Services $60,000.
- Providing additional funding for family support in 2004-05 to
  - Autism Association $200,000
  - Novita Children's Services $100,000
  - Novita Children's Services $70,000 for continence aids
  - Novita Children's Services $150,000 for equipment
- Providing one-off funding of $1.65 million to Novita Children's Services to clear their waiting list for equipment and $150,000 to CanDo4Kids program to provide audiology systems and specialised sensory equipment for children with sensory impairments.

3. Recommendation 11.2 of the Social Development Committee's Inquiry into supported accommodation is about after-school and vacation care.

Students have access to out-of-school-hours-care and vacation care programs funded by the Commonwealth up to Year 7. Thereafter secondary school students do not have access to these programs as they are no longer age appropriate nor do they suit the needs or expectations of students. Parents of secondary school students need to make other arrangements, which will vary depending on the circumstances and networks available to the families.

Students with a disability need to be afforded the same opportunities as all other secondary students and should not be forced into programs that are neither age-appropriate or do not suit their needs and expectations.

All families have to juggle parental and work commitments for this age group – the Commonwealth has no intention of funding programs for secondary school students.

Any planning to address this service gap will require consultation with families of children and young people with a disability to ensure solutions are
age-appropriate and meet their expectations. The Office for Youth has confirmed that it should play a role in consultation of this nature.

AUDITOR GENERAL'S REPORT

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

The Hon. T.G. ROBERTS: I advise:

About Criminal Injuries Compensation Fund payments: the Department does not give credit to prisoners. The Department collected $80,000 in revenue (deductions from prisoner moneys) and paid $100,000 to the Fund in 2003-04.The Honourable Member will see from Note 33 to the Financial Statements that the Departmental account had an opening balance of $23,000 at the beginning of 2003-04. This was added to the $80,000 revenue collected during the year to enable a transfer of $100,000 to the Fund.

About the Crown Solicitor's Trust Account: the Department for Correctional Services has made payments to the Attorney-General's Department and the Crown Solicitor since 1 July, 2003. These are payments for services and for the settlement of worker's compensation claims and other claims. Decisions as to which accounts these funds are deposited rest with the Attorney-General's Department and the Crown Solicitor.

It would be appropriate for payments made to the Crown Solicitor for the settlement of claims with third parties to be deposited in the Crown Solicitor's Trust Account, pending their disbursement to the relevant parties.

I am informed that at no time has the Department for Correctional Services requested that program funds be transferred to the Crown Solicitor's Trust Account, with the intention that they be repaid to the Department.

About prisoner trust accounts: the Honourable Member can be assured, only prisoner allowances and prisoner monies are paid in or out of prisoner trust accounts.

EDUCATION (EXTENSION) AMENDMENT BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. R.I. LUCAS: I move:

Page 2, line 11—Delete '1 September 2006' and substitute '1 December 2005'.

I wish to address a number of issues as they relate to this amendment. The position in relation to materials and services charges, or school fees as they are more commonly referred to, has been an issue of some controversy in this state for many years. The Labor Party, when in opposition, through its various education spokespersons over the years and in the latter days the leader of the opposition in the Legislative Council (Hon. Carolyn Pickles) was very critical of the former Liberal government's position in relation to school fees, in particular the support for the compulsory collection of school fees. The Rann Labor Party's position prior to the election was clear, that is, that it did not and would not support the compulsory collection of school fees.

With respect to the Australian Democrats, through the Hon. Mike Elliott as its spokesperson and continuing since the election through the Hon. Kate Reynolds, their position has been clear in relation to school fees. The Liberal Party's position, whether in government or in opposition, also has been clear, that is, as shadow minister for seven years and as minister for four years I often put on the public record the reasons the Liberal Party advocated support for schools, parents in particular, for the compulsory collection of school fees. I do not intend to go through the graphic detail of why I am on the public record as having supported it for a long time, but I refer avid readers of *Hansard* to previous contributions to indicate the reasons. In part, they are covered by some of the comments made by the Hon. Mr Xenophon this morning in relation to fairness and equity, but the Liberal Party's position, as with the Democrats, whilst different has been clear.

When we come to hypocrisy we come to the position of the Rann Labor Party and now the Rann government in relation to the issue of school fees and materials and services charges. For eight years the Labor Party was critical of the Liberal Government in relation to the compulsory collection of school fees. For much of the eight years it committed a Rann government to opposing the position which in its view the evil Liberal government had wrought upon government schools in South Australia. It led all to believe—unions, teachers, parents, supporters and others—that it was implacably opposed to the Liberal government's position on the issue. We are now in the fourth year of the Rann Labor government. It has had almost four years to make a decision in relation to school fees and the compulsory collection of those fees. Here this afternoon we have a blatant attempt by the Rann Labor government to try to put off the hard decision until after the next state election. That is all we see before us this afternoon: nothing more and nothing less.

This government does not want to be placed in the position of having to finally put its position on the compulsory collection of school fees until after the next state election. It wants to be in a position come September 2006 to place on the record what we know will be the case: that is that, as they have for three years with continual deferrals of their final decision on this through sunset clauses in the legislation, they have not taken their final decision on the compulsory collection of school fees.

Why is that? It is because the Australian Education Union is implacably opposed to this particular position. The AEU (previously, SAIT) are implacably opposed to the compulsory collection of school fees. They remember what the Rann Labor Party said in opposition about how they were opposed to the collection of school fees. Minister Lomax-Smith does not want to have a situation leading up to this election where she and Mr Rann are constantly reminded by the AEU and their supporters—some, even, amongst the left in the Labor caucus—that they still hold to this particular position and are opposed.

In general terms we have a dividing line within the caucus. We have those on the left led by the Hon. Carolyn Pickles, a prominent member of the left, and others, who have maintained the rage, who have supported the AEU's position on the issue of school fees. Thus far, that has been the position of the Labor Party prior to each election. We have had those, Mr Chairman, as you would know, within the right of the caucus (not all, but some) who hold a different position. It would be interesting to get the Treasurer South Australia (the Hon. Mr Foley), a prominent member of the right, to put on the public record his position in relation to the compulsory collection of school fees. All we have before us at the moment is, as I said, plainly and simply, another attempt, after almost four years of deferring having to make a hard decision and causing the Rann Labor government some grief with the AEU and its fellow travellers.

The opposition's position has been (and continues to be) that this government has had more than long enough to make up its mind on the compulsory collection of school fees. We are into the fourth year of this government; we have had two ministers and we have lost count of the number of ministerial advisers and senior bureaucrats within the education department, all of whom have been in a position to finally arrive at a decision with the Rann Labor government in relation to this issue.

The options are pretty simple. There is no need for ongoing four-yearly consultation processes. As I understand it, the Democrats' position is that the government should be providing sufficient funding for government schools so that materials and services charges are not required. The Hon. Mr Xenophon's position is an adaptation of that. He says that you have a choice: either you do that (that is one option) or, if there are going to be equitable fees for all parents, you should be able to collect the fees so that it is not left to those people who work hard and pay their fees end up paying higher fees because some people choose deliberately to thumb their noses at schools and say, 'Even though I can pay, I won't pay.'

I acknowledge that some figures were provided in response to questions two days ago, and I think the number of students receiving the school card is approximately one-third of all students within government schools in South Australia. I am advised by the minister's office that, I think for the school year 2004, the number of government School Card students in that year was 57 208. I am assuming that that is the end of that year because School Card numbers traditionally grow through the school year. I am assuming that is an end of year number rather than a start of year number, but it is not entirely clear from the figures provided. We are told by the minister's office that that is almost 34 per cent of students within government schools. Clearly, a significant number of families and students who are in need are recognised as such and are provided with School Card support.

We are talking about a group of parents and families, who, in the absence of some support for schools in trying to collect the fee, deliberately snub their nose at the school council and say, 'We are not going to pay.' The level of bad debts in those schools increase and, of course, the following year, the parents who do work hard and pay have to pay a higher contribution because some parents are indicating that, even though they can pay, they will refuse to pay because it is a voluntary contribution. That is the nub of the issue before us at the moment. That is, will we provide that support to school councils that want to be able to collect the materials and services charge? The legislation that exists at the moment, as a result of two or three rollovers of sunset provisions, basically means that, come September this year, the capacity to provide that sort of support for compulsory collection will disappear, unless the parliament, and the government in particular, takes an alternative course of action.

The government has had three and a bit years to do something and, as I have said, using a variety of excuses, it has refused to do anything. And now, almost at the death knell, it says, 'Look, we now want to roll it over until after the election, so that we can engage in more trials, consultation and monitoring—and oops, by the way, that will get us over the election, and then we can make a decision.' Our position is clear. This government has had almost four years. Nothing has prevented it from making a decision. There is still nothing preventing it from making a decision. It is our view that the government should be required to make a decision. The Liberal education spokesperson in another place, in the spirit of compromise (as is indicative of her carriage of the portfolio), has flagged an amendment which I will move on her behalf in this place and which potentially will give up to another three months, if the government would wish, to finally make up its mind.

It is not our preferred course of action because my position—misquoted as it was by the minister during a press conference today (which I do not think has had much traction but, nevertheless, misquoted in terms of its context)—remains the same. That is, that it is certainly not preferable to be making decisions in December as opposed to June, July, August or September. The earlier in the school year these decisions can be taken, the more sense there is in it. However, nothing in this legislation prevents the government's making a decision. I have been given copies of some draft improvements that the government says it will send out in relation to this issue in terms of advice on 1 August. Nothing stops those drafts being circulated to schools immediately—nothing at all.

The government does not have to wait until 1 August—that is just a decision from the minister and her departmental advisers. There is nothing stopping the minister from providing advice to schools that, from this year onwards, there will be support for the compulsory collection of school fees. The Liberal opposition has always supported it and, if the Rann Labor government is prepared to say it supports it, then there is an overwhelming majority in both houses of the

parliament to support the compulsory collection of school fees.

All schools can be advised of that, that the details might need to be tidied up, but both the government and the opposition support the compulsory collection of school fees and that there does not need to be any confusion at all from this year onwards. The minister in this press statement today is talking about a crisis in schools and leaving schools in the lurch. I make it quite clear that I am sure the shadow minister will be happy to respond to the debate, but so too will I as a former minister.

There is no need for any crisis in schools at the start of next school year unless the government chooses for that to occur. That is the important issue. There is no need for any crisis in schools unless this government decides it wants to deliberately create a crisis to deliberately create the circumstances and to play politics with schools at the start of the 2006 school year. Let me outline why that is the case, because it is clear why that is the case. We have a set of circumstances at the moment where the opposition will be moving an amendment which will take the sunset clause through to December. My understanding is that there is some prospect that that might be successful. What that means is that there is still support through to December for the compulsory collection of fees.

If the minister comes out this week, next week or whenever she can make her mind up and says, 'The Labor government now supports the compulsory collection of fees and will amend the act permanently. We will introduce legislation immediately' then I am authorised on behalf of the shadow minister to indicate that we are prepared to support that principle and there will be no doubt about the legislation passing. That legislation can pass certainly before 1 December. There are quite a number of sitting weeks before 1 December. I will outline some of the options that are available to the government.

