LEGISLATIVE COUNCIL

Tuesday 28 June 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.18 p.m. and read prayers.

ASSENT TO BILLS

His Excellency, the Governor's Deputy, by message, assented to the following bills:

Criminal Assets Confiscation,

Environment Protection (Miscellaneous) Amendment,

Mining (Royalty) Amendment,

Naracoorte Town Square,

Physiotherapy Practice,

Public Sector Management (Chief Executive Accountability) Amendment,

Road Traffic (Excessive Speed) Amendment,

Statutes Amendment (Environment and Conservation Portfolio),

Statutes Amendment (Liquor, Gambling and Security Industry),

Supply.

PAPERS TABLED

The following papers were laid on the table:

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

Regulations under the following Acts—
- Coroners Act 2003—Reportable Death
- Highways Act 1926—Port River Expressway Project
- Land Tax Act 1936—Prescribed Associations
- Legal Practitioners Act 1981—Fees
- Public Corporations Act 1993—South Australian Infrastructure Corporation

Classification (Publications, Films and Computer Games Act 1995—National Classification Code

Classification (Publications, Films and Computer Games Act 1995—Guidelines for the Classification of Films and Computer Games

Classification (Publications, Films and Computer Games Act 1995—Guidelines for the Classification of Publications 2005

Erratum—Magistrates Court Act Regulations—Fees

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

Regulations under the following Acts—
- Adelaide Dolphin Sanctuary Act 2005—Prescribed Bodies
- Authorised Betting Operations Act 2000—Betting Price Information
- Historic Shipwrecks Act 1981—Prohibition
- Natural Resources Management Act 2004—Transitional Levies
- Prevention of Cruelty to Animals Act 1985—Traps and Codes
- Radiation Protection and Control Act 1982—Ionising Radiation
- Upper South East Dryland Salinity and Flood Management Act 2002—Project Scheme

By the Minister for Emergency Services (Hon. C. Zollo)—

Regulations under the following Acts—
- Controlled Substances Act 1984—Poisons
- Fisheries Act 1982—Miscellaneous Fees
- Medical Practice Act 2004—Miscellaneous
- Occupational Therapists Act 1974—Prescribed Qualifications
- South Australian Health Commission Act 1976—Fees for Services.

QUESTION TIME

ADVANCED RAPID ROBOTIC MANUFACTURING

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about job losses.

Leave granted.

The Hon. R.I. LUCAS: An article appeared in the *Sunday Mail* of 19 June which highlighted the problems of a company called ARRM (Advanced Rapid Robotic Manufacturing), which had gone into liquidation. Its chief executive, Mr George Kraguljac, was quoted in the article in the following terms:

> We had sought investment funds from venture capital groups and had been promised assistance from the government but, in the end, that was just rhetoric, not money.

Mr Kraguljac went on to say:

> This government talks about biotech but does nothing about it. Without Liberal leader Rob Kerin there wouldn't even be a biotech industry.

My question is: was Mr Kraguljac correct when he indicated that the Rann government had promised assistance to Advanced Rapid Robotic Manufacturing, or does the minister claim that Mr Kraguljac was wrong when he made that public statement to the *Sunday Mail*?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): What we have seen over the past few years is that a significant number of companies that had received assistance from the previous government have ended up losing the money that they were given by the government. A number of companies have downsized, notwithstanding the fact that, at the moment, we have the lowest unemployment levels for many years in this state and the highest employment levels. So, that comments on the performance of this government in relation to employment. However, we have lost a number of jobs and, in nearly every case, they were companies that were brought here by the previous government with the attraction of handouts. Of course, what has happened is that the taxpayers have ended up losing their money.

The Hon. R.I. Lucas: Mitsubishi.

The Hon. P. HOLLOWAY: Mitsubishi has been here for many years, and the government did provide that money, along with the commonwealth government.

The Hon. R.I. Lucas: How much money did you give it?

The Hon. P. HOLLOWAY: The member knows how much money it is: he is well aware of that. As a result of that, the Mitsubishi operations are being maintained. There is no doubt that the manufacturing industry within this state—

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation in the council.

The Hon. P. HOLLOWAY: —is under enormous pressure, particularly in the consumer area, because of competition from low cost countries and the rise in the Australian dollar, which has risen against the US dollar by something like 60 per cent or 50 per cent; it depends which base you have.

An honourable member interjecting:

The Hon. P. HOLLOWAY: If you go from 48¢, as it was about four or five years ago, up to 76¢ or 77¢, where it is now, members can work it out for themselves. If they work

out what that is as a percentage they will see that it is somewhere in the range of 50 per cent to 60 per cent. It is not very hard to do. In relation to ARRM, it is my understanding that this company was given some assistance in the past. With respect to the undertakings that were given to this company by the Department of Trade and Economic Development, I will obtain that information and bring it back to the council. However, I am aware that the company did receive assistance in the past.

Like so many other companies, sadly, I think that if there is a lesson here it is that, if companies need government handouts to be established, the chances are that they will not survive in the longer term without assistance, and that is a lesson that this state should learn. There is a series of companies that have all been lured here with millions of dollars of taxpayers' money and, in many cases, those companies have not fulfilled their promise. That is why, under this government, there has been a change of direction away from giving direct financial handouts to companies towards providing employment for infrastructure or general assistance that is available to all companies because, through lowering the costs of those companies, that will help all South Australian companies, and in the long run will be more likely to be successful in terms of creating employment in this state. That is the changed philosophy.

Of course, there is a massive restructuring of the economy underway at the moment. The prices of resources are going through the roof, and that is pushing the exchange rate up, which is putting pressure on other areas of industry. Yes, there is a major restructuring going on at the moment. We need to ensure that, as a state, we remain cost competitive, and that means providing sufficient infrastructure to keep our costs for exporting goods into the world markets as low as possible. That is why the priority of this government has been in those infrastructure areas such as the deepening of Port Adelaide and the provision of improved access to that port, all of which will reduce the costs of our exports.

The Hon. R.I. LUCAS: I have a supplementary question. Given the minister's claimed philosophy on behalf of the government in terms of government assistance to industry, how does the minister therefore justify the $35 million to $40 million provided to Mitsubishi?

The Hon. P. HOLLOWAY: Everybody in this room knows, I am sure, the importance of Mitsubishi. It is a key employer. It was one of the largest employers in this state in spite of its restructuring, and it is now emerging from those problems. It still employs in excess of 2 000 South Australians. But, more importantly than that, through its demand for components, it also provides employment for, I think the best guess is, about three people for every one who is employed at Mitsubishi. Even in its downsized state, you are still talking about 6 000 jobs. It is a key part of industry in this state.

Last week, the government launched its blueprint for manufacturing. A key part of that is having these key industries here in the automotive industry. Because of its flow-on effects and the importance of heavy engineering to our economy, it is important that that industry be maintained here. That is why we have supported Mitsubishi—because of its key strategic role. Certainly, for as long as I have been Minister for Industry and Trade, the assistance that we have provided to industry is generally in terms of providing infrastructure, or providing skills training or other benefits which would be available to all companies and which would benefit all South Australian companies. I think that is the way it should be. The past experience of giving grants to individuals and companies, I believe, bears that out.

The Hon. R.I. LUCAS: I have a further supplementary question arising from the answer. Given that in the minister's answer he indicated that the 2 000 jobs at Mitsubishi sustained 6 000 jobs totally in the automotive industry in South Australia—

The Hon. P. Holloway: Probably more.

The Hon. R.I. LUCAS:—and probably more, he says, than 6 000—does the minister therefore concede that the 1 200 jobs directly lost to Mitsubishi therefore means that total job losses have been at least 3 600 in South Australia, using the minister's own multiplier on the importance of Mitsubishi?

The Hon. P. HOLLOWAY: That is not necessarily the case—

Members interjecting:

The Hon. P. HOLLOWAY: Well, it does not necessarily follow. In any case, this state has the lowest level of unemployment—it was 4.9 per cent in the last budget—and the highest level of employment.

The Hon. R.I. Lucas: There has been restructuring.

The Hon. P. HOLLOWAY: Yes, there is restructuring going on. Does anybody seriously believe that we could freeze the manufacturing industry in this country and in this state? Does anybody believe that we could freeze them? The motor vehicle industry has been shedding labour for 50 years now. The manufacturing industry, and in particular the motor vehicle industry, has been shedding jobs for years. If you look back to the mid-1980s, I think about 7 000 or 8 000 were people working at Mitsubishi. There has been a constant downsizing, and there will be. That is what increased productivity and increased competitiveness in the world means. It means that companies will downsize.

In addition, one of the features of the automotive industry now is the outsourcing of componentry. Whereas 20 years ago producers, such as Holdens or Mitsubishi, would have made their entire motor vehicle in this country, increasingly these components are being outsourced to specialist companies—and it is happening all around the world. In fact, such is the nature of the motor vehicle industry that some automotive manufacturers are building models for other manufacturers. However, because of competition in this area, in order to remain competitive in world terms it is inevitable that there will be increased productivity, which means that the same output of cars will be produced by fewer people. That is what an increase in productivity means.

True, there has been a reduction in the number of people working in the automotive industry in this state, but that is nothing new; it has been happening for 20 years, and probably longer than that. Ever since manufacturing began, as companies became more efficient, they have reduced their work force. Of course, anyone who knows the basics of economics is aware that there has been a consistent decline in employment in manufacturing ever since the start of the Industrial Revolution, but there has been a commensurate rise in service industries, and that is where employment is coming from.

The supplementary question asked by the honourable member is immaterial. The fact is that this state now has the lowest level of unemployment and the highest level of employment ever, and we can take the changes occurring in manufacturing in our stride because we are moving towards

those new dynamic areas of the economy, such as the mining industry, which has never done better than it has under this government. That is what will provide direct jobs—not only in mining but also in offshoot areas, such as the manufacturing and service industries for the mining industry. I think it needs to be understood that those are the areas where new jobs will come in the future.

VICTIMS OF CRIME

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about victims of crime compensation.

The Hon. R.K. Sneath: How come you're not pointing your finger around today? There are no cameras!

The PRESIDENT: Order! The Hon. Mr Sneath is not being helpful in maintaining the decorum of the council.

An honourable member interjecting:

The PRESIDENT: Well, the truth is no defence in these matters.

The Hon. R.D. LAWSON: Is leave granted?

The PRESIDENT: Leave is granted.

The Hon. R.D. LAWSON: Mrs Caroline Watkins is the widow of Andrew Watkins, who died as a result of injuries sustained when the bicycle he was riding near Hillier was driven into by Andrew Priestley. Evidence was later given that Priestley failed to stop and actually drove for six kilometres, dragging Andrew Watkins along the road.

The Hon. Nick Xenophon: He was still alive at the end of the six kilometres.

The Hon. R.D. LAWSON: I know that the Hon. Nick Xenophon has made representations on behalf of Mrs Watkins on a number of occasions. In addition to the grave distress suffered by Mrs Watkins with the loss of her husband, and also the loss suffered by their two children, the family suffered significant financial loss as a result of the death of a husband and breadwinner. The Nominal Defendant of this state apparently resisted her claim for compensation for some two years. Her Centrelink entitlements were cut, and she was treated insensitively—and, indeed, I agree with the Victims of Crime Coordinator, despicably—by that organisation.

Last week, Mrs Watkins appeared on the ABC *Stateline* program and told South Australians of her plight, especially of her financial and emotional plight. Under the Victims of Crime Act, the Attorney-General has the power to make ex gratia payments of compensation, or to make interim payments. My questions are:

1. Was any application made by Mrs Caroline Watkins for an ex gratia or interim payment from the Victims of Crime Fund?

2. If so, what was the result of that application?

3. If no application was made, would the Attorney-General have favourably entertained such an application if it had been made?

4. Was Mrs Watkins made aware of the power of the Attorney-General to make ex gratia or interim payments?

5. Was the Attorney-General, his office or the Victims of Crime coordinator ever aware of Mrs Watkins' financial situation before it was made public last Friday evening?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am sure all of us would have sympathy for Mrs Watkins in her situation. The situation which led to the death of her husband is something that would disturb us all. I will refer those questions to the Attorney-General for his urgent consideration.

MINING ROYALTIES

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

Leave granted.

The Hon. CAROLINE SCHAEFER: The mining royalties received by the government this financial year are estimated in the budget papers to be $95.3 million, up from a budgeted figure of $8.4 million. The budget predicts royalties for the financial year 2005-06 to be $94 million. Last year's budget announced the decision to amend the Mining Act to allow for an increase in the royalty rate from 1.5 to 2.5 per cent to a rate range of 2.5 to 3.5 per cent. My questions are:

1. Is the government still intending to move such amendments, and is the budgeted figure based on the existing royalty rate or the expectation that the rate will be changed upwards?

2. Can the minister explain the huge discrepancy of $86.9 million between the budgeted royalties and the actual royalties?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): Unfortunately, I do not have those figures with me at the moment to check. However, in relation to the royalty rates, honourable members might recall that, back in the 2003-04 budget, the government indicated that it would seek a change in the royalty rates which largely reflected the fact that, as of 31 December this year, with the change to the indenture which relates to the Olympic Dam mine, the rate of royalty which is paid from Olympic Dam would fall from 3½ per cent back to the general maximum rate which, as the honourable member has said, is 2½ per cent. Given that the Olympic Dam mine is one of the major sources of royalties for the state—some $40 million, I believe—that reduction would lead to a loss of revenue to the state of some $10 million. So, to protect that revenue into the future, the government announced that it would be adjusting those royalty rates.

We also undertook that we would discuss any changes to royalty rates with the South Australian Chamber of Mines and Energy and the industry generally. Of course, it needs to be said that, in increasing that rate, even though the great majority of mineral royalties paid in this state are paid by the Olympic Dam mine, other miners would be affected. The government has had lengthy discussions with the mining industry, and we should be in a position to introduce a bill before the end of this year. The government is now proposing a range of royalties—which would be at the lower level which was applied previously—in the early years of a mine, but it would be increased for longstanding mines. In this way, we hope that we can provide a royalty system for mineral deposits which, while providing a return to taxpayers on their investment in the exploitation of their resources, would also be such as to encourage mines in their start-up phase when they have high costs but would get the return in later years when those mines are productive. That is the proposal we have put to the Chamber of Mines. I think there have been negotiations, and they should be completed fairly soon. We are hoping to come up with a royalty regime that will promote the early years of mine development.

In terms of existing operations, we would not expect that those royalty changes would increase revenue to the state; however, we would like to see royalty payments to the state generally increase because mineral production is going up. If our objective is correct—and the mining industry is going through something of a boom at the moment, we have the highest level of exploration that we have had for many years—and if that translates into mine development, then we will see royalties increase, not through changes in royalty rates but because of the extra tonnages being produced.

If the honourable member goes back to that budget two or three years ago, she will see a clear explanation that the only reason that the government was proposing that increase was to protect its mining royalties at the current levels. In fact, in the two years since then we have come up with a proposal which, we believe, will give us one of the best royalty regimes in the country and which will encourage mines to be established, but which will still provide a rate of return that is highly competitive with other states in relation to royalties paid on mines that have been established for some time. We believe that is entirely appropriate.

My only other comment is in relation to the reasons for the increase in royalties. I do not have the tables with me but I assume that the honourable member is referring to petroleum royalties as well which, of course, were adversely affected by the fire at Moomba on 1 January 2004 which resulted in a greatly reduced output of liquid from that mine. Since then, petroleum prices have also reached record highs, so one would expect royalties in that area to have increased. However, I will need to look at those figures to provide an explanation to the honourable member.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. The actual figure is nearly $87 million over what was budgeted. Therefore, I ask the minister: has mining activity increased to such an extent in the last 12 months that the government estimates were inaccurate by $87 million? If that is not the case, has there been a change in accounting? Would it be usual for a minister to be briefed on an additional, lazy $87 million of income to his department?