That legislation, the more permanent legislation, could pass. Up until 1 December, the government is protected through the expansion of the sunset provision and, therefore, schools can be advised as of tomorrow that this is what will happen in 2006 and beyond. These forms and guidelines can be circulated to schools. There does not need to be any politics played with schools unless the minister wants to play politics with schools in relation to this issue. As I said, I know my colleague the member for Bragg will willingly engage in public debate on this, and so too will I as a former minister. So all those options are possible.

We are in a position that, if the sunset provision is passed today, the government has two more weeks in this part of the session—the last week in June and the first week in July—to do something. I am authorised to indicate that the opposition is prepared to support the introduction of the government's long-term position on compulsory school fees in this chamber in the last week of June. The government obviously will need to talk to the Independents and the Democrats but, with our support, in the last week of June and the first week of July it will clearly pass this chamber and also through the House of Assembly.

The second option for the government relates to when the council reconvenes in September. We are prepared to give a commitment that, in the first two weeks of the September sitting, we are prepared to similarly support the legislation. Again, it might require introduction in the Legislative Council, because the House of Assembly may well have the address in reply to consider if it is the opening of a new session. I am not sure what the government's intentions are. We do not have that restriction in this chamber where we cannot debate other bills prior to the address in reply. Again, we are prepared to give a commitment.

Whilst I understand that the Australian Democrats and perhaps one or two others may continue to oppose the whole issue of the compulsory collection of materials and services charges, in terms of a process the opposition is giving a commitment in relation to not only its position but also in relation to the sensible consideration of the legislation, from our viewpoint.

We do not want to see the minister's choosing, for sheer politics, to introduce the legislation in late November, or whenever it might be, so that there is some delay in knowing what the ongoing position might be. The only set of circumstances for potential confusion will be if the government reverts to the position it took when it was in opposition—that is, it no longer supports the compulsory collection of school fees. For three years, it supported that but, if it reverted to its previous position—that is, no longer supporting it—that would raise an issue. Of course, the sooner schools know the government's position the better.

Prior to the next election, the government ought to be judged on its policy on such a critical issue. It cannot say that this has happened at the last moment, as it has been an issue in this chamber for many years. The government has had policy positions, it has prevaricated and it has delayed for political reasons, and it is now trying to delay again, for political reasons, to beyond the next election. This amendment leaves the government in a pretty stark position. If it chooses to support the amendment moved by the opposition, it has the capacity to come back either in June or September and tell us its considered position on compulsory collection. We can then all vote accordingly, rather than a decision being deferred every year or so on the basis of, 'We still haven't made up our mind. We need more time to talk. We need more time to ask questions of schools. We need more time to monitor the impact on schools.'

The government has the option of supporting the amendment, and that would leave open the position for a final determination. In those circumstances, there would be no capacity for confusion or crisis in schools at the start of 2006. If the government chooses to oppose the amendment, there are two options. One is that, if there are sufficient members in the chamber, the amendment might still be carried and, therefore, the legislation will be passed. The other option is that the amendment fails. If that occurs, the Liberal Party's position is to defeat the bill. So, if the government wants to make a choice, it is taking a punt on the future of this legislation. Unless the government gets off its backside and does something, on 1 September there will be no support for the compulsory collection of school fees in schools. You can forget about 2006, as it will be in schools on 1 September this year.

We are coming now to the pointy end of the debate. The minister can play as much politics as she wants but, in the end, she has to make a decision on what she will do in relation to this debate, here and now, this afternoon. She needs to know that, if the amendment is not passed, the measure will be defeated (I understand that the Democrats have indicated their position), and there will be no legislation on 1 September. I would have thought that good sense ought to prevail on this issue. The government should at least accept the lifeline offered by the member for Bragg to give the government some additional time to make a decision. We are

not suggesting that it leaves it until December to do so, as that would be foolish. We have made an offer to the government that it makes a decision by either June or September on its long-term position.

After we vote on the amendment, I want to clarify some specific issues on the government's position. On behalf of the opposition (and, I think, on behalf of some other members), I express surprise at the minister's position on one issue. During the second reading debate, I asked for a copy of the report that had been paid for by the taxpayers of South Australia by a consultant, Graham Foreman, into the operation of school fees within government schools. It is apparent that, obviously, this is an important report, which provides considerable information in terms of the decisions that we confront this afternoon. A not unreasonable request was made of the government on Tuesday to provide a copy of the report. This morning we were provided with a three-page unsigned summary prepared by someone (either in the department or the minister's office), which purported to be a summary of the work that Graham Foreman had done.

We do not know whether or not it is a summary of what Graham Foreman has done. I went back to the minister's adviser and asked, 'Look, put the view to the minister. We want an answer from the minister. Is she point blank refusing to provide the Foreman report, because that is what we have asked for, not for someone's summary of it?' The adviser came back with an answer via the telephone, 'Yes, that is the minister's position: she will not provide that report.' I remind members that we have sat here today on the double demerit legislation about which the opposition demanded a copy of a report. We suspected that there was something fishy about it.

It took many days to get it and, when we got it, we understood why the minister was not wanting to release it, because, in the end, it led to the defeat of the legislation. Clearly, it indicated something contrary to what we were being led to believe prior to that debate. Now, in this debate, there is a report. Some people are suspicious as to what is in that report. That suspicion is further heightened when the minister point blank refuses to provide a copy of a report which is paid for by the taxpayers of South Australia and which relates to this legislation.

One could only surmise that the minister has something to hide in refusing to provide a copy of that report. If it were something that would assist members, I would have assumed that the minister would have provided a copy of the report to assist members in consideration of their position on it. I place on the record from the Liberal Party's viewpoint our very strong concern at the minister's personal position on this issue, and indicate that, certainly, from our viewpoint, our suspicions have been heightened that she is refusing to provide that report because it does provide something that is embarrassing to her personally, to the government or to the government's position on this issue. I do not think that is conducive to encouraging support from members in this chamber to the minister's position on the legislation.

The Hon. CARMEL ZOLLO: With respect to the release of the report about which the leader refers, certainly, Mr Graham Foreman (who undertook the review and public consultation process) provided the chief executive with information about the spectrum of issues raised during the consultation process. Many of these issues, although concerning, do not require legislative change. We have therefore immediately acted on these concerns by tightening up practices and ensuring that the charges set and collected are in line with existing legislation.

Because the work undertaken to implement these changes is being progressed internally, there is little value in releasing the outcomes of the review at this stage. The honourable member accuses the government of playing politics and delaying this decision. The government is in no way delaying this decision. Since being elected we have made significant improvements to the legislation. We have undertaken significant consultation, and we will continue to do so through the continuation of the reference group, which was established as part of the review.

The changes are currently being implemented by the department. The administrative instructions and guidelines clearly demonstrate that we are taking action immediately. Training and a significant communication strategy also highlight the fact that this government wants to get this issue right. As further evidence that we are supported, the South Australian Secondary Principals Association wants this as well. I think it is important that I read into *Hansard* a letter from Bob Heath, President of the South Australian Secondary Principals Association. It states:

> Regarding the materials and services proposals, as I understand it, the current sunset clause is September 2005 and there is a suggestion that this be deferred. I am aware that the materials and services review group has proposed some amendments to the current administrative instructions and guidelines that will add clarity to the current arrangements, especially in relation to polling, nature of the tax invoices and accessibility to the School Card. It would seem to me that an extension to the current arrangements to about September 2006 could lead to smooth implementation and effective evaluation of these proposed amendments.

He goes on:

> I understand also there is a suggestion that the sunset clause end in December of this year and that the amendments will take effect from that date. This could lead to significant chaos in schools and uncertainty among parents, especially since, by then, most schools will have already invoiced parents in line with current arrangements. A change later in the year would be quite inappropriate. SASSPA is supportive of the need for clarity for parents and schools in the area of fees and it is critical that parents are given the maximum opportunity to fully understand policies and procedures. Extending the cut-off date to September 2006 will enable schools to communicate effectively with their communities and ensure the continuance of effective school community relationships.

I also place on record that the reason for the 12 month extension is to give reasonable time for the new improvements to be introduced by August 2005 and give the reference group adequate knowledge on their success before changing legislation. After this period of 12 months monitoring, until 1 September 2006 we can truly see what legislative changes are required as the final stage of the improvement process. So, I say to the honourable member that, clearly, we are not playing politics. This is definitely in the best interests of our South Australian parents and their children, and I ask the opposition to reconsider its position.

The Hon. NICK XENOPHON: I indicate, as I alluded to in my seconding reading contribution, that I support the opposition in this amendment. I believe that the government has had sufficient time to deal with this issue and I do not accept that there will be chaos if the government is determined to deal with the issues that need to be dealt with. I think it is important that the government acknowledges that, in the event of the materials charge being abolished entirely, this is the only equitable alternative, and delaying this even further I think is quite unnecessary.

I know the minister in this place and the Minister for Education in the other place have articulated their concerns,

but I think that enough is enough. There has been enough time to deal with these issues. That is why I support the opposition's amendment, having taken into account the undertaking given by the Hon. Mr Lucas that if this is brought back on it will be dealt with expeditiously. That is my position. I do not know where other members on the crossbenches stand on this, but I think we should deal with it once and for all.

The Hon. KATE REYNOLDS: The minister said earlier today that we should not play politics with schools. I ask the minister what on earth she thought the government was doing when it did that amazing backflip and moved from a position where it said, repeatedly, that it opposed the charging of school fees to one where it not only maintained the charging of school fees but also embedded it as a permanent opportunity to raise funds for education. Let us face it: the only reason schools charge fees is that they are not provided with enough funds by government to provide the education services, facilities and equipment that they need to provide a quality education service in this state.

I can guarantee members that, if they went to any school and asked the people who have to manage the charging and collecting of school fees whether they do it by choice, they would say, 'Absolutely no way. We do it because it is the only way.' Apart from the variety of traditional fundraising ventures, it is the only way that they can top up funding. It is because governments do not provide enough. And it is not just this government that has not provided enough: it is the one before, the one before and the one before that as well.

I was looking again at some comments made by the Hon. Mike Elliott, and I think I quoted some of these last time we debated the bill so I will not go through all of them again. On 7 December 2000 when this place debated the Education (Councils and Charges) Amendment Bill, he said:

> While the Australian Democrats support greater school council and parent participation in schooling, we do not support compulsory fees for public education, because we believe that education is a right for all and not just a privilege for a few.

Further, he said:

> I have been informed that the state government has argued that any delay will put school funding arrangements for next year at risk.

I assume it was the Hon. Rob Lucas who was arguing that position, but it appears we have a bit of a replay on that here. He said at the time:

> I must say that such arguments are both nonsense and hypocritical.

I think it was a slightly different system that was being debated but, nonetheless, I say that it is hypocritical that the government is saying that we should not play politics with schools. Prior to the election it said that it opposed the charging of school fees; straight afterwards, it said that it would keep on charging them; and now, as other speakers have said, it wants to disguise the fact through an election period that it will continue charging them.

I had a number of discussions with the government's advisers earlier today and I had some briefings provided by advisers and staff from the department; I acknowledge that and thank those people for those briefings. There is no question that the administrative guidelines that have been developed are a significant improvement because the previous system was an absolute dog's breakfast. Anything that introduces some transparency is welcome, and anything that means that schools cannot inappropriately charge for materials or services that they are not actually providing is welcome. However, our position is that we oppose the charging of fees for education.

When I spoke to the minister's advisers earlier I asked whether they could use their persuasive powers to have the minister in this place put on the record that the ALP has reversed its position from what it was prior to the election. I do not think I have been successful because that statement has not been put on the record. It seems that the Rann Labor government will try, right up until the death knock, to disguise the fact that it has back flipped and does not want anybody to notice, let alone those parents who may have voted for the government on the basis that it said—but did not mean—that it opposed the charging of school fees. There is in our view no question that the charging of compulsory school fees is a tax on education. In opposition the Labor Party said that it would scrap them, but now the government wants to keep them and try to have the other parties take the blame for its own political game playing in relation to this bill.

To put some fees on the record, if we look at New South Wales schools, everybody would agree that the cost of living in New South Wales is thought to be considerably higher than in South Australia. New South Wales primary and secondary schools have no compulsory fees. Some schools ask for a contribution, but it is always voluntary, and in addition I understand that parents in New South Wales are paid a back-to-school allowance of $50 per child per year. In South Australia we now have primary schools charging a basic compulsory fee of $171 and secondary schools charging a basic compulsory fee of $230. As I have said repeatedly, we oppose that. We said that, if there was to be a school fee system in South Australia—the compulsory charging of fees in South Australia—that system ought to be transparent and fair. We have not changed from that position, but it looks as though the numbers in this place are now a little wobbly and the government may not get its way in terms of having a compulsory charging of fees.

I am really disappointed that the government has not put that statement on the record about reversing its position, as it may well have changed the way the Democrats vote. I think our reputation for trying to keep governments honest is fairly well known, and being complicit in concealing the government's backflip is not something that will sit easily with us. So, unless there is something the minister wants to say in the next couple of minutes that will reassure me, I suspect that we will have a situation where, as much as it makes some members of this chamber, particularly those on the cross benches, a little uncomfortable, we will have to stand by our position that there should not be the compulsory charging of fees and that political parties both in opposition and in government need to be honest about their position.

The Hon. CARMEL ZOLLO: To respond to what the honourable member has said in relation to both fees and funding, during the course of the review only a limited number of groups and individuals argued that education in government schools should be provided without payment of any kind. The majority of those consulted acknowledged that government could not be expected to provide all the consumables a student might use in the course of their education and that some contribution from parents was appropriate. There was also acknowledgment that a parent contribution was necessary to demonstrate the tangible value placed on the education of their children. There is a proud history of parent contributions to public education in South Australia.

The Education Act stipulates that the government must provide premises, teachers and materials required by those teachers so they may provide education for all children. Legal advice indicates that a distinction can be drawn between the obligation of the minister and the materials used by a student. Materials and incidental services, consumables, excursions and incursions for the sole use/benefit of a particular student are able to be the subject of a charge. The government acknowledges that it is a sensitive matter and is committed to undertaking further consultation over the next 12 months, as I have placed on record. Under this government, the intention of a materials and services charge has always been limited to providing core materials essential for the curriculum through the cheapest and most equitable approach.

To also respond to the comments made about funding for schools, if schools had adequate resources they would not need to charge parents a materials and services fee and other levies. The government is committed to increasing funds for government schools. For example, we have allocated $35 million over four years to boost literacy in the early years by employing extra teachers to create smaller junior primary classes; we spent $1 million for extra school services officers' time to improve literacy and numeracy; and we provided $125 million to build new schools and fund major school redevelopments through the local capital works program and support services, such as the provision of school buses. It has provided $40 million for school maintenance projects, including the $25 million School Pride program, to paint, repair and refresh our schools and preschools.

Since being elected, the government has increased per capita spending in education by 25.6 per cent since the previous government's 2001-02 budget. Government funding levels aside, it should be emphasised that the materials and services charge was initiated for a specific purpose: to enable schools to recover the costs of the materials and services used or consumed by students during the course of their essential studies. The legislation and administrative instructions and guidelines specifically state that the materials and services charge is confined to this purpose. Student costs are (and must continue to be) separate from broader school funding considerations. If schools did not charge parents for these items, parents would be expected to provide these goods and services themselves.

I have not had the opportunity to speak to the minister in the other house; I have been unable to contact her at this time. Obviously, we will have to continue with the committee process. The bill will be returned to the other place, at which time the minister will be able to reconsider her position, because I do not believe she has heard what the Leader of the Opposition has had to say. I think it would be best to take a vote on this amendment at this time and continue.

The committee divided on the amendment:

AYES (13)

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

NOES (4)

Gago, G. E.	Holloway, P.
Sneath, R. K.	Zollo, C. (teller)

PAIRS

Lawson, R. D.	Roberts, T. G.
Evans, A. L.	Gazzola, J.

Majority of 9 for the ayes.

Amendment thus carried.

The Hon. R.I. LUCAS: The minister's advisers provided an answer in relation to the issue of the social inclusion supplement. For example, I am advised that for primary schools the School Card component is 117 and the social inclusion supplement is 54, making a total of 171. Can the minister clarify for my own understanding why it is that the School Card is kept at 117 and the social inclusion supplement is 54, as opposed to the School Card being 171 and not having a social inclusion supplement? Does that social inclusion supplement only get paid to some students and other students just get the School Card component?

The Hon. CARMEL ZOLLO: I advise the member that the social inclusion supplement (formally known as P20, disadvantaged student payment) is an additional grant paid to eligible School Card holders at government schools, not non-government schools. This payment was implemented for the first time late in 2002 under the current Labor government. Together, the social inclusion supplement and the School Card grant equal the level of the standard materials and services charge of $171 for primary schools and $230 for secondary schools in the 2005 school year.

The Hon. R.I. LUCAS: I understand from that then that the School Card component is what is paid to eligible students in non-government schools. They do not get the social inclusion supplement.

The Hon. CARMEL ZOLLO: That is correct.

The Hon. R.I. LUCAS: In relation to the draft materials that were sent to a number of members on the administrative instructions and guidelines for materials and service charges, there is an attachment which lists the ins and outs, if I can put it that way—attachment one I think it is—and attached to that is the government funded costs. On the government funded costs draft guideline (I accept that it is still a draft) under information technology it says:

> This includes provision of administrative information and communications technology software licensing, internet access, purchase of software and purchase of hardware.

Under the government's proposed drafting arrangements at the moment, are IT costs for students in any way able to be part of the proposed materials and services charge, or is it this government's intention that IT charges will not be permitted as part of the materials and services charge arrangement?

The Hon. CARMEL ZOLLO: I am advised that what can be included is the IT levy, which is a contribution to the operating costs of IT rather than the hardware itself. The government will provide the hardware.

The Hon. R.I. LUCAS: Just to clarify that further. In attachment one, which is materials and service charges inclusions—materials are listed in the left-hand column and examples in the right-hand column—will the minister through her advisers tell me where that IT charge would be included in the examples for the materials section of that attachment?

The Hon. CARMEL ZOLLO: I refer the honourable member to the third lot down; that is, materials and services that are provided to undertake the fundamental elements of the educational course of instruction by the school for the student to consume or use the materials, or take ownership of the finished article produced by the student for the materials. Then the examples include: art and craft supplies,

design and technology supplies, protective eyeware, materials for chosen curriculum subjects, science materials and supplies, photographic supplies and transport services. The IT would be in there.

The Hon. R.I. LUCAS: On the government's advice to schools, would IT be included in the design and technology supplies?

The Hon. CARMEL ZOLLO: These are only examples. It is not an exhaustive list, but that is where we would say they would be put, yes.

The Hon. R.I. Lucas: I will clarify that because obviously an issue of concern to a number of schools is what the government's policy is in relation to this. It is clear under this that schools which, in part, have for some time charged for computing services or computing charges, IT services or IT charges, will be able to include what is in this particular third block section of attachment one (if I can refer to it as that) with government support.

The Hon. CARMEL ZOLLO: They would be able to do that, yes, as a levy.

The Hon. KATE REYNOLDS: I have children in a state school, and I am assuming that our next invoice will include some reference to the IT charges. That may or may not be specified, but we will pay that at the beginning of the year. I do not know what happens in other members' children's schools, but we then pay and pay again. What happens is that our kids have to take $5, $4, or whatever the current amount might be, and purchase access to the internet basically hour by hour. Will the government's bill, if it succeeds, allow that sort of charge to continue being made, so it is charged once as part of an invoicing system and then charged again through the year? How do we separate out when IT is IT and when it is not really IT access?

The Hon. CARMEL ZOLLO: First of all, the minister's advisers are happy to meet with the honourable member privately and go through that list, but essentially this will be part of the improved instructions to ensure that we see consistency from school to school and compliance with the instructions that we were just referring to—the materials services charge inclusions that we talked about.

The Hon. KATE REYNOLDS: Thank you for that response. It actually does not help to clarify the situation at all. I happen to have a couple of specialist advisers available to me and they inform me that in at least one particular state school it costs 5 cents to print a sheet of text from a computer program so, if you need to do a couple of drafts of something at school and you are writing a 2000-word English essay, it can be a considerable cost, and that is on top of what is paid at the beginning of the year in fees or materials and services charges, however you want to phrase it. As for access to the internet, I am reliably informed that at one state school it is actually not purchased by the hour; it is purchased by download.

For those members who are whiz-bang on all that stuff, you will know that nowadays it is incredibly difficult to predict which sites actually download information and which sites charge you for a download when you think that you are just going on to check your bank balance at the bank, rather than downloading, say, music files. In fact, our family was caught out in that situation quite disastrously lately when we changed servers. So 10 cents per 10 megabytes, if you have a student, as I have, doing year 12, you could very quickly be clocking up some considerable costs over and above materials and services charges when you may well think at the beginning of the year the stuff that is specified in the invoices as technology supplies has already been covered.

I would be pleased to take up the offer of that briefing. Any improvements that can be made to the invoices will be very welcome, but I think this highlights the point that I was trying to make earlier, and that is that schools simply are not funded to provide the sort of education services that we now expect. So they have had to develop all these clever and creative ways to try to make up that shortfall, whether it is baking cakes, selling those ghastly ticket books or having parents like our family parking cars. I think the Hon. John Gazzola did that on the weekend to help raise funds for his school. These are all measures of schools that just do not have sufficient basic income. So, I think members will understand why our position remains that the government should be properly funding schools instead of cobbling together top-up systems in things like materials and services charges that then take enormous amounts of staff time and school leadership time to administer.