The Hon. P. HOLLOWAY: As I said, I am not quite sure of the tables. It is all very well for the honourable member to pull a figure out of the budget paper; if I had the budget paper here I would check whether it included petroleum as well as mining in royalties. I have just told the honourable member that, in relation to petroleum, there were significant increases from the previous year to the current year as a result of the fire at Moomba and the subsequent increase in prices of petroleum products. So, yes; royalties in that area have increased but there have also been a number of adjustments to that figure as well. In terms of mineral royalties, we have certainly been pleased to see an increase in production and prices, which will affect royalty rates.

The Hon. R.D. Lawson: You would be better off relying on the public interest defence and not answering at all.

The Hon. P. HOLLOWAY: Well, we had estimates last week and if the honourable member wished to ask detailed questions about budget figures I would have been happy to have had them then. I do not have the budget figures with me now but I am giving you the explanation that in relation to petroleum royalties there have been big changes, largely as a result of the two factors I have already detailed. I do not think I need to provide any more information.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question.

Members interjecting:

The PRESIDENT: Order! When order is restored, the Hon. Mr Lucas has a supplementary question arising, I assume, from that last answer.

The Hon. R.I. LUCAS: Can the minister give an assurance to the council that Mr Robert Champion de Crespigny has not had any discussions with officers or ministers in the development of the government's royalty policy over the last two years?

The Hon. P. HOLLOWAY: Yes; I can give that assurance, although the policy has been in the public domain, and we have had negotiations with the industry. However, within government, he has not been involved. Whether he has had discussions through other bodies such as the chamber and the like, and whether they have raised it with him, I am not sure. However, in terms of the government's input, Mr de Crespigny is not involved in those sorts of issues.

WHYALLA DUST

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the minister representing the Minister for Environment and Conservation questions about the red dust factor in Whyalla.

Leave granted.

The Hon. IAN GILFILLAN: Honourable members will recall that on 23 May I asked a question in this place about the impact of the red dust from the OneSteel plant on the residential section of Whyalla to which I have not yet had an answer. However, in the meantime, on Saturday 25 June, an article was published in *The Advertiser* entitled 'Victory for cleaner air', which stated:

> It has been a long road of protest and frustration but residents living near Adelaide Brighton Cement's Birkenhead Plant have finally scored a win. . . So frustrated with a lack of action—and the damage it was doing to their homes, cars and such personal belongings as washing, barbecues and outdoor furniture—the residents lodged complaints with the Environment Protection Agency. . . In a win for the residents, Adelaide Brighton this week announced a 'detailed' $12 million program to stop harmful environmental impacts on the area. . . The new programs, backed by the EPA, have been sent to about 3000 households affected by the company's plant. . . [Manager] Tony Ryan did not return calls yesterday. But in a statement, he said the company's challenge was 'to contain dust within our plant top [sic] acceptable levels'. 'We are committed to communicating openly and regularly with our residential neighbours,' Mr Ryan said. 'We will provide information, we will discuss our plans and we will listen to our community.'

That is in stark contrast to the treatment that the residents in Whyalla have had from OneSteel. On 21 June, minister John Hill put out a release entitled 'Air pollution on the nose for schoolyard scientists'. This is a program in which students will monitor the air quality over Adelaide and Mount Barker. It is aimed at measuring particulates in the air over the next three months to examine how serious pollution is in Adelaide and to identify potential sources. The release stated:

> Specialised equipment called DustTraks will be installed at each school to measure pollution in a project that will be run in conjunction with the Environment Protection Authority's current air quality monitoring network operated across the state.

Note that it states 'across the state'. The release continues:

> Minister Hill said particle pollution was a major air quality issue in Australia, with woodsmoke from wood heaters adding to the problem in winter months. 'Particulate pollution has been linked to a number of health problems and PM10—very fine matter in the air which is inhaled—is now considered one of the worst kinds of air

pollutants,' he said. 'Elevated levels of PM10 have been linked to respiratory diseases, including bronchitis, pneumonia and emphysema, and alarmingly there is also a link to cancer.'. . . 'Some students will also be conducting household surveys and vehicle counts which will provide additional data on possible particulate sources,' he said.

My questions are:

1. Is the minister aware that the incidence of particulate matter below 10 millionths of a metre (PM10) has been collected from sites adjacent to the OneSteel plant in Whyalla?

2. Does the minister recognise that students in regional areas should have the same exciting opportunity of measuring particulate pollution as students in Adelaide and Mount Barker?

3. Will the minister install the specialised equipment, DustTraks, in a convenient location in the red dust area of Whyalla to be monitored by students in Whyalla so that they can, in concert with fellow students in the metropolitan area, examine how serious pollution is and to identify potential sources? If not, why not? Could it be that the government does not want to know the answer?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The government wants the $325 million investment from OneSteel so that it will cure those problems that have been plaguing Whyalla for decades. If, as a result of that investment, Project Magnet proceeds, the rock crushing plant that is right next to the town at the moment will be moved out to the mine at Iron Duke, some 30 or 40 kilometres away, and magnetite ore will be brought in in the form of slurry, through a slurry pipeline. So, that will do a significant amount to reduce dust particulates in Whyalla, and I would have thought that all of us would welcome that outcome.

As for the educational aspects to which the honourable member refers, that is a different matter and, of course, it is reasonable that our students should be aware of air pollution. By the way, over the last few days—as someone who has an office on a high floor in Adelaide looking out over the western suburbs at the inversion layer—I believe we have a problem here in the air pollution over the southern suburbs, but that is another story.

I will certainly pass on those other parts of the honourable member's question in relation to ensuring that our students have access to these sorts of programs so that they can gain an understanding of the problems. However, I repeat the point that I think the best thing that we can do for the students of Whyalla is to ensure in the future that they grow up without having a dust problem, or a dust problem that is anywhere near as serious as it has been in the past, because we have encouraged that company to make a big investment into changing its processes so that we can all move away from that sort of problem.

COUNTRY FIRE SERVICE AND SES CADET PROGRAMS

An honourable member interjecting:

The Hon. R.K. SNEATH: Hello; there is an interjection from the $6 million man over there, whose large donations bought his pre-selection, unlike members over here, who were pre-selected on talent alone.

Members interjecting:

The PRESIDENT: Order! I think the honourable member should go back to his question.

The Hon. R.K. SNEATH: My question is to the Minister for Emergency Services regarding cadet youth programs with the CFS and the SES. Will the minister advise the council what support and encouragement has been provided to assist cadet programs in the Country Fire Service and the State Emergency Service?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): The volunteer management branch of the Emergency Services Administrative Unit (ESAU) has provided significant assistance to the Country Fire Service and the State Emergency Service to support cadet programs. The main area of development in the past 12 months has been setting up consultative forums and training of both cadets and cadet leaders with the CFS and SES. Specific initiatives that have commenced include: the establishment of CFS regional cadet committees in six regions; and the development of comprehensive guidelines for the CFS and SES covering such areas as cadet behaviour, camps, and overnight activities, training and operations.

In conjunction with Scouts Australia, a working party has been preparing a comprehensive child protection policy to enhance the policy currently in existence to reflect government direction and community expectation. The new policy and procedures cover policy statement, definition of child abuse, prevention, responding to suspected child abuse, volunteer staff training and privacy provisions. The CFS and SES are currently reviewing this new policy for introduction in July 2005, which is next month.

Over the last 12 months, SES and CFS cadets have also participated in the Anzac Youth Vigil and the Premier's Youth Challenge. I know that all honourable members would agree that it is important for us not only to support our cadets but also to celebrate the very important involvement of our young people in our emergency services.

RED LIGHT SPEED CAMERAS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Police, questions about new red light speed cameras.

Leave granted.

The Hon. T.G. CAMERON: A recent *Advertiser* article reported that almost 50 new red light speed cameras will be installed at problem intersections across the state in the next four years. These cameras (which are able to detect speeding motorists and those running red lights) will take the state's tally to 72. This will be the highest number of any Australian state, beating even Victoria, which currently has 65 cameras, even though they have three to four times the population of South Australia. It would appear that most, if not all, of the new cameras will be placed in the metropolitan area. Again not where the accidents are occurring. The Minister for Transport (Hon. Patrick Conlon) is on the record as saying that the cameras will detect those drivers who put lives at risk. The cameras will cost the government $35.6 million over four years. They are expected to reap millions more in revenue. Last year alone, 12 red light speed cameras caught 60 000 drivers, generating about $11 million for government coffers. My questions are:

1. Will the government list where the problem intersections are and on what information or research these intersections have been classified as problematic?

2. Will signs be installed at these new locations warning motorists that red light speed cameras are operating?

3. Over a 12-month period, how much additional revenue is likely to be generated by the new cameras, and will it be

used to fund road improvement and road safety education and training programs?

4. What are the locations of the current 12 red light speed cameras?

5. Will the government move to advertise their locations, the same as it does with other speed cameras in the daily media?

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

LAND TAX

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Treasurer, a question about land tax and site valuations.

Leave granted.

The Hon. J.F. STEFANI: On 26 May 2005, the Treasurer provided certain information regarding a question which I asked on 9 December 2004 concerning the land tax paid by private landowners. The Treasurer indicated that the estimated land tax collection from private taxpayers for the year 2004-05 will be $150.9 million. My questions are:

1. Will the Treasurer provide the breakdown details of the land tax paid by private landowners on residential land, commercial land and all other taxable land for the year 2004-05?

2. Will the Treasurer also provide details of the site values for residential land, excluding principal place of residence, commercial land and all other taxable land for the year 2004-05?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Given the detail in that question, I will take it on notice and provide an answer to the honourable member as soon as possible.

UNITED FIREFIGHTERS UNION

The Hon. A.J. REDFORD: My question is to the Minister for Emergency Services. Does the minister have an answer to my question from yesterday?

The Hon. CARMEL ZOLLO: As the honourable member would be aware, I am not the lead minister but I am the duty minister. Certainly I am advised that enterprise bargaining discussions progressed well—along the natural channels that one would expect in EB. As I said, the matter of EB was raised with me as the duty minister by the United Firefighters Union and SAMFS. I had some discussion with the Minister for Industrial Relations in the other place; and, yes, meetings between the parties took place and negotiations were all undertaken in good faith between the relevant parties. An in-principle agreement was reached last Friday afternoon. The matter continues to be progressed. I am advised that an agreement which is acceptable to both the SAMFS and the union will be put to the employees shortly.

The Hon. A.J. REDFORD: I have a supplementary question. Given that the minister completely failed to answer the six questions that I asked her yesterday, can she please tell me what was being claimed by the firefighters and what is now the agreed figure? How long did bans go for and were they extended at all? What impact will pay increases have on the budget? Did any fire officers receive any loss of pay as a consequence of bans; and which bureaucrats were the ones that Mr Harrison referred to as 'dicking' the issue around?

The Hon. CARMEL ZOLLO: I say to the honourable member that I will not speculate on comments by the UFU secretary. I am not the lead minister: it is the Minister for Industrial Relations. I will refer the questions to the minister in the other place and bring back a response.

The Hon. A.J. REDFORD: I have a supplementary question. Given that the minister has had 24 hours to answer my questions, why can she not answer the balance of my questions—which fall directly within her portfolio?

The Hon. CARMEL ZOLLO: I have answered the honourable member's question.

The Hon. A.J. REDFORD: I have a further supplementary question. Given that the minister has suggested that she answered my question, what answer did she give in relation to the impact the pay increases will have on the budget—her budget?

The PRESIDENT: That is not a supplementary question: it is part of a question you asked earlier. It is part of the same question.

The Hon. A.J. REDFORD: I have a point of order, Mr President. The minister said in her answer that she had answered that. She has not answered that question at all.

The PRESIDENT: The minister had utilised the opportunity to answer the question in her own way. You asked the question. You read the question again today. It is not a supplementary question to restate the question you have asked before. It is the same question, and the minister has given her response. Therefore, there is no point of order.

The Hon. A.J. REDFORD: She said that she answered it: she has not!

The PRESIDENT: I have taken the point of order on notice, and I have answered the point of order.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Disagreement or disappointment is not a point of order.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Are you disputing my ruling? The Hon. Mr Gazzola has the call.

AUSTRALIAN MINERALS SCIENCE RESEARCH INSTITUTE

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Australian Minerals Science Research Institute.

Leave granted.

The Hon. J. GAZZOLA: The AMSRI is a collaborative research organisation participating in the sciences of minerals extraction and processing that is being established at the Ian Wark Research Institute within the University of South Australia at Mawson Lakes. This project should provide significant assistance to the resources industry in South Australia.

Members interjecting:

The PRESIDENT: Order! I am having extreme difficulty in hearing the Hon. Mr Gazzola's explanation. He has a right to be heard and he should be heard.

The Hon. J. GAZZOLA: How will the government assist AMSRI benefit the mining industry and South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): In conjunction with the Minister for Science and Information Economy, I am pleased to announce that the government has awarded AMSRI a $2.5 million grant for infrastructure and supporting facilities. AMSRI will link together key research organisations around Australia and some of the largest mining companies in the world to undertake this interdisciplinary research. AMSRI will represent a total investment of some $32.5 million, with industry already having contributed around $7.5 million.

Four internationally renowned materials research centres will be partners in AMSRI. They are: the Special Research Centre for Particle and Material Interfaces at the Ian Wark Research Institute, University of South Australia at The Levels; the Particulate Fluids Processing Centre, University of Melbourne; the Centre for Multiphase Processes, University of Newcastle; and the Julius Kruttschnitt Mineral Research Centre, University of Queensland. Industry participation is being coordinated through AMIRA International, an international mining industry association, and major contributors include BHP Billiton, Rio Tinto, WMC Resources and Anglo Platinum Limited.

AMSRI aims to address major technical challenges facing the global minerals industry over the next 25 years and achieve major advances in mineral processing technology that can benefit the mining industry in South Australia. AMSRI expects to achieve lower cost, higher yields and reduced environmental impact outcomes through advanced mineral processing technologies. In other words, as I said earlier in answer to a question from the Leader of the Opposition, we need to keep at the forefront of the minerals area. We are fortunate to be endowed with rich mineral resources. It is important that we keep up with the latest technology in relation to exporting those resources, so it can be done at the lowest cost (to keep us competitive) and with the lowest environmental impact.

The research outputs from AMSRI are expected to benefit industry through lower costs of mineral processing, for example, through reduced water and energy use, reduced waste products and higher yields. South Australia stands to benefit from developing a world-class institute of this size and significance in many ways, particularly by adding value to the state's natural resources through innovative mining and processing techniques, as well as building the capabilities and infrastructure of the Mawson Lakes precinct.

It is also a demonstrable investment by global corporations in collaborative research and development in one of the state's priority areas, enhancing South Australia's reputation as a preferred location for technological development and business investment and assisting to attract other industries to our state.

MILLICENT NORTH PRIMARY SCHOOL

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Education, a question about schools in the South-East of South Australia.

Leave granted.

The Hon. KATE REYNOLDS: Last week I was in Millicent in south-eastern South Australia while the Premier was in Millwaukie in Oregon. Mr Rann was in the United States talking up jobs in Adelaide while potato growers in the South-East are owed about $9 million, and jobs are being lost because of the imminent liquidation of the Millicent potato processing plant. Throughout the South-East, businesses, tourism operators, health service providers, schools and ordinary families told us that they are seeing government resources and energy being spent—not where they are really needed but in marginal metropolitan seats which the Labor Party is targeting in the lead-up to the next state election.

They also expressed to us their concerns that, while the Premier is giving a rich American university $20 million to set up in Adelaide, the Millicent North Primary School is—as these local parents told us—a 'disgrace'. They said that the dedicated staff and students are—

The PRESIDENT: Order! The Hon. Ms Reynolds has been here long enough to know that she cannot debate the issue. It is not opinion, and it is not a debate. The honourable member really needs to study the explanations of other members. Clearly, the honourable member is expressing opinion. I must draw a line somewhere. The honourable member cannot keep doing it day after day.