The Hon. CARMEL ZOLLO: Again, I reiterate that the advisers are happy to meet with the honourable member and also, if she has any specific incidents she wants to bring to the minister's attention, we will ensure that they are investigated. As I was saying before, the compliance was put in to monitor the improvements and, in addition, we have put in more audit processes to ensure that compliance. So we do believe this government is acting in good faith to ensure that parents are given a fair deal with their children.

The Hon. KATE REYNOLDS: Can the minister clarify whether it is her understanding that, once these invoices go out for a school year and all these items are clearly specified with dollar amounts against them—and ticks in the boxes where it relates to a particular student's course of study for the year—that will be it and there will be no further charges to parents during the year?

The Hon. CARMEL ZOLLO: I am advised that what the new improvements will do is actually see us looking at the invoices before they do go out. That is just one response. During the year, additional costs will be charged for non-essential items, such as excursions, and I think I have given examples of those.

The Hon. KATE REYNOLDS: I put on the record that the Democrats believe that access to information technology, such as printers for school work, is essential.

Clause as amended passed.

Title passed.

Bill reported with an amendment; committee's report adopted.

Bill read a third time and passed.

CHIROPRACTIC AND OSTEOPATHY PRACTICE BILL

In committee.

(Continued from 1 June. Page 2073.)

Clause 25.

The Hon. CARMEL ZOLLO: I move:

Page 17, line 1—After 'removed from the' insert:
chiropractic student register, osteopathy student register,

The effect of the amendment is to make a drafting change to ensure that chiropractic students and osteopathy students can be placed on the register of persons who have been removed from the register of chiropractic students and osteopathy students. The rationale is that the intention of the bill is that

there be a register of all persons who have been removed from the register that gives them the right to practise. Where necessary, chiropractic students and osteopathy students should also be on the register of those removed from the student register. The amendment ensures that this takes place and also ensures consistency with the other health practitioner registration bills and acts.

Yesterday, the Hon. Michelle Lensink asked questions of the government. I thank her for her continued support for these registration bills and her commitment to ensuring their quick passage through parliament. Before we continue, I will respond to the issues she raised. First, in relation to the issue of board membership and, specifically, the inclusion of a medical practitioner, both the Physiotherapy Practice Bill and the Chiropractic and Osteopathy Bill provide for a medical practitioner on their respective boards. This is so, as chiropractors, osteopaths and physiotherapists practise high risk manoeuvres with the potential to cause considerable harm if not carried out properly. They also use specialised medical equipment as part of their practice. For these reasons, it is considered necessary that such a person be on the board.

The Physiotherapy Board of South Australia has not indicated any concerns about this position on its board, and the Chiropractic Board accepts that it is most likely to be such a person, even if a suggestion were made to broaden the provision. The issue relates more to the philosophy underpinning the practice and the concern by the professions that the medical model is inconsistent with that of chiropractic and osteopathy.

The minister is committed to protecting the health and safety of the public, and having a medical practitioner on the board is seen as the best way to achieve this. In regard to the comments related to insurance, the bill requires as a condition of registration that chiropractors and osteopaths are insured or indemnified in a manner and extent approved by the board. This places a statutory obligation on the board to ensure that policies are appropriate to protecting both the consumer and the practitioner. How the board goes about filling its statutory obligation is a matter of policy for the board.

The bill also allows the board to vary the requirements so that a practitioner does not have to have insurance in excess of their needs, where they may already be indemnified as part of their employment, or where the insurance is unavailable or considered unreasonable. I would also like to point out that the current act requires that chiropractors and osteopaths be insured or indemnified to an extent required by the board. As part of its operational practice, the board currently cross-checks with the insurer that the policy is up-to-date and appropriate.

There is no reference to the use of electrotherapeutic equipment in the bill. However, the bill allows for the restriction of specified physical therapies in the regulations. These physical therapies can include any equipment which a chiropractor or osteopath may use and which are considered unsafe if used by an unqualified person. Chiropractors and osteopaths are qualified to use the same or very similar equipment as physiotherapists, and this includes, for example, traction, ultrasound and lasers. These, therefore, pose the same risk and may have to be restricted to registered persons to ensure their safe use. Where this is deemed necessary, this will be done through regulation and, of course, in consultation with the board and the association. I thank the honourable member for her indication of support.

The Hon. J.M.A. LENSINK: I would like to thank the minister for endeavouring to get those responses so quickly. In relation to the medical practitioner, I do understand the difference of views between those who work under what they call the medical model and those who might have a different philosophical underpinning for their practice. Could I request that, in appointing a medical practitioner, the government be mindful of those differences and, perhaps, endeavour to find someone who has some good understanding of practice for chiropractors and osteopaths?

In relation to the use of electrical equipment, I understand that the government undertook that it would attempt to find a way through safe practices for physiotherapists, and I request that those same endeavours be undertaken in regard to this bill.

The Hon. CARMEL ZOLLO: I indicate to the honourable member that, when we consult about the regulations, we will be consulting about the electrical and mechanical equipment. The board has already communicated its concern about medical practitioner's being sympathetic to chiropractors and osteopaths to the department, and it will communicate back to the minister.

Amendment carried; clause as amended passed.

Remaining clauses (26 to 76), schedules and title passed.

Bill reported with an amendment; committee's report adopted.

Bill read a third time and passed.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) AMENDMENT BILL

In committee.

(Continued from 31 May. Page 2028.)

New clause 24A.

The Hon. NICK XENOPHON: I move:

Page 22, after line 5—Insert:

24A—Amendment of section 59—Aggravated offence

Section 59(1)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) knowing that the contravention was likely to endanger seriously the health or safety of another; or

(b) being recklessly indifferent as to whether the health or safety of another was so endangered,

This amendment has two components. It seeks to amend the current section 59, the aggravated offence provisions of the act, and it also seeks to insert a new section 59A in relation to the offence of industrial manslaughter. I say at the outset that I have previously spoken with respect to my private member's bill, which is virtually identical to this provision, with respect to the industrial manslaughter amendment that I move today, so I will simply precis the arguments that I put previously. However, the amendment of section 59 has not been previously considered by honourable members and I believe that it is essential that we amend section 59 in order that it can operate effectively. Currently, section 59(1) states:

Where a person contravenes a provision of Part 3—

(a) knowing that the contravention was likely to endanger seriously the health or safety of another; and

(b) being recklessly indifferent as to whether the health or safety of another was so endangered;

the person is guilty of an aggravated offence and liable upon conviction to a monetary penalty not exceeding double the monetary penalty that would otherwise apply under Part 3 for that offence or imprisonment for a term not exceeding 5 years or both.

My office undertook some research in relation to this section. It came into place following amendments to the act in 1986 after being moved by the then responsible minister, the Hon. Frank Blevins. There was very little discussion in

relation to the amendment that I have been able to establish, but in the second reading debate the Hon. Mr Blevins made reference to a major deficiency in the current act as being a total lack of proper penalties. So the amendments in 1986 were about strengthening the legislation to do something about the thousands of injuries being sustained and the needless deaths in our workplaces. The explanation for clause 59, then clause 58, makes reference to creating a special offence in cases where a person is guilty of seriously endangering the health or safety of another. An amendment was moved by the opposition, I think by the Hon. Dr Eastick, to water down that clause, but that was not successful.

In the almost 19 years since the aggravated offence provision in section 59 has been in force, my understanding is—and I will stand corrected by the government—that there has yet to be any prosecution under this section. There has not been one prosecution in 19 years, so you have to question the effectiveness of the legislation in its current form. It is just a piece of window-dressing that has proved to be totally ineffective. I presume, and this is a question I will put to the government about current section 59, that there has yet to be a prosecution launched in relation to it.

My understanding is—and again I would be grateful if the government expanded on this—that it is almost impossible, as section 59 currently stands, to bring a prosecution because it requires the double elements of both knowing it was likely to endanger seriously the health or safety of another and being recklessly indifferent. So, by requiring two elements, it makes the hurdles almost impossible for the prosecutorial authority to jump in order to have a successful prosecution. That is an area of great concern. This is not the industrial manslaughter provision.

My amendment seeks to split it, which I believe is not inconsistent with the very brief explanation given to the legislation back in 1986, so that you have either one or the other element. I would have thought that, if you know that you are likely to endanger seriously the health or safety of another or if you are recklessly indifferent as to whether the health or safety of another is being endangered, either of those should be enough, because they are both serious matters that, if proven, ought to lead to a conviction for an aggregated offence.

When you look over the years at the sorts of matters that have been before the court for prosecution, and the relatively measly fines that have been handed out, you really wonder about the effectiveness of our current penalties in terms of occupational health and safety laws. A whole range is available on the department's web site and I am grateful for that information. A lot relate to issues as simple as people sustaining crushed or amputation injuries of their hands or limbs because of inadequate guarding. I say simple not in a way to diminish the severity of the injury or the impact on the injured worker, but these things could have easily been avoided. It seems that some employers have continued to have a reckless disregard for the safety of their employees.

I passionately believe that, if we are to be serious about occupational health and safety, it is important that for those rogue employers, those who do not do the right thing and those who have a knowing disregard for the safety of their workers, it ought not to be impossible to bring a prosecution for an aggravated offence, as seems to be the case now, given the twin elements required. Simply requiring, knowing that the contravention was likely to endanger seriously the health or safety of another, or alternatively being recklessly indifferent to whether the health or safety of another is also endangered, ought to be enough. That is what this amendment is about: to make sure the aggravated offence provision actually works. For the past 19 years it does not seem to have worked, and to say that there have not been instances where somebody has been behaving recklessly or been recklessly indifferent makes clear that the way it is structured at the moment it is almost impossible for a prosecution to take place, given the twin hurdles that need to be passed.

In relation to the issue of industrial manslaughter, I spoke on this in my second reading contribution. I do not think members want me to restate what I have said previously, but I will precis it by saying that the current legal position is in many respects inadequate, given the corporate veil and the House of Lords decision in Tesco Supermarkets and Nattrass back in 1972, I understand, where the issue of the mental intent on the part of the corporation made it almost impossible to establish an industrial manslaughter case. In my second reading contribution on the bill I have introduced I outlined the difficulties in the current law and in bringing a prosecution.

By having an industrial manslaughter provision based on the industrial manslaughter provision in the ACT, it will mean that those rogue employers for the worst possible behaviour in a sense will be subject to an industrial manslaughter prosecution, because sometimes a fine is not enough and there ought to be in extreme cases the option of a prison term for an employer whose conduct and recklessness has led to the death of an employee. An example I have given on a number of occasions relates to the issue of asbestos, where the evidence indicates from a number of court cases, from proceedings in the Dust Diseases Tribunal and from proceedings in our courts in this state, that manufacturers of asbestos were aware of the risk of asbestos causing serious health problems and the death of their workers for many years before the product was taken off the market and before their workers stopped being exposed to that dangerous product.

I am convinced, as I have said before and say again, that, if we had had industrial manslaughter laws 30 or 40 years ago, we would not have thousands of Australians facing an awful, disgusting death from mesothelioma and other asbestos related deaths in the years to come. Given that in South Australia we now have the dubious reputation of having the highest per capita rate of mesothelioma in the world, it gives an added urgency to the need to have strengthened legislation for those extreme cases.

I am conscious of the time and of the fact that I have previously spoken on this at some length in the context of a bill I have introduced in almost identical terms with respect to industrial manslaughter. It ought to be on the agenda. My understanding is that there is not much support for this, but it ought to be debated, because there are some cases where a fine is simply not enough and consideration ought to be given to reforming the current law and ensuring that in extreme cases those companies that do not do the right thing ought to be subject to criminal sanctions.

The Hon. CARMEL ZOLLO: In response to the Hon. Nick Xenophon, I am advised that there have been no prosecutions. It is a high standard and we recognise that.

The Hon. Nick Xenophon: Were any initiated?

The Hon. CARMEL ZOLLO: No. The government does not support this amendment. The government's position, consistent with the recommendation of the Stanley review, is that SafeWork SA should be established and that, as recommended by the Stanley review, the advisory committee

will then consider the penalty regime. The government has conducted extremely extensive consultation on this bill which has resulted in extremely good support for the bulk of it from both employers and employees. The fact that we have not consulted on these proposals reinforces our view not to support them.

The Hon. A.J. REDFORD: We do not doubt in any way, shape or form the Hon. Nick Xenophon's good intentions in relation to this matter. In fact, the Hon. Nick Xenophon, for the work he has done for asbestosis victims and others, deserves the highest praise. The opposition's position is the same as that of the government. The Stanley report recommended that the first thing the advisory committee should do is look at the specific issue of penalties. I have no doubt that the issue of industrial manslaughter will be high on the advisory committee's agenda and that the government will appoint people who will be diligent in their task of assessing the penalties. For those reasons, we support the government in relation to this particular matter.

The Hon. IAN GILFILLAN: At popular request, I add the Democrats' support for the position shared by both the government and the opposition. That in no way diminishes our respect for the significance of or concern about industrial manslaughter and its various connotations. We believe that the process outlined by the government is the right way to go.

New clause negatived.

New clause 24B.

The Hon. NICK XENOPHON: I move:

24B—Insertion of section 59A

After section 59 insert:

59A—Industrial manslaughter

(1) An employer commits an offence if—

(a) an employee of the employer—

(i) dies in the course of employment by the employer; or

(ii) is injured in the course of employment by the employer and later dies; and

(b) the employer's conduct causes the circumstances leading to the death or injury; and

(c) the employer is—

(i) recklessly indifferent about seriously endangering the health or safety of the employee, or any other person at work, by the conduct; or

(ii) negligent about causing the death of the employee, or any other person at work, by the conduct.

(2) A senior officer of an employer commits an offence if—

(a) an employee of the employer—

(i) dies in the course of employment by the employer; or

(ii) is injured in the course of employment by the employer and later dies; and

(b) the senior officer's conduct causes the circumstances leading to the death or injury; and

(c) the senior officer is—

(i) recklessly indifferent about seriously endangering the health or safety of the employee, or any other person at work, by the conduct; or

(ii) negligent about causing the death of the employee, or any other person at work, by the conduct.

(3) For the purposes of subsection (1), if an employer is a body corporate—

(a) the conduct of a senior officer of the body corporate arising within the actual or apparent scope of his or her employment, or within the actual or apparent scope of his or her authority, may be attributed to the body corporate; and

(b) without limiting the operation of paragraph (a), the body corporate—

(i) will be taken to be within the ambit of subsection (1)(c)(i) if the body corporate expressly, tacitly or impliedly authorised or permitted reckless indifference about seriously endangering the health or safety of the relevant employee, or any other person at work; and

(ii) will be taken to be within the ambit of subsection (1)(c)(ii) if the body corporate's conduct, after aggregating the conduct of any number of its employees, agents and officers, may be viewed as negligent.

(4) The means by which an authorisation or permission may be established under subsection (3)(b)(i) include—

(a) proving that the governing body of the body corporate intentionally, knowingly or recklessly carried out the conduct that caused the circumstances leading to the relevant death or injury, or expressly, tacitly or impliedly authorised or permitted such conduct; or

(b) proving that a corporate culture existed within the body corporate that directed, encouraged, tolerated or led to the conduct that caused the circumstances leading to the relevant death or injury; or

(c) proving that the body corporate failed to create and maintain a corporate culture that required compliance with the relevant requirements of this Act.

(5) In addition to subsection (3)(b)(ii), negligence may be evidenced by the fact that the circumstances leading to the death or injury of the employee were substantially attributable to—

(a) inadequate corporate management, control or supervision of the conduct of 1 or more of the employees, agents or officers of the body corporate; or

(b) failure to provide adequate systems for conveying relevant information to relevant persons in the body corporate.

(6) A person who commits an offence against this section is liable upon conviction to a monetary penalty not exceeding $500 000 or imprisonment for a term not exceeding 20 years or both.

(7) A person's omission to act will constitute conduct for the purposes of this section if it is an omission to perform a duty or to exercise a reasonable degree of authority to avoid or prevent danger to the life, safety or health of another and the danger arises from—

(a) an act or omission of the person; or

(b) anything in the person's possession or control; or

(c) any undertaking of the person.

(8) For the purposes of subsection (7), if, apart from an agreement between a person and someone else, something would have been in the person's control, the agreement will be disregarded and the thing will be taken to be in the person's control.

(9) To avoid doubt, both an employer and a senior officer of that employer may be guilty of offences involving the death of a particular employee.

(10) In this section—

cause death—a person's conduct causes death or injury if it substantially contributes to the death or injury;

corporate culture, in relation to a body corporate, means an attitude, policy, rule, course of conduct or practice existing within the body corporate generally or in the part of the body corporate in which the relevant activities takes place;

senior officer of an employer means—

(a) in relation to a body corporate—an officer of the body corporate; or

(b) a person occupying an executive position (however described) in the undertaking of the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the activities of the employer in the course of the employer's trade or business.

I have already spoken to this amendment. I know that, quite overwhelmingly, I do not have the numbers, but this issue will not go away. I think we can learn from what has occurred in the ACT. As I understand it, there have been industrial manslaughter laws in place in the ACT since November 2003. The point that needs to be made is that some companies can avoid their responsibilities. I made reference in my second

reading speech on the industrial manslaughter bill about the case of Denbo. That company actually went broke, and considerable fines were levied on the company for its offences.

We also know of the terrible Spin Dragon case at the royal show in September 2000 where Wittingslow Entertainment Services Pty Ltd was the owner and operator of this amusement ride. A catastrophic failure of the ride led to the detachment of a carriage from the supporting arms and a number of people were injured. Although a fine of $147 500 was determined, an order for payment was not made due to the company's insolvency.

So, it is absolutely essential in the case of those companies which are verging on insolvency, which do not care about having safe equipment because they are virtually broke, to have a criminal sanction, because that is the only thing that will make a difference. They will know that they cannot simply wind up the company, that they might face imprisonment. I hope SafeWork SA looks at this issue. As I say, it will not go away. I will continue to campaign for this, because I think it is absolutely essential that this reform be part of our occupational health and safety laws in this state—sooner rather than later.

New clause negatived.

Clause 25 passed.

Clause 26.

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

Page 22, line 39—Delete 'authority' and substitute 'advisory committee'.

Amendment carried.

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

Page 23, after line 3—Insert:

(2c) The advisory committee must not recognise or approve a course of trading under subsection (2a) unless or until it has consulted with the body that, in the opinion of the advisory committee, represents the interests of directors or senior executives within the state.

The opposition's position in relation to this clause is to ensure that training requirements pursuant to section 61 of the act are the subject of consultation with directors or senior executives. Section 61 provides that each body corporate must appoint one or more responsible officers for the purpose of the section. Section 61(2) provides:

(2) A person appointed as a responsible officer must be—

(a) a member of the governing body of the body corporate who resides in the state; or

(b) a chief executive officer. . . a senior executive officer; or. . . if no-one is eligible. . . an officer of the body corporate. . . a responsible officer must take reasonable steps to ensure compliance by the body corporate of its obligations under the act.

Then there are some significant fines. The government is seeking to amend the act to include a provision that a person who is appointed as a responsible officer and who has not previously attended a course of training must attend such a course of training within three months after their appointment.

The opposition supports that particular measure. What the opposition is seeking to do by way of this amendment is to ensure that the course of training recognised or approved by the advisory committee is a course that is developed after consultation with bodies that might represent the interests of directors or senior executives. One such body I can think of is the Australian Institute of Management, and another such body is the Institute of Company Directors.

The Hon. CARMEL ZOLLO: I indicate that the government opposes this amendment. The government's proposal for responsible officers to undergo training provides for the courses of training to be recognised or approved by the advisory committee. As members are aware, the advisory committee includes representatives from the employer community. Those representatives will be quite appropriate in terms of taking account of the interests of responsible officers. The opposition's proposal is unnecessary and again detracts from the role and functions of the advisory committee, the peak tripartite body for workplace safety. I am not certain at this stage whether we will divide; we will wait to see how the numbers lie.

The Hon. IAN GILFILLAN: I would like to put the minister's suspension at rest. We are not attracted to the amendment. We believe that the advisory body is properly constituted and the advisory committee should be able to make those decisions without this compulsory requirement.

The Hon. NICK XENOPHON: I hold a similar view. The fact that we have had some amendments in terms of the way the committee has been structured, I would have thought would fulfil the intent of what the Hon. Mr Redford is seeking. I would find it extraordinary that employer and industry representatives would not ensure that there was appropriate consultation. It seems to be an added layer which does not seem to be necessary. I can understand the Hon. Mr Redford's intent, but I would have thought the intent would be fulfilled by virtue of the way in which the committee is currently structured.

The Hon. A.J. REDFORD: I can count and I will not be seeking to divide.

Amendment negatived; clause as amended passed.

Clause 27 passed.

Clause 28.

The Hon. A.J. REDFORD: This clause is opposed.

Clause negatived.

Clause 29 passed.

Clause 30.

The Hon. A.J. REDFORD: This clause is opposed.

Clause negatived.

Clause 31 passed.

Clause 32.

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

Page 24, line 7 to 25—Delete section 67B.

This amendment seeks to delete section 67B of the WorkCover levy to be used to improve occupational health and safety. This is probably the most significant clause in the bill so far as the opposition is concerned. This is the issue as to whether or not the function of occupational health and safety, which currently resides within WorkCover, is to be shifted out of WorkCover and into a government department.

The discussion of this general principle takes place at page 16 of the report. The Stanley report indicated that the current Occupational Health, Safety and Welfare Advisory Committee, a tripartite committee comprising representatives of employers, employees and government, is working well. It did point out, however, that it had a relatively low profile. Also the report points out that the Stanley report wanted all occupational health and safety to reside in the hands of one particular body, and there are a number of options. One option is to take all occupational health and safety functions out of the government department, and they principally involve investigation and prosecution functions, and give them to WorkCover. Another option is to do what this

government proposes, which is to shift the whole function out of WorkCover and into a government department; and, of course, the third option is to leave it as it is.