The Hon. KATE REYNOLDS: As the dedicated staff and students told us, they are understandably ashamed at the state of their school's buildings. They told us how difficult it is for them to walk past the 'school pride' sign, erected by the government at the school gate, when the majority of the buildings—despite the best efforts of the staff and school council—are shabby, the carpets are decades overdue for replacement and the classrooms do not have wet areas. In fact, they showed us that some do not even meet fire safety requirements; and, as the students showed us, year seven students are forced to use kindergarten-sized toilets. My questions to the minister are:

1. Will the government commit to upgrading the Millicent North Primary School so that all learning areas meet this century's teaching and learning standards?

2. Given the success of the JP160 program in schools, such as the Murray Bridge North Junior Primary School, will the government commit to making the additional junior primary teachers part of the permanent staffing formula?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Even though the honourable member opposite is very confused, given her explanation, I will refer her questions to the Minister for Education in the other place and bring back a response.

The Hon. KATE REYNOLDS: As a supplementary question, will the minister please explain what it is I am confused about?

The Hon. CAROLINE SCHAEFER: As a supplementary question, has the minister ever been to the Millicent Primary School to inspect it herself?

The Hon. CARMEL ZOLLO: I cannot see the relevance of that question. Even more, I fail to see the relevance of the explanation to the question that was asked by the honourable member previously.

The Hon. KATE REYNOLDS: As a supplementary question arising from the minister's answer—

Members interjecting:

The PRESIDENT: The Hons Mr Redford and Ms Schaefer will come to order. The Hon. Ms Reynolds has a supplementary question.

The Hon. KATE REYNOLDS: Will the minister please confirm that the Minister for Education has not responded to the invitation from Millicent North Primary School—and that

was Millicent North not the Murray Bridge Junior Primary School, which is one of the other schools we visited—

The PRESIDENT: There is too much explanation; the honourable member needs to ask the question.

The Hon. CARMEL ZOLLO: I am sure it is not for me to point out that sarcasm is the lowest form of wit.

The Hon. J.F. STEFANI: Will the minister confirm whether she has received any representations from the local member regarding this issue?

The Hon. CARMEL ZOLLO: I will refer the question to the minister in another place and bring back a response.

The Hon. A.J. REDFORD: I ask a supplementary question arising out of the answer. What part of the state of the Millicent North Primary School does the minister say is, to use her term, irrelevant?

The PRESIDENT: I do not think there is any—

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: I point out to the honourable member opposite that, in the previous parliament if any member of the opposition got up and even phrased a supplementary question incorrectly, we were sat down.

TRAINEESHIPS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Employment, Training and Further Education a question about traineeships.

Leave granted.

The Hon. A.L. EVANS: *The Advertiser* reported on 2 June 2005 that, according to figures released by the National Centre for Vocational Education Research, the number of people on traineeships and apprenticeships in South Australia has increased by 9 per cent in the last two years. The article goes on to mention that this year the government has put into place particular strategies to improve the take-up of apprenticeships and traineeships in a number of traditional trades including plumbing and vocations in the building sector. My questions to the minister are:

1. Of the number of trainees and apprentices who completed their courses in 2003-04, how many were offered full-time employment in South Australia?

2. What is the drop-out rate of South Australian apprentices from apprenticeships in traditional trade areas such as plumbing, cooking, carpentry and the building sector over the past five years?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I will refer those questions to the minister in another place and bring back a response.

GAMBLING, SOUTHERN SUBURBS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the minister representing the Minister for Gambling a question about gambling in the southern suburbs.

Leave granted.

The Hon. T.J. STEPHENS: Members may be aware that *The Southern Times Messenger* recently reported that the southern suburbs had the highest rates of problem gambling anywhere in South Australia. It is also reported that this trend of problem gambling is on the increase. I note that the Hon. Nick Xenophon has offered to help people who are unable to find support for their addiction—I am not quite sure in which way. The Minister for Disability is quoted in the paper as saying that the state government has doubled—and doubled again—funding for help services since coming to office. My questions are:

1. What is the government's tax revenue from poker machines in the area covered by the Office of the Southern Suburb?

2. What proportion of that money is directed to help programs in that same area?

3. What was the level of funding available for these help services when the government came to office and what is it now?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Obviously, this matter will have to be looked at by the department at some length. I will refer the question to the Minister for Gambling in another place and bring back a reply.

RAPID BAY JETTY

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the minister representing the Minister for Transport a question about the Rapid Bay jetty.

Leave granted.

The Hon. Caroline Schaefer: What's left of it.

The Hon. SANDRA KANCK: That is very true. On Christmas Eve last year, at the beginning of the peak holiday period and without any prior warning, Transport SA officers with a police escort arrived at the Rapid Bay jetty and erected a barrier across the jetty so that 90 per cent of the structure was no longer accessible from the shore. This was a very unhappy Christmas present for local businesses and tourism, and it has had a severe impact. Angry holiday-makers who traditionally visit Rapid Bay to either fish or dive vowed to not return, and this is well demonstrated by the fact that in May last year the local camping ground was host to 600 visitors, while in May this year the number had dropped to 90 visitors.

The reason Transport SA has given for sealing off the jetty is that it is no longer safe. Because this was a jetty that had previously carried vehicles, it is unclear whether this decision meant it was no longer safe for vehicles or no longer safe for pedestrians. If there is valid engineering evidence that the jetty is unsafe, a factor could be the removal of sacrificial anodes from the jetty. I have spoken with an engineer who says that the removal of corrosion protection is no less than wilful vandalism for a structure such as this because it will accelerate the collapse of the jetty unless protection is reinstalled. He also told me that an alternative option to sacrificial anodes could be the use of electric current injection as is used with bridges and pipelines to balance the effects of the corrosion. If action is not taken urgently, the jetty will deteriorate further, impacting, in turn, on the unique and abundant ecosystem, which rivals the Great Barrier Reef for its beauty and diversity, including the state's marine emblem, the leafy sea dragon. My questions to the minister are:

1. Prior to the closure of the Rapid Bay jetty, what testing was done by Transport SA to determine the jetty's load-carrying capacity; was there evidence that the jetty could not carry the distributed weight of pedestrians; or were calculations done only on local stresses caused by heavy vehicles travelling along the jetty?

2. Why were the sacrificial anodes removed from the jetty? Will the minister take steps to ensure their urgent

reinstallation or, alternatively, the installation of electric current injection technology to halt the jetty's deterioration?

3. What impact has the issue of public liability had on considerations about the future of the jetty?

4. Will the minister discuss the importance of the jetty in relation to the leafy sea dragon and marine conservation with the Minister for Environment and Conservation?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The Rapid Bay jetty, of course, was originally constructed by the company that mined dolomite—I think it was originally BHP—which ceased mining for dolomite at least 20 years ago. I well remember that jetty in its hey-day but, when I last visited it two or three years ago, parts of the T piece at the end of the jetty had been disconnected. The jetty obviously has deteriorated, because it must be at least 50 or 100 years old. Inevitably, the jetty will decline, but of course it was built to service the quarry that was right at the end of the jetty where dolomite was mined and then shipped to Whyalla.

Of course, in those days the company permitted it to be used for fishing and it has been a popular spot, but for many years now it has ceased to be a functioning jetty as far as servicing ships is concerned. So, to suggest the jetty has just been deteriorating in the past few years I think is really quite fanciful. Clearly it began that process many years ago when the mining operations ended—and for obvious reasons. But in relation to the—

The Hon. A.J. Redford: Why don't you blame it on the government?

The Hon. P. HOLLOWAY: I am not blaming anyone. I am just saying that the jetty was built as a mining jetty and it is just nonsense to suggest that the deterioration began in the past two or three years. The Hon. Sandra Kanck probably is trying to suggest that it began in recent times, but this jetty—

The Hon. A.J. Redford: You are verballing.

The Hon. P. HOLLOWAY: No, I am not. I am answering the question and simply making the point—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I might do that, too, if you keep interjecting. If you keep interjecting and diverting me, you will give me plenty of opportunity to do just that. But I will refer the question—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The sacrificial anodes, yes, I will refer that part of the question to the minister in another place and bring back a response. This jetty certainly has not been used for many years for its original purpose and has been in decline for some time.

EDALA SYSTEM

The Hon. G.E. GAGO: I ask the Minister for Urban Development and Planning to please explain to members of the council how South Australia is positioned in regard to other states in relation to the electronic lodgment of development applications.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the Hon. Gail Gago for her question and would be delighted to update the council on the great success of the electronic development applications lodgment and assessment system, otherwise known as EDALA. For those members of the council who may not be aware, EDALA was launched by the government in April 2002 as Australia's first online system for lodging and managing land division applications. I am pleased that the Hon. David Ridgway is so interested in this important development for the state. I know that he has an interest in this area as I see him at lunches in relation to development and I acknowledge his interest in these matters. I am sure he will be listening very intently to what I have to say about this development.

It is Australia's first online system for lodging and managing land division applications. Planning SA is the agency charged with the responsibility of administering land division applications for the Development Assessment Commission. The agency had a key role in the development of this innovative internet system, which enables the lodgment and payment of fees for land division applications electronically 24 hours a day, seven days a week. The agency estimates that around 10 000 transactions a day are being processed through the system, and this rate of usage has resulted in significant reductions in paper usage, telephone calls, record storage, postage and couriers. The council may also be interested to know that the EDALA system is being well received by all sections of the survey industry, with the user uptake far exceeding all expectations. Currently 95 per cent of all land divisions are being lodged through this new system. All state agencies and 70 per cent of councils throughout the state are using EDALA.

Planning SA is working at continually developing and improving the system. It anticipates that the current work under way will soon see the transfer of data to every council in the state, so we can achieve our intended target of a 100 per cent user rate for councils. In addition, the system was recently expanded to include the certificate of approval project, which will allow the electronic transfer of approved land division documentation directly to the land services group within the Department of Administrative and Information Services for the next stage of processing.

The ongoing development and improvement of the system has been a collaborative effort by state and local government and the survey industry. The EDALA system clearly puts South Australia ahead of other states in terms of this specialised technology. System improvement, whether in technology, legislation, policy or administration, is the key to a more efficient and effective planning and development system. The council will agree that the EDALA system is helping to achieve the government's goal of ensuring that this state has the best planning and development system in Australia. I thank the honourable member for her question.

REPLIES TO QUESTIONS

STAMP DUTY

In reply to **Hon. A.L. EVANS** (4 April).

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

A considerable number of requests for *ex gratia* relief are received from various organisations and individuals. It has generally been the case that the only *ex gratia* relief provided to charitable organisations and other carer bodies in respect of motor vehicle duty is in circumstances where a motor vehicle is provided solely or principally for the transportation of disabled persons under their care, and where the disabled persons are unable to use public transport as a consequence of their disability. I am advised that over the past ten years less than ten charitable organisations have been provided with *ex gratia* relief in respect of motor vehicle duty.

I am also advised that the remaining applications for relief have almost exclusively been rejected on the basis that the motor vehicles in question, were to be used for general purposes, and not specifically for the transportation of disabled persons.

I advise that when charitable organisations or carer bodies apply to receive an *ex gratia* payment principally for the transportation of disabled persons under their care, they are not required to meet a certain threshold in relation to providing evidence of mileage for a period of one year.

The Government does provide direct grant assistance to a range of non-government organisations through a range of established programs. In 2003-04, the Government, through the former Department for Human Services, provided $115 million in grants to non-government organisations to deliver programs. A list of all grants paid to non-government organisations by the Department for Human Services is published in the Department for Human Services 2003-04 Annual Report (page 83).

FILM CLASSIFICATION

In reply to **Hon. A.L. EVANS** (3 May).

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

1. Yes, the Attorney-General is aware of the contents of the guidelines.

2. Yes. The rating MA15+ means that a film can be screened or hired to (a) anyone aged 15 or over, or (b) a child under 15 who is accompanied by his or her parent or adult guardian.

3. The Attorney-General is aware that paederasts use what are called 'grooming' practices to accustom their victims to the idea of sexual activity between adults and children. It is true that a paederast who is the parent or guardian of a child under 15 could take that child to see this film. Indeed, such a person could expose his or her child to a wide range of offensive material and would probably not be stopped by the classification attached to it. If the parent or guardian is a paederast, then the child is at grave risk of harm irrespective of whether the child sees the film *Birth.*

4. The Attorney-General has decided not to refer this film to the South Australian Classification Council. This is because, in general, it is desirable that classifications should be uniform across Australia. We take part in a national system. Classification Board members are chosen to represent the Australian public and to apply the public's standards of decency. In this case, evidently, the Board judges that the content of this film would not offend a reasonable adult. Those judgments are for the Board to make. It is open to persons aggrieved to apply for a review of the Board's decision, but, so far as I am aware, this has not occurred.

MOUNT GAMBIER, RAILWAY LAND

In reply to **Hon. IAN GILFILLAN** (11 April).

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

1. Cabinet has approved the transfer of the former station yard in Mount Gambier (between Bay Road and Wehl Street South) to the City of Mount Gambier for no consideration, subject to some conditions, primarily that the majority of the site must be used for community benefit. The proposal for transfer incorporates the necessary protection of the rail corridor to be retained by the State, and permits some commercial development by the City of Mount Gambier to assist in funding the redevelopment of the station yard for community benefit. The former station yard is approximately 3 hectares and is a very strategic site for the Mount Gambier region.

2. There are no federal rail lands in the affected area.

3. Aside from the former station yard, the balance of the railway land in the Mount Gambier Council area comprises rail corridor and former goods and services yards. Whilst there is scope for the disposal of some further parcels of land, the rail corridor and goods area are of high strategic importance to the State. The South East Rail lands have been retained by the State Government pending a decision on the future of the South East Rail Project.

SCIENCE AND RESEARCH COUNCIL

In reply to **Hon. J.M.A. LENSINK** (16 February).

The Hon. P. HOLLOWAY: The Minister for Science & Information Economy has provided the following information.

1. The Premier's attendance at the BIO 2002 Conference in Toronto promoted SA's bioscience strengths and the state's biomedical companies and research capabilities. The Premier's attendance ensured SA would be recognised as a key player in the national and international bioscience space, enabling him to meet with international government officials to discuss potential collaborations with SA bioscience organisations.

The Premier hosted a state dinner for the SA delegation and international guests. This dinner generated of a number of leads, as did his attendance at BIO 2004 in San Francisco, which are being pursued.

2. Bio Innovation SA (BISA) was established in 2001 to facilitate the commercial development of biotechnology in SA. To date, BISA has provided $2.3m in pre-seed funds as grants to over 30 early-stage companies, facilitating over $16.5m being raised by companies through $4.2m in Federal grants and 12.3m in private capital.

Also, in 2003-04, Playford Capital committed $1.2 million of Commonwealth funds to 10 local ICT companies, with its companies raising co-investment of over $6.7M from private investors and a further $2.4M from public sources (ie $9.1M total co-investment). This represented a 6.5 times multiplier on the State Government contribution of $1.4 million. Exports by Playford investees in 2003-04 exceeded $6.3million, an increase of 91 per cent on the previous year's achievement. This secured a further $2.14M from the Commonwealth Government's follow-on ICT Incubators Program Fund by competitive tender.

3. There have been no 'significant cuts' in SA government funding support to R&D, including to the Waite. Commonwealth funds for the CRC for Viticulture were cut.

4. The reference in the *STI*[10] document to audacious objectives is specific to Mega Projects, which are described as STI projects of a size and complexity that requires a whole of government response, sit within agreed State priority areas, and are led or supported by the private sector.

5. Smaller projects should meet a similar criteria. Albeit on a smaller scale, the priorities of collaboration, building capability in areas of identified importance for the State, sound management and economic value, and expectations of the development and application of innovative solutions are consistent with those of a Mega Project proposal.

6. There is a Probity Plan, developed for the 2003-04 PSRF selection round, which includes a requirement for panel members to consider and declare potential conflicts of interest, to withdraw from assessment of proposals which may raise a conflict of interest, and to complete non-disclosure agreements.

7. In 2003-04, the first year of operation of the PSRF, four initiatives were supported under the leadership of the Council:

- Contributory funding of up to $350,000 over three years to the Robotics Peer Mentoring Program.
- Contributory funding of up to $535,497 to the Microanalysis Futures Project.
- Contributory funding of up to $70,000 each to support the development of business cases for the SA Neurological Institute and SA Stem Cells Technologies.