In the dissenting report, the opposition set out its position quite clearly. The opposition opposes the measure of shifting occupational health and safety out of WorkCover. The criticisms of the proposal can be summarised as follows:

1. Exempt employers are concerned about their evaluation criteria for exempt status; in other words, the occupational health and safety standards that exempt employers must comply with in order to preserve their exempt status.

My understanding is the effect of this bill is not to shift this function out of WorkCover. So WorkCover will retain some occupational health and safety function. It continues:

2. There is nothing to suggest that there would be a smooth transition of existing WorkCover programs to Workplace Services.

I will come back to that issue later. It goes on:

3. The dual and potentially conflicting responsibility of Workplace Services of engaging with employers in consultative and advisory fashion in relation to occupational health and safety on the one hand and being the prosecutor on the other.

Indeed, the Law Society expressed concern about that particular issue when it gave evidence. It continues:

4. There is no requirement for the authority to meet a minimum number of times.

5. There are real concerns about the funding of SafeWork and the government agency.

The bill provides that a portion of the WorkCover levy be used to improve occupational health and safety. This is proposed clause 67B. I will take members to it now:

A part of the levy paid to WorkCover under Part 5 of the Workers Rehabilitation and Compensation Act 1986 in any financial year will be payable by WorkCover to the Department to be applied towards the costs associated with administration of this Act.

It talks about the way it is to be paid but in subclause (4) it says:

The Minister may, by notice in the *Gazette*, vary an earlier notice published under subsection (2).

So the net effect of this clause is for the minister to be the sole determiner as to how much money is to be taken out of the WorkCover levy and applied to the department. I have said as much in my seconding reading speech. I understand that in the years one and two there have been figures set—in the first year $8 million and in the second year $9.5 million—but the difficulty is that we have no understanding as to how that is to be set in any future year because the sole determiner of this is the minister.

We know, and when WorkCover was established and until relatively recently, it was always treated as an off-balance body comprising of moneys held by WorkCover that were paid to WorkCover through levies by employers and employees, and it is their money. It is not taxpayers' money or has not been treated as taxpayers' money. To allow a minister to intrude into the process and say, 'I want X amount of dollars out of this body and I will be the sole arbiter of how much money can be taken out of this body' is simply bad policy.

The Hon. T.G. Cameron: The sole arbiter?

The Hon. A.J. REDFORD: The sole arbiter.

The Hon. T.G. Cameron: He has to get the approval of the WorkCover board, doesn't he?

The Hon. A.J. REDFORD: No, there is no requirement in the bill that requires any agreement on the part of WorkCover. The honourable member may be confused. There are some transitional provisions which refer to the shifting of the initial number of employees and the initial moneys and property out of WorkCover into the government agency, and that requires WorkCover's agreement, but not the annual payment.

The Hon. T.G. Cameron: So they are just unilaterally going to?

The Hon. A.J. REDFORD: That is exactly right.

The Hon. T.G. Cameron: How much?

The Hon. A.J. REDFORD: I do not know. In the first two years they have stated what it is but in the subsequent years it is not stated. So that is the first real concern. The minister engaged a consultant in relation to the issue to prepare a due diligence report, and Brian Bottomley and Associates in their due diligence report identified over a hundred staff would be transferred to the department and somewhere between $12 million and $14 million per annum would be transferred from WorkCover. That was the minister's advice. The advice to the minister was, 'You can take, rightfully, between $12 million and $14 million per annum out of WorkCover' and that would mean that, of the $45 million which WorkCover receives after payment of claims, over a quarter would be transferred on an annual basis to SafeWork SA.

That is if the Bottomley report is adopted. Today, the agreement between the minister and WorkCover is a figure much less than that, namely, $9.5 million. I do not know where the minister gets this $9.5 million but, if it is not enough, there is sufficient money there to say that he can take $14 million dollars out of WorkCover. There has been no formal response from WorkCover to the due diligence report. It states:

The second issue is that WorkCover sought to do its own report on what might or might not need to be taken out of WorkCover. It engaged Access Economics, a well-regarded body from Canberra. I recall that, when we were in government, when members opposite were on this side of the chamber they presented us with viewpoints from Access Economics on an almost daily basis. That august body says a number of things. First, it states that:

Diseconomies of scale are to be expected from a demerger of this kind and are evident in the estimates.

It continues:

This is particularly the case for operating expenses. It appears that in some areas where less than entire programs have been transferred no operating expenses have been included.

It further states:

Savings from the resources portfolio are also minimal.

In other words, it is inefficient and will duplicate work done by both WorkCover and this new government agency. I will give an example to which the Bottomley report—the minister's own report—specifically refers. It states that they have not taken into account the duplication that will occur because WorkCover will still retain the responsibility for determining the exempt status of exempt employers. The single biggest criterion for securing exempt status is to convince WorkCover that you have a better than average industry standard in relation to occupational health and safety. How will WorkCover assess this? It will do so by retaining employees who have occupational health and safety skills. The government is saying that it wants all these people in one agency but, by its own legislation, it has failed to do so, as it has said that the responsibility for determining exempt status shall remain with WorkCover. Therefore, WorkCover has to retain people with occupational health and safety skills and, therefore, there will continue to be duplication. The Access Economics report continues:

> . . . whether the occupational health and safety functions will require more or less funding to be carried out in its new environment is beyond the scope of this study. Information would be needed on whether the economies might be available in Workplace Services.

The difficulty the committee had was that it was never provided with this information. As a consequence, WorkCover has never stood up and said what is wrong with the report, nor has the government. I have not seen any documents, any speeches or anything from the government that states that this report is wrong. Do you know why that is the case, Mr Chairman? Because it tried to keep it a secret. That is the easy way to deal with reports you do not like: just keep them a secret. I have seen no rebuttal from anyone in relation to that report.

I will conclude by making some comments on interstate examples. When it was first presented to the committee, it was told that this was what had happened in every state and that it had all been brought together. However, what we were not told initially was that Victoria did it in the completely opposite way: everything was brought into WorkCover. So, Victoria does not really have an office of workplace safety in a government department; WorkCover does the lot, including prosecutions. New South Wales did the opposite: it did what we seek to do here.

Let us compare and contrast the two schemes. Victoria is now fully funded and has the lowest levy rates in the country. What happened in New South Wales? First, it has a liability of $1.8 billion, and it inherited a $700 million surplus when the Labor government took over in 1996. There has been a turnaround of more than $2 billion. Secondly, its levy rates are nearly as high as those in South Australia. So, Victoria did the opposite to what we are doing, and it has half the levy rate and no unfunded liability but, for some strange reason, we want to follow the New South Wales model, which has the second highest levy rate in the country and a huge unfunded liability. Why would we want to do that? I do not understand.

There are a range of other reasons why we oppose this bill. I am conscious of the hour, but I think it appropriate for me to say that this is a seriously significant issue for the opposition. Another serious issue is: what will we do with the WorkCover board? We have told the board that it cannot set its levies, so it has no control over its income, and now we will tell it, 'You have no control over claims because we are going to give that to a government department of occupational health and safety,' which is the biggest driver of whether or not you have more claims. What does the WorkCover board do? All it does is shift money around. Some would say that is its core business, but that never was its core business. When this legislation was introduced in 1986, its core business was to improve rehabilitation and occupational health and safety outcomes. That was its core business, and the money just flowed through the system. I do not know where the concept came from that its core business was to act as a controller of money.

The effect of this, basically, is to neuter WorkCover. What happens if things go wrong, if things get worse? I will tell members what happens: WorkCover blames someone else. It will blame the government department because it is not dealing adequately or appropriately with occupational health and safety. There will be less accountability, not more. The final issue that is so significant about this is: how do we treat the approximately 40 000 employers, particularly small employers, throughout the state?

At the moment, WorkCover works in a consultative fashion with the employers. If the employers become the dog in the manger, WorkCover's capacity to deal with employers is to lift its levy rates, and it does so quite a lot. But it is not seen as a policeman. We will shift all of this over and have an army of policemen. And I will tell you what happens when you have an army of policemen: if there is an occupational health and safety issue on your shop floor and you get a call from an inspector, what do you do? I will tell you what you do: you ring up your lawyer. And what does your lawyer say? He says, 'Don't say anything, because you might get prosecuted by this lot.'

Your dialogue then ceases. If we are going to improve occupational health and safety in this state, we need good dialogue between employers, between employees and between their representatives on both sides of the equation, and we also need good dialogue between the agencies that are charged with the responsibility of enforcement. You will not get good dialogue with a prosecution model. For those reasons, I urge members to support the opposition position.

The Hon. CARMEL ZOLLO: I think it is important that I place on the record some information. The shadow minister asked that he be provided with a copy of correspondence which evidences the agreement between WorkCover and the minister regarding these funding arrangements. The shadow minister has been provided with that copy. I can advise members that, whilst it was initially intended to advise the Occupational Safety, Rehabilitation and Compensation Committee of this outcome, it was decided that the information would be placed on the record in the House of Assembly during debate on the bill.

In his second reading contribution, the shadow minister said:

> The other matters that the Bottomley report referred to included an audit in assurance and central marketing programs, both of which could be part of the new corporate infrastructure, which has a combined budget allocation of $810 000.

I am advised that, since May 2003, significant work has been undertaken to identify the functions and resources to transfer to SafeWork SA. I am advised that the Bottomley report showed that the audit assurance function (valued at $464 696) could be considered for pro rata transfer. I am also advised that no allowance for audit assurance has been made in the agreed budget transfers to SafeWork SA. Those sorts of functions will be carried out by SafeWork SA without funding from WorkCover. Marketing budgets have been centralised in WorkCover for some years.

I am told that Bottomley included central marketing costs in his method one calculations, totalling $759 062. I also understand that he commented on a number of other marketing activities which were not included in his estimates but which he identified may have an OH&S relationship. I am advised that these functions amounted to $346 000. I am also advised that, since that time, the OH&S central marketing resources that have been agreed to for budget transfers total $545 000. This figure is significantly less than the Bottomley estimate of over $1 million.

The shadow minister in the other place has referred to this bill in general terms as moving from what is generally described in the industry as a 'cooperative model' of occupational health and safety between employers and employees to what will now be a very heavy-handed prosecution style model. There is absolutely no basis whatsoever for this assertion. It has always been the case that Workplace Services has provided advice and assistance to

help deliver safe workplaces and to help achieve compliance with legislative requirements. That will not change.

The suggestion that, by transferring responsibility out of WorkCover and into a government agency, a cooperative approach will somehow be reduced is simply wrong. The shadow minister also appears to question the case for the consolidation of OH&S services. I think that one of the simplest arguments—aside from the minimisation of duplication—is that many South Australians do not know where to go at present when they need help on occupational health and safety. That was a finding of the Stanley report, and I believe that it is strongly supported in the community.

Many people still think that the place to go is the former department of labour and industry, which, as members would be aware, has not existed for many years. If people are unsure who to contact about workplace safety, that is just another barrier to their getting the right information and advice to make their workplace safe. We believe that there is a very strong case for the consolidation of OH&S administration into one entity. We know that there is strong support for this from industry and from trade unions.

Among the issues raised were the shadow minister's queries on the costs of transferring OH&S functions from WorkCover, and his references to a report prepared by Access Economics for the previous WorkCover board in 2003. I can advise the shadow minister that the Access Economics report was completed in May 2003. Since that time, significant work has been completed internally and externally to establish the costs of the OH&S transfer, and there have been two significant structural changes from within WorkCover affecting functions and roles.

The Hon. A.J. Redford: Why didn't WorkCover give the report to the committee?

The Hon. CARMEL ZOLLO: We thought that they had, but we can check that. It is also important to appreciate that the Access Economics report was not a full independent assessment. The report's foreword states:

> It should be noted that the judgments made here are not based on a detailed understanding of the day-to-day operations of the business. They are based exclusively on a reading of the material provided by WorkCover and the consultants' knowledge of public financial administration.

In providing its assessment of the materials provided to it by the WorkCover management at the time, the Access Economics report makes statements such as the following:

> We cannot comment on all the assumptions made in estimations, but the approach employed in making the assumptions is considered sound.

So Access Economics is saying that it cannot confirm the various assumptions inherent in the materials provided to it on the basis of its report. The Access Economics report is extremely qualified and, by now, quite dated.

Moving on to more up-to-date information, I am advised that in March this year Workplace Services and WorkCover agreed on a figure that fairly represents the value of OHS functions to be transferred on a year 1 and year 2 basis. This agreement represents a cost-neutral outcome for WorkCover and also provides sufficient resources to Workplace Services to establish SafeWork SA on the passing of the bill. The WorkCover board formally agreed to this figure at its meeting on 23 March this year. The agreement reached between Workplace Services and WorkCover Corporation is for funding transfers as follows: year 1, $8 million, comprising $7 million cash and $1 million in kind; and year 2, $9.5 million, comprising $8.3 million cash and $1.2 million in kind. As had always been hoped would occur in proposing this legislation, the appropriate level of funding to be provided by WorkCover to Workplace Services has been agreed between the two bodies without any need for the minister to determine an outcome.

It is great to see that the board of WorkCover—which, of course, includes leading figures in business, people with backgrounds in representing employers and people with backgrounds in representing employees—has come to an agreement with Workplace Services about how it will make its contribution to making our workplaces safer into the future. We have an excellent WorkCover board, and I am absolutely certain that it would not have agreed to the funding arrangements if it did not feel that it was the right thing to do from a WorkCover perspective.

I am advised that WorkCover has no evidence that there will be adverse flow-on effects on workers' compensation claims. I am also advised that under the proposed new arrangements there is no reason why there should be any adverse effects on any synergies WorkCover may have already created, as the bill and existing legislation already provide for appropriate exchanges of information. Further, I am advised that WorkCover and Workplace Services intend to significantly improve any existing synergies between related OHS activities through cooperative arrangements.

The shadow minister raised the issue of evaluation of the occupational health and safety standards for exempt employers. As the parliamentary committee was informed, it is not intended that the auditing process of OHS standards for exempt employers would be transferred under the bill. The parliamentary committee referred to the evidence given by the minister and the executive director about that on pages 23 and 24 of their report.

One of the fundamental aspects of this bill is the consolidation of occupational health, safety and welfare administration in one entity, to be known as SafeWork SA. At present, OH&S administration is split between WorkCover and Workplace Services. If all OH&S administration is to be consolidated in SafeWork SA, it is entirely appropriate that WorkCover make a contribution towards that work—because, of course, safer workplaces are the best solution, stopping workers' compensation claims by stopping injuries, deaths and disease.

The effect of the shadow minister's amendment is that the administration of occupational health and safety in this state will remain separated. It must be remembered that the single location of occupational health and safety functions and the removal of duplication and confusion was identified by the standards review as something that attracted strong support by stakeholders. Industry groups and the wider community throughout the consultation process on the draft bill strongly supported this proposal. This has very strong support from both business and unions. Business groups, such as Business SA, the Engineering Employers Association, the Self Insurers Association of South Australia, the Master Builders Association, the Registered Employers Group of South Australia Incorporated, Sealy International, Allianz Insurance and the Motor Trades Association support the proposal to consolidate health and safety administration in SafeWork SA. In fact, Business SA has asked the minister in the other place to read a letter setting out its position on the record. The letter is copied to the minister, addressed to the Hon. Andrew Evans and dated 1 June 2005. The letter from Business SA states:

Dear Andrew,

Given your inability to meet with me, despite my urgent request that you do so today, I would like to set out clearly in writing Business SA's position once and for all regarding the current SafeWork Bill before the Legislative Council with regard to the specific issue of the transfer of all OH&S functions to SafeWork SA.

The Hon. T.G. Cameron interjecting:

The Hon. CARMEL ZOLLO: I ask the honourable member to listen. It further states:

I clearly state to you that Business SA has never opposed this transfer and has only submitted that any transfer, especially of funds, be done in an open and transparent manner. Consequently, I unequivocally state that Business SA's position is to support this transfer because it clearly delineates the functions of WorkCover, should the legislation be passed.

On another but related matter I am aware that you have been lobbied regarding this legislation on the basis that my position on the WorkCover Board represents some alleged conflict of interest. Let me clarify this for you. The act specifically requires employer nomination to the WorkCover Corporation. The Business SA Board determined to nominate myself, as did the SA unions when they nominated my opposite number, Janet Giles. This has not stopped, nor would it ever stop, Business SA adopting whatever position it saw fit in relation to the activities and decisions of WorkCover. In fact on WorkCover matters specifically the official spokesperson for Business SA is not myself but Mary-Jo Fisher, General Manager Business Services.

The legislation you have before you does not even go to decisions of WorkCover. In fact, it excises the OH&S portfolio from the WorkCover Act—hardly conflict of interest, even for those who have been peddling this scurrilous misinformation to you and perhaps to others. However, because I know you are a person of integrity and not prone to falling prey to the mendacity of those seeking their own political advantage to the detriment of those seeking to do the best by the state, I know you will act accordingly and with the full endorsement of the business community, support the transfer of OH&S functions from WorkCover to SafeWork SA by so voting when called upon in the parliament.

Mr Vaughan, the Chief Executive Officer of Business SA, then asks the Hon. Andrew Evans to give him a call and he has given his number, should he wish to discuss that matter with him further. It is my understanding that both the business community and the union movement will be continuing to pursue consolidation of occupational health and safety because it will stop injuries and save lives. There was solid support from employee groups.

The parliamentary committee looked at this for 18 months and the majority, including two non-government members, supported this and I thank the committee for its advice on this matter. If we want to make a real difference to workplace safety, if we want to make sure that South Australians will go home to their families safe and well, we must have better health and safety administration and this is the way to do it. It is often incredibly hard to get business and unions to agree on issues in the industrial relations portfolio, but there is very strong support for this proposal from business and the unions.

WorkCover needs to focus on the good management of workers' compensation claims, on getting people back to work. By transferring workplace safety out of WorkCover it would allow WorkCover to better focus on claims management, which should be its core business. I urge all members to support the proposal to make South Australia's workplaces safer and to reject the amendment.

The Hon. IAN GILFILLAN: I am substantially bemused as to why this amendment has triggered off a full-blown debate over the whole principle of the bill. The reason we will support the amendment is that it is very poorly worded, very loose and is not essential in its current wording for the principle, to which no-one has objected. No-one has objected to the transfer of the health and safety provisions from WorkCover to SafeWork SA, to the department. That principle has been accepted and no-one is arguing against it.

Members interjecting:

The Hon. IAN GILFILLAN: I am not sure how strongly you are, but recommendation 19 of the committee states:

The majority of the committee recommends that resourcing of the department, Workplace Services, should be adequate to ensure resourcing of the whole gamut of prevention activities expected by stakeholders without funding existing public safety programs from occupational health and safety levies. The committee also recommends that processes be transparent and involve consultation with stakeholders.

That last sentence is very significant because those people who were stakeholders all emphasised that there is a need for transparency and consultation. I am conscious of the time, unlike some others who contributed to this clause. The government can do some constructive work on this, because it is open-ended. I remind members of the way in which it is worded. If they are treating this matter seriously they will listen. It provides:

A part of the levy paid to WorkCover in any part of the year will be payable by WorkCover to the department to be applied towards the costs associated with the administration of this act.

What are the costs? Where are they specified in this bill? It provides further—and this is the point that I think the Hon. Angus Redford made some play on—that the minister is the one who determines the amounts of money and that simply by notice in the *Gazette* the minister can vary an earlier notice published under subsection (2).

The Democrats are not opposed to the principle, but if we are going to deal with the principle seriously we want proper legislation. The hyperbole that goes on in here means nothing, but, when it comes to the crunch of how this act will be implemented, it is the words in this clause which will determine whether the government has gone out of context by transferring an improper amount of money. The minister is not answerable to anybody. If the Democrats are going to support this, the government will have to do some serious thinking and work out a properly worded clause that we can look at constructively.

The Hon. CARMEL ZOLLO: We will consider the matters raised by the Hon. Mr Gilfillan.

Progress reported; committee to sit again.

RECREATIONAL SERVICES (LIMITATION OF LIABILITY) (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This Bill makes several minor, discrete, but important changes to the *Recreational Services (Limitation of Liability) Act 2002.*

The Bill amends the Act to

- reinstate the use of liability waivers for recreational service providers;
- clarify the definition of ***recreational services*** so that it is beyond question that not-for-profit bodies are covered by this legislation; and
- allows a minor amendment, not affecting substance, to be made to a registered safety code without the need for the

process of public consultation and laying before both Houses of Parliament.

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

Reinstating the use of liability waivers

The Act brought in a new system for limiting liability for personal injury between recreational service providers and consumers. Under that system, a provider or a peak industry body, develops and registers a safety code for a particular recreational activity. Once the code is registered, other providers can register an undertaking to comply with the code. The code sets out the safety standards the provider will comply with. Only a failure to meet those standards can result in a successful claim for damages by an injured consumer.

When the Act came into operation, one of its effects was to bring an end to the effectiveness of liability waivers that some providers had been using. These waivers are agreements between the consumer and the provider that the consumer will not sue the provider in the event of the consumer's injury. Under the Act, these waivers became ineffective because the Act establishes that the only way in which the provider's liability can be modified is through the use of a safety code.

No codes have yet been registered. Five have been submitted for registration and are currently undergoing the process for registration. It is likely that the reasons for the low uptake of the code system are multiple, including the subsiding of the problems with the availability and terms of public liability insurance, and the fact that many organisations have chosen to adopt a national approach rather than use the state-based system.