The assessment of applications for the first 2004-05 selection round for the Premier's Science and Research Fund has been completed. The Fund has been increased for this year to $3 million, and the guidelines for the fund have encouraged 'transformational' projects in areas of strategic significance to the State. The selection decision is at hand.

The Council has also committed the Government to provide cash support in bids to leverage Commonwealth funds under the Backing Australia's Ability Programme for 6 Federation Fellowships and 2 Centres of Excellence. The outcome of these applications is yet to be announced by the Commonwealth.

The PSRC has provided leadership to public and private SA research organizations, in developing a coordinated, state-wide, strategic response to the Commonwealth's National Collaborative Research Infrastructure Strategy (NCRIS).

The Council has helped to ensure the provision of a high performance communications link to the national broadband research network providing vital infrastructure needed for continued industry development, and the provision of high performance computing capabilities in South Australia which gives industry access to one of the fastest 40 supercomputers in the world. This has led to the (South Australian Broadband Research and Education Network) SABRENet project, a consortia project involving the three universities, CSIRO, DSTO and the State Government.

The Council has supported innovation and science awareness activities, such as the Tall Poppies campaign and regional events held during National Science Week. It has also supported initiatives to improve the delivery of science and mathematics education in SA schools, including the Premier's Industry Award for Science and Mathematics Teachers to undertake industry placements, and scholarships to students from disadvantaged backgrounds and from

regional areas to attend the Australian Science and Mathematics School.

A new initiative supported by the council is the Premier's Science Excellence Awards, which will recognise and promote excellence in scientific research, education, communication and leadership.

8. As a supplementary question: the minister referred to millions of dollars going into other projects at the Waite, and also that some targets set by STI[10] have already been met. Will the minister provide the chamber with specific details of those?

The State Government provides substantial funding to support activities at the Waite campus, over and above the $12m committed for the establishment of the Australian Centre for Plant Functional Genomics. State Government support is provided through organisations which include:

- Primary Industries and Resources South Australia
- SA Research and Development Institute
- Department of Water, Land and Biodiversity Conservation
- Cooperative Research Centre for Viticulture
- Cooperative Research Centre for Molecular Plant Breeding
- Cooperative Research Centre for Weed Management
- Cooperative Research Centre for Plant-based Management of Dryland Salinity, and
- Provisor, the Major National Research Facility for Wine.

An audit of performance against three specific targets of ***STI[10]*** has recently been undertaken. The results of the audit indicate:

- Maintenance of benchmark levels of SA participation in nominated Commonwealth R&D programs (location of headquarters or a major node of at least 40 per cent of all existing CRCs, Major National Research Facilities and Centres of Excellence) will continue to be a significant challenge. The recently-announced 2004 Selection Round of Cooperative Research Centres will bring performance above 40 per cent when they are established from July 2005, but SA will still be under-represented in Centres of Excellence (specialist R&D activities) and MNRFs (infrastructure). The Commonwealth is developing a National Collaborative Research Infrastructure Strategy to replace the MNRF program, budgeted at $542 million over 7 years, and SA is both influencing the direction of the strategy and preparing to develop and submit bids for R&D infrastructure that will be of sustained value to this community.
- There has been a 0.31 per cent increase in business expenditure on R&D (BERD) in SA in the latest reporting period. SA average now exceeds the national average, the trend is positive, and the target of approaching the OECD average within 10 years appears to be achievable.
- The number of SA patent applications as a measure of commercialisation of research shows a rising trend in the past 5 years. The national rate of patent lodgement has also risen, and SA has maintained its proportional representation in overall numbers of patent applications.

HONG KONG OFFICE

In reply to **Hon. R.I. LUCAS** (11 April).

The Hon. P. HOLLOWAY: I am pleased to inform the honourable member that the arrangements for the new representation model in Hong Kong have been finalised.

From April 2005, for a period of 12 months, the South Australian Government will contract Austrade, at a cost of AUD$233,000, to employ a Business Development Manager dedicated to assisting South Australian exporters in the Hong Kong market. A significant saving over the previous arrangement.

I can also inform the honourable member that Ms Alice Jim has been employed by Austrade to perform this role.

CROWN SOLICITOR'S TRUST ACCOUNT

In reply to **Hon. R.I. LUCAS** (12 April).

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

1. No, the Attorney-General's answer does not mean that he alone was the only person to operate the account known as the Crown Solicitor's Trust Account. The Crown Solicitor and his staff have the authority to operate the account within the purposes approved by the Treasurer. Payments to and from the account are made on behalf of agencies (usually for the purpose of purchasing and selling property). Accordingly, as goods and services are not being purchased by the Crown Solicitor's Office (rather the client agency), it is not necessary for the Attorney-General to have an instrument of financial delegation in place for the operation of the Crown Solicitor's Trust Account.

2. For the reasons outlined above, the Attorney-General has not signed any document that gave delegated authority or approval to operate the account known as the Crown Solicitor's Trust Account, does not represent a breach of the Treasurer's Instructions nor any provision of the Public Finance and Audit Act.

PRESS RELEASE

In reply to **Hon. A.J. REDFORD** (15 September 2004)

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

1. The Government's media unit is located in the Premier's Office.
2. The media release contained statements of truth and opinion and is not defamatory.
3. No.
4. This question is based upon a false assumption.
5. There is no need to apologise.
6. No.

AUDITOR-GENERAL

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

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

The Auditor-General appeared before the Economic and Finance Committee on Wednesday 16 March 2005.

The Auditor-General's evidence speaks for itself and, given its nature, it would be inappropriate to make any comment on the matters canvassed by him that day.

On Thursday, 17 March 2005, the Police Minister, the Hon. K.O. Foley announced that he 'wrote to the Police Commissiner, drawing his attention to evidence given by the Auditor-General, Ken MacPherson, to Parliament's Economic and Finance committee'.

CHILD PROTECTION

In reply to **Hon. KATE REYNOLDS** (6 December 2004).

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

The Honourable Member's first question was whether the Government intended to establish a sexual-assault court. The Layton Report did not recommend establishing a specialist court in South Australia. However, the working groups the Attorney-General established to consider these recommendations recommended that, as there was a pilot specialist court in N.S.W. at Paramatta, and as that court was being evaluated, it would be prudent to await the findings before dismissing the concept for South Australia. Recent advice indicates that the evaluation will be completed sometime this year.

Recent changes to the way evidence is taken from children and vulnerable witnesses in South Australia already allow our criminal courts to provide a similar, or even more protective, environment for child and vulnerable witnesses in such cases than occurs in the pilot N.S.W. sexual-assault court. In particular, vulnerable witnesses may now give evidence by closed circuit television in the Mt Gambier and Central District Courts (and I will give more detail about this later). Also, any court may make orders to shield the vulnerable witness from direct contact with the defendant. Specialist witness assistance is given to victims of sexual-assault cases. With these and other changes being developed by the Government to the way vulnerable witnesses give evidence (to which I refer in more detail later in this response), there may be no need for a separate court dedicated to sexual assault. The Government is keeping an open mind on this question, while it continues to improve conditions for vulnerable witnesses and awaits the evaluation of the N.S.W. experiment.

The Honourable Member asks about alleged delays in the hearing of cases of child sexual assault and the effect of such delays on the victim. The Government supports the views expressed in the Layton Report that delays should be kept to a minimum for all cases, and, in particular, for child sexual assault cases. There is a well-established system for fast-tracking such cases by the Director of Public Prosecutions and the courts now. The Attorney-General's Justice Child Protection Reform Working Group is examining ways that criminal trials involving child witnesses can be managed in a more timely way. As a start, it is ascertaining what information is available during the interval from committal to trial in cases involving child witnesses, given that there is no capacity in the current court database to identify child witnesses. The Office of the Director of

Public Prosecutions is examining its capacity to identify and track child witnesses and examining the rescheduling of interrupted trials. A feasibility study is being conducted to determine the level of manual intervention required to track notifications of child abuse through the criminal justice system, in an endeavour to improve data information systems so that outcomes of all children and young people who have been abused can be more effectively tracked across all systems from notification to court. Once these outcomes are known, the group will be in a position to consider whether there is a need for change.

The Honourable Member asks what action is being taken by the Attorney-General to address the recommendations contained in the Layton Report. I will summarise his progress, and the progress of other Ministers, on the recommendations about children and the courts, because that is the part of the report to which the Honourable Member's question without notice referred and which is most directly within the Attorney-General's portfolio. I point out that the Attorney-General is also working with other Ministers on recommendations in other parts of the report that touch on the Justice portfolio, but that is for those other Ministers to report.

I now return to what the Government is doing about the recommendations on children and the courts.

Firstly, closed-circuit television equipment has been installed in the Mount Gambier Court to enable the court to use it as a special arrangement by which children and other vulnerable witnesses can give evidence from another room in the court building. That building has been equipped with appropriate witness and family rooms. Two additional criminal courtrooms in the Sir Samuel Way Building will be similarly equipped by the end of June 2005 with remote witness capacity.

Secondly, the Attorney-General is drafting legislation to protect children who appear before the courts as victims of alleged sexual offences. Cabinet has approved his referring a discussion draft of the Bill to a specialist criminal trial reform working group, chaired by a Supreme Court judge, for expert technical legal comment. Once that group has given its opinion, the draft will be revisited and then circulated more widely to interest groups and Government agencies with concerns about, or responsibility for, child protection, before being introduced to Parliament.

Thirdly, the Minister for Correctional Services is responding to the Layton recommendation that the community-based treatment program for people who commit sexual offences, including those against children, be extended for use in prison, and that the Mary Street program for adolescent sex offenders also be extended.

The Government responded in the 2004-2005 Budget by allocating $1.7 million over four years to the Department of Health to increase therapeutic and counselling services:

- for children aged two to 12 years who have been abused, where this abuse has been substantiated or confirmed by Children, Youth and Family Services;
- for young people aged 12 to 18 years who have been sexually abused or sexually assaulted; and
- for young people who abuse others.

For the adult sex-offender program, $5.5 million has been allocated over four years. The Attorney-General's Justice Child Protection Reform Working Group is monitoring progress on this.

Fourthly, the Attorney-General has had amendments to the *Criminal Law (Sentencing) Act 1988* in the *Statutes Amendment (Intervention Programs and Sentencing Procedures) Bill 2005* reintroduced to the Legislative Council after its being laid aside by the Legislative Council last year. The Bill will give courts statutory power to refer defendants to intervention programs (including those for sexual-offender treatment) before, or as part of, sentence.

Fifthly, the Minister for Families and Communities is developing integrated procedures across services for working with children and families where there are child-protection concerns. These procedures will help support child victims and their families, including throughout the prosecution of the alleged offender. More specifically, the Minister is expanding therapeutic services for children and adolescents who have been sexually abused as outlined previously.

Sixthly, the Government is aware that children who are the alleged victims of sexual offences being prosecuted in the criminal courts will often be the subject of welfare and family law applications during that prosecution. Officers from the Attorney-General's Department are participating in a national working group to carry out the Family Law Council Report *Family Law and Child Protection.* The aim is to change State laws and the Commonwealth *Family Law Act 1975* to allow one court only to deal with matters that involve *Family-Law-Act 1975* and State-welfare law issues. That group will work with the Community Services Ministers' Advisory Council.

Seventhly, the Government has endorsed, and is participating with the Family Court of Australia in, the Magellan project, which is trialling Family Court judge-led case management to fast track eligible cases in the Family Court where there are allegations of abuse (sexual or physical) to minimise the distress these cases cause to children. Sometimes these children will also be witnesses in criminal proceedings related to the allegations.

Eighthly, the Attorney-General has carried out the Layton recommendation that the laws about criminal responsibility for infant deaths be reformed to remove a legal loophole that allows people to escape liability altogether if there is more than one suspect and neither will say, and no-one can prove, which of them killed the child. The *Criminal Law Consolidation (Criminal Neglect) Amendment Act 2005* came into effect on14 April, 2005. It covers deaths and serious harm caused to children or to vulnerable adults who are unable to protect themselves from harm. It was opposed by the Australian Democrats.

Finally, the Government is working to improve the capacity of people in the criminal justice system to protect child witnesses from unnecessary stress. The South Australian Police Department is being asked to consider expanding existing training options for police prosecutors who work with child witnesses, and the Attorney-General is working with officers from the Department of Justice and the Department for Families and Communities on a program of judicial education about child witnesses that, we think, will then form the basis of information packages for others working in litigation involving children as witnesses.

The Honourable Member asks when the Attorney-General will report to Parliament on the Government's response to each of the recommendations in Chapter 15 of the Layton Report. The Attorney-General does not intend to make any such report. I have described the Government's progress to date, but it may also be helpful to describe how the Government has approached the Layton Recommendations.

In conducting the review, Miss Layton (now Justice Layton) received submissions not only from the public but also from expert task groups across Government, including specialist groups reporting on children and the courts. After the Review made its report, the Government arranged for each recommendation, including those in Chapter 15 on children and the courts, to be examined by task groups comprising nominees, experts and service providers from across all relevant Government agencies and services. It has based its approach to the recommendations in large part on the reports of those groups.

Anyone who has read the report of the Layton Child Protection Review will know that many of the problems it identified require a co-ordinated response from justice, health and welfare agencies. The Government is coordinating its response by means of an Inter-Ministerial Committee on the Care and Protection of Children that includes the Premier, the Treasurer, the Minister for Families and Communities as the lead Minister, the Minister for Education and Children's Services, the Minister for Health, the Minister for Aboriginal Affairs and Reconciliation, and the Attorney-General, as well as a Chief Executives' Co-ordinating Committee and a Senior Officers' Group comprising senior departmental advisers from all relevant ministries, including Treasury. The way each recommendation is carried out is being monitored by portfolio-based implementation committees that, among other things, must identify areas of need that are not being met and refer them to the Inter-Ministerial Committee for attention. In the Attorney-General's portfolio, for example, a Justice Child Protection Reform Working Group is monitoring progress on justice-related recommendations.

This Government is taking the question of child protection very seriously. That is why it commissioned the Child Protection Review. The Honourable Member's question was about one particular area of child protection, dealt with in Chapter 15 of the Review Report.

The Hon R.D. Lawson also sought information on what the Government is doing to carry out the balance of the Layton recommendations. As mentioned, the Government is also working on the other recommendations of the Child Protection Review Report, under the supervision of the Inter-Ministerial Committee on the Care and Protection of Children.

The document *Keeping Them Safe: The Government's Child Protection Reform Program* forms both the Government's response to the Layton Review and the Government's promise to protect and support the interests of children and families in this State. It sets out a comprehensive whole-of-Government reform program that is now

being carried out rigorously and systematically across Government and Government portfolios.

The Minister for Families and Communities, as the lead Minister, circulated this document to all Members of Parliament in 2004, together with *Keeping Them Safe: Past Achievements and Future Initiatives 2004-2005*, to ensure that every member would have the opportunity to know precisely what the Government is doing in response to the Layton Review.

The agenda for child-protection reform is huge and, as I indicated previously, it is being closely overseen and monitored by the Inter-Ministerial Committee on Care and Protection of Children. This reform agenda is clear in its directions, and that is to give support to children and families, provide effective and appropriate intervention, reform work practices and culture, develop collaborative partnerships and improve accountability. The Government is pledged to this agenda, to ensure that the care and protection of all children in this State is given the level of attention it deserves across all the relevant Ministerial portfolios. That the Government continues to give this reform its unremitting attention was shown by the recent passage in the Parliament of the *Teachers Registration Board Act 2004*, which now puts in place much improved arrangements for protecting children from those teachers who may have inappropriate criminal backgrounds from working with children.

YAITYA MAKKITURA

In reply to **Hon. KATE REYNOLDS** (3 March).

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

1. The State Government grants provided to Yaitya Makkitura (YM) through the SA Film Corporation have totalled $142,000 since 1999.

2. It should be noted that YM is one of two Indigenous film bodies receiving funding through the SA Film Corporation's Screen Culture Organisations grant program, the other being PY Media.