In October 2005, the Masters Games will be held in Adelaide. The Games' insurer has advised that it is unwilling to insure the games organisers unless the organisers register safety codes under the Act for each of the more than 60 sporting activities on the Games schedule. There are no codes in place for the proposed activities. The peak bodies for those activities have chosen, to date, not to register codes. A separate code is required for each sport or activity. The process for developing and registering a code requires a period of public consultation and the code being laid before both Houses. There is insufficient time for this to occur for each of the sports or activities in time for the Masters Games in October of this year.

In order to ensure that this important event can go ahead, the solution is to allow the Masters Games organisers to seek liability waivers from Games participants. This is what occurs when the Masters Games occurs interstate, and what would have occurred if the *Recreational Services (Limitation of Liability) Act 2002* did not preclude such waivers.

However, the Masters Games is not the sole reason for seeking this amendment. It has become clear that recreational service providers require assistance in the transition to safety codes.

The Bill incorporates a provision that has the effect of allowing recreational service providers to use waivers while safety codes are being developed. This places the provider and the consumer in the same position that they were in prior to the Act being passed. If no code has been registered for a particular recreational service, providers will be allowed to use waivers. Once a code is registered for a recreational service, providers will not be permitted to use waivers, because the code option for limiting liability then exists for them.

In order to ensure that the transition to codes is still encouraged, a sunset clause of two years applies to this new provision.

In effect, the only consequence of this provision is to provide a period of two years during which recreational service providers may use waivers, while they arrange for codes to be developed and registered.

Amendments to codes of practice

Under the Act, an amendment to a safety code is in itself a new code, and must proceed through the same registration process including public consultation and being laid before both Houses. In many cases, this will be appropriate as the changes to the code will affect the rights of recreational service providers and consumers alike. However, in some cases an amendment to a safety code will simply correct an initial error or change a reference. In such cases, it would be onerous on the proponent to require the full process to be undertaken.

The Bill acknowledges this by conferring on the Minister for Consumer Affairs the power to register an amendment that only affects the form, and not the substance, of the original code. In making that decision, the Minister will consult with various parties prescribed in regulations that are also being proposed.

Definition of "recreational services

The Act currently defines ***recreational services*** by reference to the definition in the *Trade Practices Act (Cwth)*.

At the time the Act was passed, it was not identified that there is the potential for an argument to arise that the limitation of the application of the *Trade Practices Act* to services provided in trade or commerce, might translate into a similar limitation in the South Australian Act. Whilst I understand that such an argument is unlikely to succeed, it is important to clarify this issue so that recreational service providers and consumers alike can be certain as to whether the Act applies to the activity that they are offering, or participating in.

It is important to clarify this issue because if the South Australian Act was limited to services provided "in trade or commerce", recreational services provided in circumstances that did not amount to "trade or commerce" would not be covered by the Act. In turn, this would mean that a provider who had relied on the Act by registering an undertaking and complied with that undertaking could still be found liable for the personal injuries of a consumer injured whilst participating in that activity. This would be most likely to occur in relation to a recreational service provider operating in the not-for-profit sector.

For the avoidance of doubt, the Bill clarifies the definition in the South Australian Act by expressly stating that the definition is not limited to services provided in trade or commerce.

For completeness, I advise the House that amendments to the regulations under the Act have also been prepared to support this Bill. In addition, the regulations will allow the fees under the Act to be waived or reduced. The regulation-making power in the Act already allows for this. The fee waiver or reduction is designed to assist not-for-profit organisations and small businesses to develop safety codes.

The Act and new regulations are proposed to come into operation on 1 August 2005, enabling the Masters Games to proceed in October of this year.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Recreational Services (Limitation of Liability) Act 2002*

4—Amendment of section 3—Interpretation

This clause inserts a new subsection (3) into section 3 of the *Recreational Services (Limitation of Liability) Act 2002*. The proposed subsection ensures that the definition of ***recreational services*** is not limited to services provided in trade or commerce or limited by any other provision of the *Trade Practices Act 1974 (Cwth)* other than the definition of ***recreational services*** in that Act.

5—Amendment of section 4—Registration of code of practice

This clause inserts a new subsection (4a) into section 4 of the *Recreational Services (Limitation of Liability) Act 2002*. The proposed subsection allows the Minister to make amendments to a code without the need to comply with the requirements set out in subsection (4), where the Minister determines, having consulted with the persons or bodies prescribed by the regulations, that the amendment only corrects an error or makes a change of form as opposed to a change of substance in the relevant code.

6—Amendment of section 9—Other modification or exclusion of duty of care not permitted if registered code applies

This clause inserts a new subsection (2) and (3) into section 9 of the *Recreational Services (Limitation of Liability) Act 2002*. If the recreational service is not governed by a registered code, the proposed subsection (2) enables the provider of a recreational service to modify or exclude a duty of care owed to a consumer. The proposed subsection (3) provides for the expiry of subsection (2), 2 years from its commencement.

The Hon. A.J. REDFORD secured the adjournment of the debate.

AMBULANCE SERVICES (SA AMBULANCE SERVICE INC) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

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

Leave granted.

That this bill be now read a second time.

The purpose of the *Ambulance Services (SA Ambulance Service Inc) Amendment Bill 2005* is to remove all references to St John and the Priory from the current *Ambulance Services Act 1992*.

In 1981, individual St John Ambulance Brigade ambulance services around South Australia amalgamated and became the St John Council SA Inc, later called "SA St John Ambulance Australia Inc". This was the beginning of the single state-wide ambulance service that we have today.

In 1989, the Priory, the national governing body of St John, decided to refocus its role on a national level and, consequently, directed the progressive withdrawal of St John from ambulance service provision in South Australia.

A complete withdrawal was unachievable in 1989 but, in 1993, a joint venture between the State Government, the Priory and St John became possible. The joint venture led to the establishment of the SA Ambulance Service, which was incorporated under the *Associations Incorporation Act 1985* on 1 July 1993.

The formal joint venture agreement dated 26 February 1993 included provision for the eventual withdrawal of St John and the Priory from the SA Ambulance Service Inc.

In 1995, the Priory indicated its intention to finalise its withdrawal from the joint venture. In 1999, the Priory delegated to the Minister its power to nominate and appoint members of the SA Ambulance Board. Currently, the *Ambulance Services Act 1992* provides for the composition and selection of Board members, with members being nominated by the Minister, the Priory or, in one case, jointly by both the Minister and the Priory.

Agreement on the division of St John's real estate interests was a necessary pre-requisite to the Priory's withdrawal. This has been resolved by the enactment of the *St. John (Discharge of Trusts) Act 1997* and, in 2001, the then responsible Minister, St John and the Priory entered into a joint venture termination agreement under which the parties agreed to the terms on which property was to be divided.

Other terms of the termination agreement included deleting reference to St John in the name of the Ambulance Service, removing any ongoing interest by St John in the Ambulance Service and indemnification of the Priory and St John in respect of any action brought against them arising from the joint venture agreement. All of these arrangements are now in place and the final step in the process is to remove references to the Priory and St John from the Act.

The amendments facilitate the removal from the Act of all references to the Priory and St John and formalise the current governance arrangements.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Ambulance Services Act 1992*

4—Amendment of section 4—Interpretation

It is proposed to insert definitions of ***Ambulance Board***, ***rules*** and ***SAAS*** into section 4. SAAS is the SA Ambulance Service Inc and the Ambulance Board is the committee of management of the association appointed by the Minister in accordance with the Act and the association's rules. It is further proposed to delete the definition of ***Priory***. One of the purposes of this measure is to remove all obsolete references to the Priory as the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem no longer plays a role with respect to the provision of ambulance services in this State.

5—Amendment of section 5—Offence

The proposed amendment inserting paragraph (aa) is consequential. The proposed amendment to the penalty provision raises the penalty from $15 000 to $20 000 for an offence against this section (*ie* the provision of ambulance services by unlicensed persons etc).

6—Amendment of section 7—Conditions of licence

The proposed amendment to the penalty provision raises the penalty from $15 000 to $20 000 for an offence against section 7(4) (*ie* failure to comply with a condition of a licence).

7—Substitution of Part 3

It is proposed to delete current Part 3 (SA St John Ambulance Service Inc) and substitute a new Part 3.

Part 3—SA Ambulance Service Inc

11—SA St John Ambulance Service Inc to continue as SA Ambulance Service Inc

The *SA St John Ambulance Service Inc* was incorporated on 1 July 1993 under the *Associations Incorporation Act 1985* for the purpose of carrying on the business of providing ambulance services. That association is to continue but under the name SA Ambulance Service Inc (***SAAS***). The object of SAAS is to provide ambulance services of high quality, wherever they may be required in the State, making use of the services of both volunteer and employed personnel.

11A—Establishment of Ambulance Board

This new section provides for the establishment and appointment of the Ambulance Board as the committee of management for SAAS. The Board will consist of 10 members appointed by the Minister. The section sets out the necessary qualifications for membership.

12—Legal status, management and control of SAAS

This new section makes provision for the legal status, management and control of SAAS. SAAS continues as an association incorporated under the *Associations Incorporation Act 1985* (the ***AI Act***) with the Ambulance Board to manage SAAS's affairs in accordance with the *Ambulance Services Act 1992*, the rules and the AI Act. The Minister is the sole member of SAAS and may exercise control over SAAS by giving written directions to the Ambulance Board. The rules are to be made, varied or revoked by regulation and will be taken to conform with the requirements of the AI Act.

13—Establishment of Country Ambulance Advisory Committee

SAAS will establish the *Country Ambulance Advisory Committee* to advise it about the provision of ambulance services in country regions. This provision is similar to current section 13.

14—Accounts and audit

This provision provides that SAAS must keep proper accounting records to enable the Auditor-General properly to audit its accounts and report to SAAS and the Minister. This provision may be compared with current section 14.

15—Limitation on SAAS's powers to borrow or invest money

SAAS is prohibited from borrowing or investing money without the written approval of the Treasurer.

16—Annual report

This new section replaces current section 15 and provides that SAAS must, on or before 30 September in each year, deliver to the Minister a report on its operations during the 12 months ending on the preceding 30 June. The Minister must table the report in Parliament.

16A—Application of *Associations Incorporation Act 1985*

This new section relates to the application (with modifications as necessary) and dis-application of certain provisions of the AI Act to the *Ambulance Services Act 1992*.

8—Amendment of section 17—Fees for ambulance services

The proposed amendment raises the penalty from $15 000 to $20 000 for an offence against section 17(3) (*ie* charging a fee for an ambulance service that exceeds the fee fixed by the Minister).

9—Amendment of section 18—Holding out etc

The proposed amendment raises the penalty from $2 000 to $2 500 for an offence against section 18 (*ie* holding out as an ambulance service provider etc).

The Hon. A.J. REDFORD secured the adjournment of the debate.

PHYSIOTHERAPY PRACTICE BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

PUBLIC SECTOR MANAGEMENT (CHIEF EXECUTIVE ACCOUNTABILITY) AMENDMENT BILL

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

ADJOURNMENT

At 6.06 p.m. the council adjourned until Monday 27 June at 2.15 p.m.