The SAFC has provided advice to YM regarding other funding opportunities, prepared letters of support for YM when requested, introduced YM members to fellow practitioners and organisations, provided professional development funding and recommended YM's members for industry-related work. Also, Indigenous practitioners (including some from YM) have been given individual support in excess of $100,000. One such supported practitioner is now attending the national Australian Film Television and Radio School. Also Government-funded health promotion films for Indigenous people that are funded through the SAFC always include Indigenous crew and provide Indigenous attachments.

In summary, the State Government, through the SAFC, is working to foster the Indigenous film industry.

3. The SAFC has not yet completed its business plan. It is currently developing an Indigenous film strategy in order to help bring Indigenous film projects to fruition and to ensure that appropriate cultural protocols are developed and widely disseminated throughout the industry. This is a central plank of its 2005-07 strategic plan, on which its business plan will be based.

The SAFC is a partner with the AFC in its National Indigenous Documentary Fund.

4. I have not received a meeting request from YM since 26 February 2004, which was responded to by my office shortly after this date. Representatives of YM have met with the Executive Director of ArtsSA in regard to these issues.

5. The process for allocating funds under the SAFC's Screen Cultures Organisations grant program is a competitive one. This ensures equal access to funding for all organisations. YM must apply for its grants through the normal, competitive grant process.

ADELAIDE, MAKE THE MOVE CAMPAIGN

In reply to **Hon. D.W. RIDGWAY** (12 October 2004).

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

2. "The Rann Government has already made significant investment in infrastructure. This financial year alone, we are investing $950 million in an ongoing program to rebuild our hospitals and schools as well as roads, bridges, rail and port.

We are investing $125 million in 2004-05 on a program of ongoing school upgrades plus $25 million for a one-off School Pride program to paint, repair and refresh our schools and preschools, $30 million for the $45 million deepening of the Outer Harbor shipping channel, $72 million to supply new 'super trams' and upgrade the light rail infrastructure, over $500 million for the on-going upgrades of our public hospitals, $82 million for 169 new Scania buses to come on line over the next five years, over $100 million for a five-year program of on-going road safety improvements and much more.

3. The *Building South Australia – Strategic Infrastructure Plan* was released on 6 April 2005. The Plan identifies a broad range of opportunities for infrastructure investment during the next five and 10 years and sets out a new strategic, coordinated and long-term approach to the provision of infrastructure.

To demonstrate the Government's ongoing commitment to infrastructure investment, on 6 April 2005 the Government also committed an initial $215 million to several exciting new major transport infrastructure projects. This included:

- $122 million South Road, Port / Grange Road tunnel – Major roadworks to commence August 2007, to be completed early 2010.
- $65 million for an underpass at the intersection of South Road / Anzac Highway – Major roadworks to commence mid 2007, to be completed by mid 2009.
- $21 million to extend the Glenelg tram line to North Terrace – construction will begin in 2006 with the tram line extension expected to be complete by September 2007.
- $7 million for a new major bus and rail interchange near Marion Shopping Centre – to be completed by the end of 2006.
- Investigations into extending the Noarlunga rail line to Seaford, with a view to construction during the second five-year period of the plan.

MINERAL RESOURCES, PROMOTIONAL VIDEO

In reply to **Hon. D. W. RIDGWAY** (5 May).

The Hon. P. HOLLOWAY: The Honourable Member asked for the cost of a mineral resources promotional video which was shown at the SA Resources and Energy Investment Conference/SA Chamber of Mines and Energy Gala Dinner on 4 May 2005. The answer to the question is the video cost $3,750 (plus GST). It was first shown at the dinner on 4 May and is intended to be used on other appropriate occasions to promote the State's mining industry and the close relationship which the government and the industry enjoy.

PORT ADELAIDE ENFIELD COUNCIL

In reply to **Hon. J.F. STEFANI** (3 March).

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

The Government believes it essential to the effective functioning of our Local Government system that elected councils take full responsibility for their decisions. I therefore encourage the Honourable Member to raise his concerns direct with the City of Port Adelaide Enfield.

DURESS ALARMS

In reply to **Hon J.F. STEFANI** (14 April).

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

The Commissioner of Police has advised that the South Australia Police (SAPol) receives numerous reports of electronic alarm activations from a number of private Alarm Monitoring Centres and despatches police patrols accordingly.

Over the last decade the number of alarm installations both domestically and commercially has grown to the extent that police have had to adjust its attendance policy to attend only alarms that are likely to be activated for genuine reasons. This was required as in the mid 1990's SAPol despatched police personnel to over 5000+ incidents per month of which 93 per cent -98 per cent were consistently discovered to be false or improper activations. This activity was considered a misuse of police resources and there was also doubt as to the integrity of some persons entering the security industry at that time.

The necessity to rationalise police commitment to such incidents resulted in a change of policy in 1996 to enhance confidence in private Alarm Monitoring Centre procedures and integrity, the standard of alarm equipment being installed, appropriate installation points and the level of end user training being given to clients.

The policy for police attendance developed at that time is still current and in part requires that the alarm monitoring company that reports activations to police must be a bona fide security company that is registered with SAPol as a fit and proper organisation.

To qualify for registration as a SAPol accepted Alarm Monitoring Centre a security company must pass quality control accreditation, which includes the following requirements.

These alarm centres must:

- be a registered business;
- be a graded monitoring station in accordance with Australian Standard AS 2201.2 and hold a current graded classification (yearly renewal required);
- hold a Master Security Licence;
- have a nominated licensed manager;
- hold professional indemnity insurance;
- have public liability insurance; and
- be a member of a recognised security industry association. (e.g. ASIAL, SISAL)

Currently SAPOL has nineteen registered alarm monitoring companies, five of which are based in South Australia. Constant communications are maintained with these organisations on the standards of service offered and to assist progressive developments in alarm installation, technology and response.

Application to be a S.A. Police Registered Alarm Centre can be made through the Officer in Charge, South Australia Police Communications Branch and is open to any alarm monitoring company that can comply with the above criteria.

BUREAUCRATIC GUIDELINES

In reply to **Hon T.J. STEPHENS** (13 October 2004).

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

I have not issued any instructions nor am I aware of any instructions being issued by any other person in Government in the terms referred to in the question.

If an answer to a particular question cannot be provided because it involves an excessive and unreasonable diversion of public resources the Parliament will be advised.

LAND TAX

In reply to **Hon. NICK XENOPHON** (4 April).

In reply to **The Hon. J.F. STEFANI**.

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

On 7 February 2005, the Government announced a land tax relief package costing close to $245 million over four years for 121,000 South Australians who would be liable for land tax bills from July 1 this year.

An *ex gratia* land tax rebate applies to 2004-05 land tax payers equal to 50 per cent of the savings under the new land tax scales.

The rebate is determined by recalculating the tax that would have been payable in 2004-05 under the new tax structure that will apply from 2005-06. This amount is compared to the taxpayer's actual land tax liability in 2004-05 and 50 per cent of the difference is the rebate amount.

RevenueSA commenced issuing rebate cheques in April 2005. As at the end of April 2005, 103,000 rebate cheques were delivered to taxpayers. It is expected that most rebate cheques will be received by taxpayers by the end of May 2005.

Effective from the 2005-06 assessment year, property owners conducting a business from their principal place of residence, in particular operators of bed and breakfast accommodation, will be able to claim a full exemption if the home business activity occupies less than 25 per cent of the total floor area of all buildings on the land (excluding outside/garden areas) or a part exemption if the home business activity occupies between 25 per cent and 75 per cent of the total floor area of all buildings on the land. No relief will be provided where the home business activity occupies more than 75 per cent of the house area.

Land used for caravan parks and for residential parks (where retired persons lease land under residential site agreements for the purpose of locating transportable homes on that land) will be exempt from land tax effective from 2005-06.

The criteria for determining eligibility for a primary production exemption for owners of land located in "defined rural areas" (close to Adelaide and Mount Gambier) will also be amended to broaden eligibility. This will also be effective from 2005-06.

I can advise that the draft legislation relaxes the criteria for the primary production exemption in the defined rural area significantly to provide land tax relief in instances where the owner of a property who physically works the land is currently ineligible for the exemption due to the ownership structure of the primary production business or due to co-owning relatives who work away from the farm.

As you would be aware, the criteria for determining the eligibility for any of the relief provisions contained in the proposed Bill also need to be passed by both Houses of Parliament. The Bill is expected to be introduced into Parliament in the May Budget Sitting.

Once the amending legislation has been assented to RevenueSA will issue a Circular, and update the information on its Internet site. RevenueSA also proposes to send explanatory letters and application forms to owners of taxable primary production land, and owners of taxable residential land where the Valuer-General has advised RevenueSA that the land usage includes a business operated from the premises.

A "Guide to Legislation" explaining the new tax rate structure will also be issued with the 2005-06 Land Tax Notices of Assessment.

WORKCOVER

In reply to **Hon. A.J. REDFORD** (12 April).

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

1. The press release correctly states that claims costs in the first nine months of this financial year are running below that of the same period in the previous year. Current year costs are quite a different matter to liabilities (which might cover a 20 – 40 year period) that are assessed by an actuarial valuation.

2. The figures quoted relate to the 2003-04 year, as published in the Department for Administrative and Information Services annual report.

It is not unusual for a current year reduction in claims to be accompanied by a rise in liabilities. The outstanding liabilities figure represents all estimated future costs (for periods of 20 – 40 years, and more in some cases) for all claims received since the WorkCover Act began in 1987. Small fluctuations in one year will have a much lesser impact than movements associated with the previous 15 or 16 years. There are other factors, such as wage and interest rate movements that, when projected many years ahead, also impact on year to year actuarial valuations.

3. Rather than confusing the number of new claims and the cash payment figures, I am providing up-to-date progressive information. Consistent current year performance improvements are a step towards containing longer-term liabilities.

4. The press release provided up–to-date progressive information.

The liability figure is important and this government has taken steps to address this within the public sector. Government has:

- embraced the National Occupational Health & Safety Commission 10 year (40 per cent) reduction targets for workplace injury for 2002 - 2012;
- adopted a public sector Workplace Safety Management Strategy for the 2004 – 2006 period, requiring public sector agencies to adopt stretch improvement targets for this period;
- the Premier has published a Premier's Safety Commitment promoting safety as a core value in the SA public sector;
- approved a claims strategy that places additional focus on returning injured workers to work as soon as possible;
- established in 2004, a Review of Standards and Criteria for Exempt Employers in SA, with terms of reference that included specific reference to Crown exempt employers.

LOTTERIES COMMISSION

In reply to **Hon. NICK XENOPHON** (5 May).

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

Based on legal opinion, the Star Wars ticket does not breach the State Lotteries Advertising and Responsible Gambling Codes of Practice.

- The advertising is not directed at minors.
- All marketing communications have been developed for a target market of consumers aged 25 years and over.
- Television advertising for the Star Wars ticket is scheduled after 7.30pm.
- The ticket is provided in a responsible gambling environment within SA Lotteries agencies.

- SA Lotteries has 530 agencies in South Australia, principally small business owners. SA Lotteries has an Agreement with each Agent.
  - The Agent Agreement specifically states that the Agent must not sell or offer to sell a ticket to a minor (aged under 16 years of age), nor knowingly sell or offer to sell a ticket to a person who is purchasing, at the request of a minor, for the minor. Furthermore, the Agent must not pay out any claim for a prize made on behalf of a minor.
    - If an Agent breaches a provision of the Agent Agreement, SA Lotteries has the right to terminate or suspend an agency in accordance with the Agreement.
    - Customer information by way of responsible gambling materials and signage is displayed at each agency, in accordance with the Codes.
    - Regular communications are forwarded to agents re-inforcing the legal requirements regarding sale of lotteries games.
    - Regular audits on agents are conducted to ensure compliance with the Codes.

In exercising its powers and functions in accordance with the provisions of the State Lotteries Act 1966, the Lotteries Commission is subject to the control and directions of the State Government, acting through the Treasurer. Any such directions shall not be inconsistent with the provisions of the Act.

Research provided by Lucasfilm Ltd, distributors of the movie, identified the Star Wars core consumer base as being predominantly male, aged 25 years of age and over. The research suggests these consumers are most likely to have a rooting in and affinity for the original trilogy dating back to 1977.

The classification of the latest Star Wars Episode III movie, to be released on 19 May 2005, is M15+ (recommended for mature audiences 15 years and over).

SA Lotteries is subject to Cabinet Communications Committee requirements when undertaking communication activities.

Government agencies are required to submit to the Strategic Communications Unit at the planning stage, all proposed marketing communication, campaign advertising, public information and promotional campaigns intended for release into the public domain, regardless of the value of activity. This requirement also includes all sponsorship proposals and promotional activities where there is significant Government funding and/or a perceived strong association with Government.

For a submission to proceed to the Cabinet Communications Committee, approval of the final communication strategy, including proposed creative concepts and media plan where appropriate, must be received from the department Chief Executive Officer and the appropriate Minister.

SA Lotteries' Advertising Policy ensures compliance, in accordance with the State Lotteries Act 1966, to the State Lotteries Advertising Code of Practice. Procedures exist to support this Policy, including the requirement to specifically analyse advertising campaigns in the context of the Code. An advertising and point of sale checklist is completed prior to production or placement of any advertising.

The licence fee payable to Lucasfilm Ltd was $30,000. This is equivalent to 2.5 per cent of total gross sales for the Star Wars Instant Scratches ticket.

This licence fee entitles SA Lotteries to use pre-determined images and clips from the Star Wars Episode III movie in all marketing efforts in support of the game.

GAMING MACHINE VENUES

In reply to **Hon. NICK XENOPHON** (6 April).

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

1. Current legislative provisions in South Australia provide that persons can only withdrawal $200 per transaction from ATMs/EFTPOS in gaming venues (section 51B of the *Gaming Machines Act 1992*). There is a further unproclaimed provision (subsection 51B (3)) that would tighten this withdrawal limit to only one withdrawal per card per day in a gaming venue (retaining the $200 maximum). The application of the limit is currently technologically impossible to implement. The banking sector has indicated they will not comply unless a national approach is taken on the issue.

Led by South Australia, State and Territory Ministers at the Ministerial Council on Gambling meetings on 21 November 2003 again on 2 July 2004, and further on 28 April 2005 asked the Federal Government to use their banking powers to legislate the requirement on the banks to provide this facility. The Federal Government is not willing to assist in this manner.

Further discussions have commenced between officials of the Ministerial Council on Gambling and representatives of the banking industry on this matter. South Australia will take a lead role in these discussions.

2. As advised in question 1, at the last three meetings of the Ministerial Council on Gambling, the States and Territories, led by South Australia, argued that the Commonwealth Government should assist by amending the *Banking Act 1974* to require financial institutions to enable States and Territories to set per day limits on withdrawals from ATMs and EFTPOS in gaming venues.

3. Both the Australian Government and the State Government have a role to play in reducing withdrawal limits on ATMs at gambling venues. As advised in question 1, the State Government has requested that the Australian Government use their banking powers to legislate to achieve this outcome.

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

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

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

This matter was again on the agenda for the Ministerial Council meeting held on 28 April 2005.

GOVERNMENT WEB SITES

In reply to **Hon. T.G. CAMERON** (3 March).

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

1. I am advised that all South Australian Government departments have a web site, with many departments having multiple sites for specific business purposes. SA Central (www.sacentral.sa.gov.au) provides a listing of all government web sites for South Australia.

2. SA government website standards and protocols prescribe that all web site content must be updated at least every six months. Depending on the type of content and site publishing mechanism, some sites may be updated more often than this. Compliance with these across government standards is mandatory and is the responsibility of each agency.

3. Cost of web site establishment and maintenance is dependent upon the complexity of the site in terms of content, functionality, technical and support requirements. The cost of establishing a site can range from $20,000 to over $300,000 depending on the content scope, complexity and degree of integration with internal business systems. As a general rule, annual maintenance costs amount to about 30 per cent of initial establishment costs.

4. I am advised that the cost of web site development is covered by either an agency's ICT budget or through a capital funding allocation. Maintenance costs are usually met from agencies' ICT operational budgets, with staff costs reflected in the relevant business units. Due to the decentralised nature of funding arrangements and the fact that web sites tend to cross a number of budget lines, it is not possible to provide a holistic figure on the total costs for South Australian government.

5. The Department for Administrative and Information Services is responsible for the creation and maintenance of the SA government web site standards and protocols. The implementation of and compliance with the standards is the responsibility of each agency.

GAMBLING, PROBLEM

In reply to **Hon. NICK XENOPHON** (12 October 2004).

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

In the 2004-05 Budget the Government provided an additional $350,000 (indexed) per annum, to be matched by industry, to the Gamblers' Rehabilitation Fund to support early intervention strategies in gaming venues including improved links with gambling counsellors. While this type of approach had been talked about by many stakeholders through the Independent Gambling Authority public hearing processes the specific details of this initiative were yet to be determined.

The industry with this joint Government funded initiative has alternatively developed their own – fully industry funded - Hotels and Clubs Compliance and Early Intervention Strategy.

The Hotels and Clubs sector will provide $750,000 per annum to fund their Compliance and Early Intervention Strategy.

It is also understood that the Hotels and Clubs strategy will attempt to achieve more effective results in targeting people who are either in the early stages or who are at risk of developing a gambling related problem. Early intervention will be a key focus of the Hotels and Clubs responsible gambling initiative.

I note that while the Government did not ultimately joint fund this initiative it has provided an additional $2 million per annum to the Gambler's Rehabilitation Fund effective form 1 February 2005. This increased the Government's yearly contribution to the fund to $3.845 million—more than a four-fold increase from the $800,000 annual contribution to the Gambler's Rehabilitation Fund by the previous Liberal Government.

ROBERTS, Hon. T.G.

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

That a further eight days' leave of absence be granted to the Hon. T.G. Roberts on account of illness.

Motion carried.

APPROPRIATION BILL

Second reading.

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 detailed explanation of the bill and clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: commencement

This clause provides for the Bill to operate retrospectively to 1 July 2005. Until the Bill is passed, expenditure is financed from appropriation provided by the *Supply Act*.

Clause 3: interpretation

This clause provides relevant definitions.

Clause 4: Issue and application of money

This clause provides for the issue and application of the sums shown in the schedule to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by the Bill.

Clause 5: Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

Clause 6: Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

Clause 7: Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

Clause 8: Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

The Hon. R.I. LUCAS secured the adjournment of the debate.

AMBULANCE SERVICES (SA AMBULANCE SERVICE INC) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 June. Page 2156.)

The Hon. J.M.A. LENSINK: As I stated yesterday at the conclusion of my remarks, I have some representations that I want to put on record and I appreciate the parliament giving me leave to conclude those remarks today. I am not sure whether they are necessarily relevant to the amendments to this bill but perhaps they are a reflection of some of the arrangements that have been in place with the changeover from St John to the South Australian Ambulance Service. I have been advised by people in the community that both voluntary first aid groups and some private providers who would wish to provide these services have had a number of difficulties and are in a relatively disadvantaged situation.

The complaints that they have are, first, that when they apply to the Department of Health to get a licence it takes some seven months, whereas St John's can get the licence in a matter of weeks. Secondly, in relation to emergency vehicles, they have been told that they are forbidden to use flashing lights, which they have been told are rules of the Department of Transport, so I would seek clarification on that. Also in relation to that, they have been told that only St John's and the SA Ambulance Service are entitled to emergency vehicle status, which affects purchasing vehicles and the registration fees, which are some $32 for St John's vehicles compared to some $600 for other operators and providers.

Thirdly, St John's has been given free access to the Government Radio Network, which all other providers are not provided at all and, finally, it has been told that the Department of Health endorses St John's over other providers, in particular through a publication produced by the Environmental Health Service of the Department of Health, entitled 'The guidelines for the management of public health and safety at public events.' This mentioned St John's as an organisation that should be consulted in relation to major events but neglects to advise that there are any other providers. Furthermore, I am told that a particular festival was advised by someone within SAPOL that it should not use a particular other provider but should go with St John's.

I raise those concerns and would like some sort of response from the minister, and I did speak to one of the ministerial advisers this morning to convey this. I also foreshadow that there will be some amendments, as I noted yesterday.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank members for their contributions. The purpose of this legislation is to remove all reference to St John and the Priory from the current Ambulance Services Act 1992. This change in governance arrangements for the

Ambulance Service in South Australia was initiated at the behest of both St John and the Ambulance Service and has the full support of the ambulance board. I would like to thank St John for its involvement in assisting with the growth and development of ambulance services in South Australia since the early 1950s. St John has played a key role in developing the volunteer ethos within the Ambulance Service, particularly in rural areas. The Country Ambulance Services Advisory Committee has successfully assumed this role.

The Ambulance Service could not exist without the dedicated commitment of its highly professional work force of career and volunteer staff. I would also like to thank the ambulance board for its commitment in ensuring that the transition from the St John service of the past to the modern Ambulance Service of today is fully integrated into the state's health system. This has been achieved with the continued support and commitment of its volunteer and career work force.

I also recognise that the composition of the board, which is a mix of independent directors and directors drawn from the work force, has been a major contributing factor to this success. I also put on the record my thanks to the current chair of the ambulance board, Robyn Pak-Poy, and past chairs, for their leadership in helping to bring about this reform in governance for the South Australian Ambulance Service. This will ensure that the service continues to develop and add even greater value to the health and wellbeing of the South Australian community.

Members would be aware that the passing of this bill has become urgent because of a private ruling by the Australian Tax Office. The ATO has ruled that SAAS is not exempt from income tax for this current financial year. It has been estimated that SAAS's income tax liability will be approximately $1.7 million. As the opposition has also noted, until the separation of St John's and the Ambulance Service is finalised, SAAS is neither strictly a charity nor a government entity. The passing of this bill will finalise the withdrawal of St John's from SAAS and will assist the Department of Health's assertion that the South Australian Ambulance Service is a government entity.

It is hoped that this will help SAAS to successfully appeal the ATO's private ruling that SAAS is not an entity exempt for income tax purposes. A successful appeal will save SAAS its current estimated tax liability as well as future liabilities. Other issues involving the composition of the ambulance board will be considered after consultation. That way all interested parties will have their say, and the best outcomes will be made for ambulance services in South Australia. In another place the Minister for Health gave an undertaking to review these arrangements, probably within about 12 months, after a comprehensive consultation process with stakeholders.

Finally, I point out that the ambulance board has written to the Minister for Health supporting the composition of the board as it currently stands in the bill. The member opposite also posed some other questions, to which we will attempt to respond during the committee stage. I reaffirm that commitment and commend this bill in its current form.

Bill read a second time.

In committee.

Clauses 1 to 6 passed.

Clause 7.

The Hon. J.M.A. LENSINK: I move:

(New section 11A(2)(b)), page 4, lines 1 and 2—
Delete 'selected by the minister from a panel of 3 such officers'

We on this side of the chamber believe that what is good for the goose is good for the gander in that, if the situation for the selection of certain board members from certain organisations is such that they can nominate one person, we do not believe that the volunteer sector—that is, the volunteer ambulance officer and the volunteer administrator—should have to provide three names for the minister to choose. As I said, that is in relation to amendments numbers 1 and 2.

The Hon. CARMEL ZOLLO: I indicate to the honourable member that the government will not be able to agree to the amendment. The intent of this legislation is to remove the Priory and St John from this legislation, and we really want to keep any changes to an absolute minimum.

The Hon. SANDRA KANCK: The Democrats will not be supporting the amendment.

The committee divided on the amendment:

AYES (10)

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

NOES (9)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S.M.	Reynolds, K.J.
Sneath, R. K.	Zollo, C. (teller)
Xenophon, N.	

PAIR

Redford, A. J.	Roberts, T. G.

Majority of 1 for the ayes.

Amendment thus carried.

The Hon. J.M.A. LENSINK: I move:

(New section 11A(2)(e)), page 4, line 6—Delete 'selected by the Minister from a panel of 3 such persons'

The argument for this amendment is identical to that in relation to amendment No. 1. As I said previously, we believe that what is good for the goose is good for the gander. We do not believe that the volunteers on the board—that is, the Ambulance Employees Association and the UTLC—should be subject to a greater burden than the other representatives, who are not required to submit a panel of three but are entitled to a direct nomination.

The Hon. CARMEL ZOLLO: For the reasons outlined before, we obviously cannot agree to this amendment. I am disappointed that members opposite are playing politics.

The committee divided on the amendment:

AYES (10)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D.
Lensink, J. M. A. (teller)	Lucas, R. I.
Ridgway, D. W.	Schaefer, C. V.
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NOES (9)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Reynolds, K. J.
Sneath, R. K.	Xenophon, N.
Zollo, C. (teller)	

PAIR

Redford, A. J.	Roberts, T. G.

Majority of 1 for the ayes.

Amendment thus carried.

The Hon. J.M.A. LENSINK: I move:

(new section 11A(2)(e)), page 4, lines 10 and 11—Delete paragraph (e) and substitute:

(e) One must be chosen at an election held in accordance with the regulations.

I indicate that amendment No. 4 is consequential to this amendment. So, in effect, this is a test clause. This amendment deletes the requirement that one member must be nominated by the United Trades and Labor Council. Again, we believe that what is good for the goose is good for the gander. Where similar clauses have been inserted in legislation, frequently nominees from, say, Business SA, may also be included as a balance. We believe that the employee should be represented, but we do not believe that the United Trades and Labor Council ought to be entitled to an automatic right above all other organisations.

The Hon. T.G. CAMERON: I ask the mover of the amendment: what would be the term of the person being elected?

The Hon. J.M.A. LENSINK: It would be identical to that of the other board members.

The Hon. T.G. CAMERON: About how long is that?

The Hon. J.M.A. LENSINK: I understand that this is an interim arrangement until the new structure can be brought into place. Perhaps you could direct that question to the minister, because it would be identical to that of the other nine members.

The Hon. T.G. CAMERON: Minister, under section 11(a) to (e), for how long will the person nominated by the United Trades and Labor Council hold office?

The Hon. CARMEL ZOLLO: Perhaps I can respond to both. We will not be agreeing to the amendment, because we see it as a major change to the composition of the board. The governance of the South Australian Ambulance Service (SAAS) is currently under review; consequently, we believe it is inappropriate to make such a change at this time. As per the usual practice, the UTLC asks the Ambulance Employees Association to nominate someone and, in response to the Hon. Mr Cameron's question, I guess we will see who that will be and their term at the conclusion of the review.

The Hon. T.G. CAMERON: I have no idea when you are likely to conclude your review. Could you at least give me an approximation?

The Hon. CARMEL ZOLLO: Okay: 12 months.

The Hon. SANDRA KANCK: Would the Hon. Ms Lensink advise the chamber whether her amendment has been requested by the Ambulance Service itself?

The Hon. J.M.A. LENSINK: No.

The Hon. Carmel Zollo: It is ideology.

The Hon. J.M.A. LENSINK: It is not ideology: it is balance.

The Hon. T.G. CAMERON: I have a further question. Who would be conducting the election?

The Hon. J.M.A. LENSINK: We have allowed that to rest with the regulations, so that that can be accorded—

The Hon. T.G. CAMERON: Approximately how many people would be eligible to vote in the election?

The Hon. J.M.A. LENSINK: That would rely on knowing the exact number of employees, and I cannot provide that. The government may be able to.

The Hon. T.G. CAMERON: I was directing that to the minister.

The Hon. CARMEL ZOLLO: I did not respond, because it is not our amendment. I do not believe that the Hon. Ms Lensink has answered either of those two questions in relation to her own amendment.

The Hon. SANDRA KANCK: In the light of the Hon. Ms Lensink's response to my question that this was not requested by the Ambulance Service itself, I indicate that the Democrats will not support this amendment. We will oppose it, because it seems to be uncalled for; no-one has asked for it.

The Hon. T.G. CAMERON: I would not reject the amendment on the basis of whether or not the Ambulance Employees Association had requested it.

The Hon. Sandra Kanck: The Ambulance Service.

The Hon. T.G. CAMERON: Well, either the union or the service. The original clause replaces one which provides that, '1 must be nominated by the United Trades and Labor Council.' I defy anyone in this room to suggest for one moment that you would get a person more representative of the employees by having them nominated by the UTLC rather than by allowing them the opportunity of having a direct say in who their representative may be. If one looks at the precise wording of the clause and at past form, one can see that there is no guarantee that the AEA will even be asked to nominate the United Trades and Labor Council representative. It may well be that the representative could come from another union; it is left entirely open here. Under the government's wording, the United Trades and Labor Council is entitled to choose whoever it deems fit to represent these workers. I do not know what is terribly democratic or fair about that.

When I worked for a trade union, I always believed that the clearest expression of what the membership wanted was when you gave them the opportunity to vote directly for the persons who represent them. I would defy anybody to argue a system fairer than that. Is the United Trades and Labor Council now called SA Unions? Has that been tidied up? They will not be too happy to find out that the government does not know what the correct name is. At least the amendment moved by the Hon. Michelle Lensink will tidy up that error. All my life, I have always supported the right of individuals to directly elect the person they wish to represent them. It caused a great deal of consternation many years ago in the Australian Workers Union when its delegates to the Australian Labor Party state council and, as it was then known, the UTLC were appointed by the executive of the union. That was changed so that members who turned up at the annual general meeting would be able to elect their delegates to the Australian Labor Party. Heaven forbid, the attendance at those annual general meetings, when ordinary members were given a say, skyrocketed from some 15 to 20 attendees to some 200 to 300! Everybody agreed that that might not be the way to go and it went back to the executive.

I have always believed that it is the fairest way for union members to elect their representatives, both to the UTLC and as delegates to the Australian Labor Party. I have only been a recent convert to proportional representation, following about eight years of battering when I was ALP state secretary to adopt PR in all forums of the ALP. The fairest way to elect these representatives would be by rank and file ballot of ordinary members of the Australian Labor Party. It would be a bit like the various religious organisations that have elections to elect people within their organisations. They go to their members. It is their members who decide, not some group that might be constituted of six, seven or eight other religions, as is the case with the executive of the United Trades and Labor Council. The government amendment would create a situation whereby the United Trades and Labor Council—a body that is not representative of ambulance employee members, a body that may not even have a

representative of that union sitting on it—could then decide to appoint somebody from another union to sit on this body to represent ambulance employees, and I could give numerous examples of where it has happened in the past.

You might have one member appointed by the executive, and there would be a 99.9 per cent chance that they would be an executive member, and it would almost certainly be an organiser and an executive member if there were any payment involved in the attendance at these meetings. So, the only way that I can see that an ordinary rank and file member of the union could be elected and/or nominated to sit on a body, which is the establishment of the ambulance board, which looks after the management of the affairs of the SAAS, is for them to have a vote by direct election from amongst their membership.

It has been left open to the government. I would not have given the government the same leeway given by the honourable member moving this amendment. I think that I would have tidied it up a little bit more. But, be that as it may, the government here has a free choice in determining how the election is conducted. Whether the union does it, whether it is done in conjunction with the management or by the board, or whether it is handpassed across to the South Australian Electoral Commission, it would be an easy ballot to organise. There are only some 200-300 people. It could be left open for a week and, in three weeks, we could have a situation where we see a bit of rank and file democracy introduced into the trade union movement here in South Australia. That is, for once, the ordinary members of a union get the right to pick who their representative will be on the board that represents them. I fully support the amendment.

The Hon. CARMEL ZOLLO: First of all, I assure the honourable member that the two representatives from SA Unions are actual members of the AEA.

The Hon. T.G. Cameron: They have already been chosen before the bill goes through.

The Hon. CARMEL ZOLLO: No; they are already on there. I probably need to put this legislation into context. It is a piece of legislation which was hurriedly brought before the parliament, and I thought that it had been explained to the opposition (as I said in the concluding remarks) that, if we did not, at the behest of St John Priory, split that service from the South Australian Ambulance Service, this government would be looking at a bill of $1.7 million this financial year and in future years. So, this amendment bill—we have not tidied up the act, as you have pointed out—simply stops us from paying this taxation bill. This bill reflects that, and we thought that we had some consensus, hence the hurried reason for introducing it. They agreed in the other place, and we thought we would have that consensus here, but now we see an attempt to open up the act and amend it for all sorts of reasons. The bill that you see here before you is simply a reflection of the old act, which we have undertaken to review, and it will be completed in 12 months. All we are trying to do today is preclude the state from paying $1.7 million; okay?

The Hon. T.G. CAMERON: I think we all support—

The Hon. Carmel Zollo: Well, we do cooperate in parliament.

The Hon. T.G. CAMERON: —adopting a position—

The Hon. J.M.A. Lensink interjecting:

The CHAIRMAN: Order! The debate will take place by members rising to their feet. The only person who is rising to his feet is the Hon. Mr Cameron.

The Hon. T.G. CAMERON: Thank you, Mr Chairman. You have reminded me that it would also be appropriate for me to remind the minister that what they do in another place—as our President has correctly pointed out on a number of occasions—is something for us to consider, not necessarily something for us to rubber stamp. This is another place, and we are allowed to make different decisions from those made elsewhere. So, I do not feel constrained in any way whatsoever by what has been done in another place. However, I do not think that there is anyone here who would like to see the government miss out on its $1.7 million. I see in this amendment a welcome opportunity to introduce a little bit more sunshine into the trade union movement in terms of the way in which they go about electing the people who represent them.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: Well, that may the case, but I cannot imagine that even the Hon. Bob Sneath, as a former trade union secretary, would not support a course of action that provided for more participation of rank and file members. This would provide for a direct election by the members, and I think that we all know that it is one of the reasons why the Australian Democrats, for example, over the years, have always supported compulsory voting. I know that they have never done it in their own self interest. They have always been guided by the fact that, if you force people along to the polling booth every three or four years under a system of compulsory voting, at least they have to think about what they are doing. Even if they walk into the booth and refuse to vote, it forces them to take some action. This amendment moved by the Hon. Michelle Lensink would cause the rank and file members of the union to think about the body that represents them—the ambulance board.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: The Hon. Bob Sneath has interjected, and whilst I have long been a supporter of compulsory voting in union elections I suspect that the Hon. Bob Sneath would be an outspoken opponent of compulsory voting in union elections—heaven forbid, they might all go along and vote! Be that as it may, I believe that this resolution would create an environment and a situation where, at this election, ordinary rank and file members would be forced to think about the board, who sits on it, its responsibilities and what it does. An involvement in these things is always a good thing.

The Hon. J.M.A. LENSINK: While we are still in the committee stage, I would like to ask the minister a question. What representations has the state government made to the federal government regarding this tax impost that the tax office is seeking to put onto this organisation? My understanding is that, in its previous format, it would have been exempt. Also, in what is anticipated to be its future arrangements it would be exempt, so clearly it is an anomaly. We all know very well that the tax office gets these things wrong from time to time. What specific representations has the state government made to the commonwealth in order to try to rectify what must surely be an oversight by the tax office?

The Hon. R.K. SNEATH: I have a question for the mover of the amendment.

The Hon. J.M.A. Lensink: Sorry; am I to have my question answered?

The Hon. R.K. SNEATH: The Hon. Ms Lensink, a question to you.

The Hon. T.G. CAMERON: Mr Chairman, I rise on a point of order. The Hon. Michelle Lensink is waiting for an answer to her question. Is it appropriate that she be questioned before she receives that answer?

The CHAIRMAN: It is not unusual that, while the minister is gathering information, someone else will ask a question.

The Hon. CARMEL ZOLLO: Did the honourable member ask me a question while I was not in my seat?

The Hon. J.M.A. Lensink: Yes.

The Hon. CARMEL ZOLLO: Clearly, I could not hear the honourable member, so she will have to ask it again.

The Hon. J.M.A. LENSINK: This is clearly an anomaly, because in its previous incarnation this organisation was exempt from this tax office imposition, and in its future incarnation it should be exempt. I would like to know what exactly the state government has done in making some representations to the commonwealth to rectify this; and if it has not done anything, why not?

The CHAIRMAN: The honourable member is opening up something that is not covered in this part of the amendment, although the minister did raise the taxation implication by way of explanation.

The Hon. CARMEL ZOLLO: I did think the honourable member was in the chamber to hear my concluding remarks, which I thought referred to that. The honourable member has gone to what this bill is all about; that is, our trying not to pay that tax. Essentially, the passing of the bill will finalise the withdrawal of St John from SAAS, and it does assist the assertion of the Department of Health that SAAS is a government entity. It is hoped that it will help SAAS successfully to appeal the ATO's private ruling that SAAS is not an entity exempt for income tax purposes. A successful appeal will save SAAS its current and future liabilities. If we pass this bill, we have a greater chance or, hopefully, a very successful chance with that appeal. I guess that is what we have done. It is all in train, but we need to pass this legislation in order to achieve that.

The Hon. J.M.A. LENSINK: Will the minister advise whether there has been any correspondence with the commonwealth minister in relation to this matter?

The Hon. CARMEL ZOLLO: I am advised that the department has asked for a class ruling from the Australian Taxation Office.

The Hon. R.K. SNEATH: My question is to the Hon. Ms Lensink. Does the amendment mean that in respect of future appointments to boards, where the appointment is from a member of the Chamber of Commerce or Business SA, they will be required—and you will support their being required—to conduct a ballot amongst their membership for such appointment?

The Hon. J.M.A. LENSINK: I believe that we are being consistent in this area. I made those comments because I have seen a lot of legislation which has come through this place and which has referred to a particular union representative—more often that not, the UTLC—and, also, Business SA. I was not necessarily endorsing that that should be the case. In a number of the allied health professional bills that have been through this place we have removed direct representation from organisations. I understand that that is a policy of this government. We are seeking to make this consistent with those other bills in order to try to inject some balance into this bill.

The Hon. R.K. SNEATH: My question is quite clear: where a board requires a member nominated by the Chamber of Commerce or Business SA, will the Hon. Ms Lensink, and the opposition, require or insist upon a ballot being conducted amongst the membership in order for the person to be appointed to that position—as you are insisting happens in the case of this amendment?

The Hon. J.M.A. LENSINK: The honourable member is asking me a hypothetical question about future bills. I do not think I am in a position to bind my party room to such a hypothetical question. In principle, where there is a membership-based organisation, it should certainly consult in a transparent way with its membership base, because that is democracy and something which underpins our entire parliament.

The Hon. J. GAZZOLA: Will this amendment require Business SA to ballot its members for its representatives, should it wish to nominate someone? Would it apply to Business SA for future boards?

The Hon. J.M.A. LENSINK: With due respect, I do not see the words 'Business SA' in this bill, so I am not sure why members are pursuing that.

The Hon. R.K. Sneath interjecting:

The Hon. J.M.A. LENSINK: I have just answered that. As an individual, I cannot bind my party room. In principle, I support, in a membership-based organisation, that members should be consulted.

The Hon. CARMEL ZOLLO: I look forward to the Hon. Michelle Lensink being ever so zealous in future when we see board nominations for a representative from Business SA.

The Hon. J.M.A. LENSINK: In making concluding and rebuttal remarks in relation to this clause, we on this side of the committee have been accused of being ideological. For the record, we are trying to make this bill 'unideological'. What is good for the goose is good for the gander. Members on the other side ought to play fair.

The Hon. SANDRA KANCK: In my briefing on this bill, I was given a copy of a letter from the South Australian Ambulance Service to the Minister for Health. It was because of this letter that I asked the Hon. Michelle Lensink whether or not there had been a request from the board to make this change. The honourable member said that, in fact, there had been no such request. In that light, I think that it is important to read on to the record what the Ambulance Service has said to the minister in regard to the board. In part, the letter states:

> Concerns expressed by some members of the board that the proposed amendments meant that the act would no longer specify the composition of the Ambulance Board have been allayed by the inclusion—

and, I assume, that means in the House of Assembly—

> of the supplementary amendment which inserts clause 11A (Establishment of the Ambulance Board) to the bill.

The letter then goes on to quote that section of the bill that refers to what will become section 11A of the act. The concluding paragraph of the letter (signed by Donald Hawking, Deputy Chair, Ambulance Board) states:

> I thank you for so promptly addressing the Ambulance Board's concerns by the inclusion of the above amendment.

In other words, that amendment has been sought by the board—the amendment as exists in this bill at the present time. It has not sought what the Hon. Michelle Lensink has asked for. The letter continues:

> I and the board look forward to working collaboratively with you and your department to further enhance the governance arrangements of the South Australian Ambulance Service within the state health system.

Effectively, that corroborates what the minister told us earlier in this debate that governance arrangements are being looked at. I believe that, given what this bill sets out to do, that ought

to be the purpose of what we are doing. Normally, I would observe the tradition that allows us to enter into a range of things related to a parent act when we are dealing with a bill. However, in this case, this bill is about a very specific thing. We do have an undertaking from the minister that governance arrangements will be looked at over the next 12 months. The letter from the Ambulance Board also confirms that. I think that we need to trust that process of review that is occurring at present and simply continue to have things operating with the board as it is currently structured.

The Hon. J.M.A. LENSINK: Yes, these are transitory arrangements. The board will be reconstituted after this review, which, the minister tells us, will take 12 months. I would also like to point out that the governance arrangements are being significantly altered from the old model to the new model, namely, there will be the addition of a legal practitioner and someone with financial management experience to replace people who represented the Priory previously. I do not think that this is anything radical by any means; and, perhaps being a little more cynical on this side of the chamber, when the government says 'trust us; we will look at this', I do not necessarily believe that it will take an open and accountable view to ensure that it is balanced and that it does not continue to appoint its hacks.

The Hon. T.G. CAMERON: I thank the Hon. Sandra Kanck for her contribution, but rather than dissuade me from supporting the amendment I think that she has convinced me even more to support it. I am aware that it is a transitory arrangement, and that quite a lot will be taking place between now and when the study is finally concluded, which leads me to conclude that that is even more reason why we should support an amendment which guarantees that the person sitting on the board will be a member of the union.

They will not necessarily be a member of the union because, as I understand it, the service has 100 per cent membership. By supporting a process that allows a rank and file member to be appointed (rather than anyone who may be appointed by the Executive of the United Trades and Labor Council) will only ensure more rank and file participation as a review process takes place. This review would be conducted by a board comprised of at least one member who was elected by the rank and file workers in the association, so that should give them even more confidence in any decisions and/or recommendations that this transitory board might recommend. So, I even more strongly support the amendment now.

The Hon. CARMEL ZOLLO: I thank the Hon. Sandra Kanck for her considered contribution and for pointing out that this transitional legislation is before us for one specific reason. She has reaffirmed exactly what the minister in the other place has said, in particular, the support of the board itself. I am advised that the Hon. Michelle Lensink is not correct in her view of the composition of the board. The specification of a legal practitioner and a person with financial experience was always included under the rules of the association. Consequently, in terms of the act and the rules of the association, the composition of the board is exactly the same. At this stage, I do not have much more to say other than that I think those members who have listened to the debate will be convinced that this bill needs to be passed without these amendments because they add nothing to this transitional legislation and the state would lose $1.7 million.

The committee divided on the amendment:

AYES (10)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D.
Lensink, J. M. A. (teller)	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Stefani, J. F.	Stephens, T. J.

NOES (9)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Reynolds, K.
Sneath, R. K.	Xenophon, N.
Zollo, C. (teller)	

PAIR

Schaefer, C. V.	Roberts, T. G.

Majority of 1 for the ayes.

Amendment thus carried.

The Hon. J.M.A. LENSINK: I move:

(new section 11A), page 4, after line 11—

Insert:

(2a) Each employee of SAAS is entitled to vote at an election under subsection (2)(e).

(2b) If an election of a person for the purposes of subsection (2)(e) fails for any reason, the minister may appoint an employee of SAAS and the person so appointed will be taken to have been appointed after due election under this section.

This amendment is consequential to amendment No. 3, and I do not propose to speak about it, because I think enough has been said.

The Hon. CARMEL ZOLLO: For the reasons that I gave in the debate in the last 20 minutes or so, the government clearly cannot support this, even though I recognise that it is consequential. Can I say how disappointed I am, especially in the Independent members of this chamber?

Amendment carried; clause as amended passed.

Remaining clauses (8 and 9) and title passed.

Bill reported with amendments; committee's report adopted.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I move:

That this bill be now read a third time.

The Hon. J.M.A. LENSINK: I will be brief in my comments. I mention for the record, however, the $1.8 million, which is what I was told in the briefing. I wish to put on the record that the opposition does not accept the government's trying to say that this is its fault. The record of this bill's passage is that it was first debated on 2 June, which was the last sitting day, and we are now two sitting days further on. We were given notice that this was a priority this week and we have duly dealt with it and had briefings. At no time did we make any sort of commitment that there would be no amendments to the bill, so I think that position has been completely misrepresented by the minister. Let us face it: this is an issue with the tax office. This is not some sort of sneaky thing whereby the state Liberal opposition has gone to the tax office and said, 'You really ought to hit these people.' It is an interim arrangement. These things happen. I have not had any advice from the government that there has been any sort of ministerial representation, and on that basis I would have to say that, quite frankly, if there is any fault it rests well and truly at the government's own feet.

The Hon. CARMEL ZOLLO: My comments will be just as brief. I am disappointed with opposition members and the politics they have played with this bill—

The Hon. P. Holloway: Disappointed, but not surprised.

The Hon. CARMEL ZOLLO: —but not surprised. It is for ideological reasons and absolutely nothing else. You will probably cost the taxpayers of this state $1.7 million. There was no reason to introduce those amendments.

The Hon. J.M.A. Lensink interjecting:

The Hon. CARMEL ZOLLO: I listened to you in silence.

The Hon. J.M.A. Lensink interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink was heard in silence and should receive her punishment or praise in silence as well.

The Hon. CARMEL ZOLLO: It is a piece of transition legislation—the board even told you that. The minister in the other place gave her assurance it was; the Democrats were able to understand that—we are not quite sure why you were not able to, other than to play politics. I am disappointed, but that is democracy.

Bill read a third time and passed.

STATUTES AMENDMENT (BUDGET 2005) BILL

Adjourned debate on second reading.

(Continued from 27 June. Page 2164.)

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank members for their contribution to the debate and their speedy consideration of this matter. I have a response to a number of questions raised during the debate, which I understand have been provided to the members concerned, but I will read them into the record. First, the Hon. Rob Lucas asked why the defined rural area restriction on primary production exemptions was first introduced and what is the policy imperative for retaining defined rural areas. Defined rural areas were introduced as a deterrent to potential abuse of the primary production exemption from land speculators. Potential still exists for the primary production exemption to be inappropriately claimed by investors holding land for speculative purposes, while giving the appearance of being primary producers.

He also asked what is the argument for retention of defined rural areas in Mount Gambier as opposed to other regional locations such as Port Lincoln, Port Augusta and Whyalla, and what is the continuing argument for excluding Mount Barker from the defined rural area. The amendments being introduced into the bill are designed to ameliorate the operation of restrictions on access to a primary production exemption in existing defined rural areas. They address specific issues raised by primary producers within existing defined rural areas. The amendments do not seek to extend the restrictions to other areas. The government is not of the mind to limit the availability of primary production exemptions any more than the current provisions so limit.

The next question from the Leader of the Opposition was: what would be the annual cost to revenue of the removal of the defined rural area restriction? I am advised that removal of the defined rural area restriction has a potential cost to revenue of $3.5 million, allowing for secondary revenue losses from reductions in tax payable on other land owned by eligible primary producers. Less than $50 000 of this cost relates to the defined rural area adjacent to Mount Gambier. Because land tax is levied on aggregated land ownerships, primary producers in defined rural areas who became eligible for a primary production exemption would also pay less tax on other taxable land that they own. The estimated cost of the measures being introduced in the bill is $3 million. It is a maximum cost, because of the difficulty of knowing in advance exactly how many primary producers will qualify for exemption under the new arrangements.

This can only be ascertained with certainty when applications are made and details of specific circumstances known. Revenue SA will be writing to all owners of primary production land in defined rural areas who have been assessed with a land tax liability, informing them of the new primary production exemption criteria and inviting them to apply for an exemption if they believe they may be eligible. An application form will be provided for this purpose.

The next question asked by the leader was: what is the number of potential beneficiaries from changes to eligibility tests for the primary production exemption in defined rural areas, broken down between Adelaide and Mount Gambier? I am advised that there are close to 2 200 properties with a primary production land use code that are paying land tax in defined rural areas. All but 16 of these are in the Adelaide defined rural area. All of these could potentially benefit from the changes being introduced in the bill. Until more specific information is obtained from each of these owners, it is not possible to say exactly how many will benefit.

As indicated in response to an earlier question, Revenue SA will be writing to all owners of primary production land in defined rural areas who have been assessed with the land tax liability, informing them of the new primary production exemption criteria and inviting them to apply for an exemption if they believe they may be eligible. An application form will be provided for this purpose. I have here a breakdown of costings for each of the land tax reforms being introduced and seek leave to have that incorporated in *Hansard* without my reading it.

Leave granted.

Breakdown of costings for each of the land tax reforms being introduced

	2004-05 $m	2005-06 $m	2006-07 $m	2007-08 $m	2008-09 $m	Cumulative Total $m
Revenue cost						
Amended land tax scale		52.7	54.8	56.4	58.9	222.8
Exemption for caravan parks		1.0	1.0	1.0	1.0	4.0
Exemption for supported residential facilities		0.3	0.3	0.3	0.3	1.2
Extension of principal place of residence exemption to home-based income earning activities		1.0	1.0	1.0	1.0	4.0
Amended criteria for primary production exemption in defined rural areas		3.0	3.0	3.0	3.0	12.0

2004-05 Rebates	20.2					20.2
Total revenue cost	20.2	58.0	60.1	61.7	64.2	264.2

The bill also provides for land tax exemption for residential parks where retired persons lease land on which they place relocatable homes that they own and live in as their principal place of residence. This exemption is not a new cost to the budget, because ex gratia relief is already being provided. Consequently, the cost of the residential park exemption is not included in the table that I have just incorporated. The cost of ex gratia relief in 2004-05 is currently less than $200 000. The value of the exemption is expected to grow as the number of residential parks increases.

The next question asked by the leader was: please provide clarification of the operation of subclause (10)(g)(v) in the instance where a married couple, a lawyer and a teacher, have a hobby farm in a defined rural area. If that couple structures its relationship in the way of a company, will they still get a land tax exemption? If they did not set up as a company, other provisions in the legislation would appear to specifically rule out such a couple from attracting the exemptions. The criteria in subclause (10)(g) depend upon who was the owner of the land in question.

Whether the land is in the ownership of a natural person or of a company, the legislation looks into what is the business of the owner of the land. Therefore, where the land is owned by a company in the example provided, an exemption would apply if the main business of the company that owned the land is the business of primary production. However, if the land is owned by individual natural persons who are relatives, under the provisions of the bill at least one of the owners would need to be engaged on a substantially full-time basis in the business of primary production. If both spouses were working full time elsewhere, the exemption would not be available.

The teacher and lawyer in the example would of course be free to put the land into company ownership to gain the benefit of the exemption, provided that the main business of the company is that of primary production. The leader then sought confirmation that the federal government has not agreed to South Australia's timetable for IGA tax reform and asked: when is the federal government likely to say yes or no?

I am advised that, at the time of the announcement, the commonwealth Treasurer welcomed the offer from the Treasurers of Victoria, Queensland, South Australia, Tasmania, the ACT and the Northern Territory for alternative abolition schedules for remaining IGA taxes. No formal response has been received from the commonwealth Treasurer, nor has any indication been given of when a formal response may be received.

The Hon. Nick Xenophon also said that, if a vineyard is owned by a husband and wife who happen to have full-time jobs elsewhere, they are still clobbered with land tax. He asked the government to confirm whether that would still be the case or whether any relief would be given in those instances. I am advised that no relief would apply in these circumstances, as the owners of the land would not be engaged on a substantially full-time basis in the business of primary production as required by the bill. The provisions look at the business of the owner of the land but provide that, where the land is held, for example, by two natural persons who are relatives, an exemption will be available where one of the owners is engaged on a substantially full-time basis in the business of primary production. The Hon. Nick Xenophon also asked the question—

The Hon. Nick Xenophon: Does that mean that—

The Hon. P. HOLLOWAY: Perhaps the member can follow that up during the committee stage. The Hon. Nick Xenophon also made the point: it would be useful if the government could explain what criteria there are on the part of the Valuer-General's office to determine whether a property would be subject to any exemption. It is the concern of some people that, if a property is defined to be commercial, an exemption does not operate at all, notwithstanding the percentage of use of space.

I am advised that the Valuer-General does not decide whether a land tax exemption is available as this is a matter for the Commissioner of State Taxation. In determining whether a principal place of residence exemption is available, however, reliance will initially be placed on whether a property has a residential land use code as determined by the Valuer-General. If a building is coded commercial or industrial it would, in the first instance, be denied an exemption subject to the landowner's informing RevenueSA that the buildings on the land are of a predominantly residential character. This is to prevent essentially commercial buildings being given a land tax benefit because the owner chooses to live there rather than a residential owner's choosing to conduct a commercial operation from buildings that are genuinely a residence. In this way, equity is maintained between the commercial activities because such a property is considered to be essentially used for commercial purposes and, consistent with the land tax status of other commercial activities, should be liable for land tax.

Where a property does not have a residential land use code, the residential character of the buildings will be determined having regard to their design and functionality. Each matter will, of course, be treated on the merits of the particular circumstances. I am advised that the Valuer-General's office determines the land use code of a property based on the actual use of the property. Where a number of activities are carried out on the one property, the main activity is coded. For consistency, the Valuer-General's office determines this on the basis of the predominant use by reference to economic rather than spatial criteria.

The Hon. Nick Xenophon then observed: people will be able to pay land tax by quarterly instalments but they will need to apply for it, as distinct from council rates, water and sewerage charges and the emergency services levy. That seems to be a curious distinction in terms of policy. I am advised that taxpayers will not need to separately apply for quarterly instalments. I am advised that, when land tax accounts are issued for the 2005-06 financial year, taxpayers will be given the option whether to pay the assessed amount in full or whether to pay the amount by quarterly instalments.

If a taxpayer chooses to pay by way of quarterly instalments, they will need to pay the first instalment by the due date on the notice of assessment, which will be due for payment 30 days after the account is issued. The three remaining instalment payments will be due approximately 90 days after the instalment immediately preceding it. Property owners who take up the instalment option will receive further notices to pay the relevant quarterly instalments approximately 30 days prior to the due date of that

instalment. I am advised that these arrangements are broadly reflective of what occurs in practice in relation to council rates, water and sewerage charges and the emergency services levy.

The Hon. Nick Xenophon then asked: what assumptions have been made about property values in costing the land tax proposals? I am advised that, based on advice from the Valuer-General's office, land tax estimates for 2005-06 assume 20 per cent growth in residential site values and 12 per cent growth in commercial and industrial site values. The Hon. Nick Xenophon then asked the following:

> With respect to the issue of land used for primary production, by way of shorthand, how has the 25 per cent rule been worked out with respect to the exemption as to what the criteria are including whether land or properties are deemed to be for commercial use?

I am advised that, given the nature of the question, it is assumed that the honourable member is referring to the proposed principal place of residence exemption, where a full exemption will apply where the business use proportion is less than 25 per cent, and partial exemptions will apply where the business use accounts for between 25 per cent and 75 per cent of the total floor area of all buildings on the land.

The extent of tax relief for eligible land will be determined by reference to the floor area used for a business or commercial purpose relative to the total floor area of all buildings on the land. Basing the calculation on the total floor area of all buildings on the land maximises the potential benefit to the taxpayer. If more than 75 per cent of the floor area of all buildings on the land is used for a business or commercial purpose, no exemption is available. That is because such property is considered to be essentially used for commercial purposes and, consistent with the land tax status of other commercial activities, should be liable for land tax.

The business use proportion applies to the proportion of the value of the land that is to be assessed for land tax. For example, if the business purpose accounts for 30 per cent or more but less than 35 per cent of the total floor area of all buildings on the land, tax will be levied on only 30 per cent of the property's land value, that is, the taxable value of the land will be reduced by 70 per cent. In addition, for the purposes of the calculation of the business or commercial use of the land, common areas will be treated as being used for residential purposes, not commercial purposes, in calculating the business use proportion. Excluding common areas from the business use area also maximises the potential benefit to the taxpayer. As explained in an answer to an earlier question, notwithstanding the above, the exemption is only available where the buildings on the land are of the predominantly residential character.

Also, in relation to the second reading speeches, the Hon. Julian Stefani asked, 'What would be the cost to government if aggregation were removed?' I am advised that aggregation has been a longstanding feature of land tax arrangements in South Australia and other jurisdictions. Removal of aggregation would mean that an ownership made up of two parcels of land valued at $250 000 each would be treated more favourably than another ownership comprising one parcel of land with a side value of $500 000. If there are any further questions, we can deal with those during the committee stage. I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: I thank the minister and his officers for providing a written copy of what he has just read into the *Hansard*. It has made our consideration a bit easier in terms of being able to read it beforehand. I want to clarify the response that has just been given. In relation to the issue of the companies provision for defined rural areas, it states:

> The teacher and lawyer in the example would, of course, be free to put the land into a company ownership to gain the benefit of the exemption, provided the main business of the company is that of primary production.

I want to clarify that, in the example in relation to subclause (10)(g)(v), namely, a married couple (a lawyer and a teacher) with a hobby farm, where the primary income source of the lawyer and the teacher is the law and teaching, in the defined rural area, if they structure themselves as a company, they would attract the exemption. In any of the other provisions, they would not attract the exemption. I think that the answer is yes in the example I have given, namely, they would get the exemption in the company structure but they would not in any of the other structures contemplated.

The Hon. P. HOLLOWAY: I am advised that, if a company's principal business were primary production, it would get the exemption. It would not get the exemption if its principal business were not primary production.

The Hon. R.I. LUCAS: I thank the minister for that clarification. However, I understand that one of the reasons for these provisions in the first place was to prevent people from getting the primary producer's land tax exemption who were not, in the government's view, genuine primary producers—that is, they substantially received money from other income sources but, nevertheless, owned a property, albeit a hobby farm, that was primary producing; that is, the property did not earn any significant income at all, but it had on it a few sheep, chooks and a cow, or whatever it might happen to be. However, it would appear that, if they are structured in relation to a company, they would get the exemption. From what the minister says, I understand that that is indeed the case, as long as the company—in this case, the company that owns the property—is running just a couple of chooks and sheep, and a dairy cow on it as a hobby farm. They would attract the primary producer's exemption, because they have structured their ownership arrangement as a company. I would like to clarify that the answer to that question is yes.

The Hon. P. HOLLOWAY: I am advised that, if the Valuer-General coded the land for primary production, and if the accounts of the company showed that the principal business was primary production, then the exemption would apply.

The Hon. R.I. LUCAS: I thank the minister for that confirmation. I understand that the government's position in relation to this issue is that this is a loophole (and I will use that term) that already exists in the legislation and is not one that is being introduced. It has always existed in this way.

The Hon. P. HOLLOWAY: I am advised that the provision operates in relation to companies now in the way it always has.

The Hon. R.I. LUCAS: I think that is the longhand way of saying that the loophole has existed for some time and that it just continues. As to the provision in relation to the defined rural area around Mount Gambier, the minister indicates that the cost of removing that exemption would be less than $50 000. I think that only 16 landowners in and around the Mount Gambier area are currently impacted by this particular provision. Given the relative insignificance in terms of revenue and the number of landowners, can the minister indicate why the government continues with the defined rural

area provision in the Mount Gambier area? Is this something, for example, the Mount Gambier council, the Grant council or other bodies in the South-East have lobbied to retain?

The Hon. P. HOLLOWAY: As I indicated earlier, the defined rural area was introduced to prevent speculation. As the Leader of the Opposition points out, because of the few people involved, that may not be the case at present in the Mount Gambier area. The problem is that, if we were to change the provision, it might very well open up the prospect of speculation within the area. That is my advice as to why it is maintained.

The Hon. R.I. LUCAS: How, then, does the government stop speculation in and around Mount Barker, Victor Harbor or the Barossa Valley?

The Hon. P. HOLLOWAY: I am advised that the areas mentioned have never been in the defined rural areas, and this legislation does not seek to change that situation. As the Minister for Urban Development and Planning, I am aware that within the metropolitan area there is the urban growth boundary, which I suppose is—

The Hon. R.I. LUCAS: Is Mount Barker in that?

The Hon. P. HOLLOWAY: No, I do not think so; I will have to check on that. However, some areas have been gazetted within those regions. The urban growth boundary is essentially for metropolitan—

The Hon. R.I. LUCAS: Mount Barker is not in the urban growth boundary?

The Hon. P. HOLLOWAY: No, although there would be some zoning and development plans that would apply to it. The main point of the urban growth boundary is to try to keep development within reasonable grounds, rather than it splinter out, which could involve high costs to the community in providing facilities and services. That is a planning issue, but I throw in that information from my other portfolio, which would indicate that, with the urban growth boundaries, there are other measures that look to how to limit expansion outside boundaries. However, I am well aware that there are certainly plenty of developers who buy land and want to get to the urban growth boundary change. They even sometimes use, as they did last week, the front page of *The Advertiser* to try to influence their case, but that is another story.

The Hon. R.I. LUCAS: Perhaps we could hear that story on another occasion; we would all be fascinated. I think the brutal reality is that this government and former governments, including my own probably, have neglected to have a close look at this whole issue of the defined rural area provisions and its definition under the Land Tax Act. So, I am not raising these questions in any way in the nature of criticism of the government, because it has actually taken some initiatives which potentially reduce the impost on a small number of landowners in the defined rural area. So my questions are not by way of criticism.

However, I think that the answers being provided to the minister and the discussions I have had with officers are saying, essentially, that a policy decision was taken on this at some stage in 1975, and officers are relying on that and doing their best to implement that policy. At the time, for example, it included the whole of the municipality of Gawler but now it does not; parts of the municipality of Gawler are outside the defined rural area. Certainly, I have no recollection of any advice coming down to me from Treasury or Revenue SA to say that we ought to have a review of the total defined rural area.

Obviously this is an issue for discussion with my colleagues but, should there be a future Liberal government, it will look at this issue without any predisposition, with no concluded view. However, I think it certainly merits a review in terms of how the defined rural area operates, and whether or not there is an imperative for it to be retained in and around the Mount Gambier area, for example, when it evidently only applies to 16 landowners and a total cost to revenue of less than $50 000 a year. What is the argument that relates to Mount Gambier that does not relate, for example, to Mount Barker, the rest of Gawler, the Barossa Valley or Victor Harbor?

I acknowledge this government's position—that it has had a look at it and that it is going to sit pat on the current position—and I make no significant criticism of that because it may well be that after review a future government takes the same position for the reasons hinted at by the minister in relation to land speculation. On the surface I am not yet convinced, and I will discuss this with my colleagues; if they agree with my view we will flag that a future Liberal government would look at the definition of 'defined rural area' with no predisposed view but, at least, again review the arguments for and against its retention.

The Hon. P. HOLLOWAY: It was implicit in the government's decision to loosen this area (if I can put it that way) that the government accepted that there was some need for change. However, as Minister for Urban Development and Planning I also know that issues in relation to growth areas and potential speculation are extremely complex. There are probably a number of ways they can be dealt with, and the land tax element is just one part of it.

The Hon. R.I. LUCAS: I thank the government for the earlier estimates of the individual, clause by clause breakdown of cost to revenue for each of the forward estimated years for provisions in the land tax bill, but I seek from the minister a better indication of what the total cost to revenue would be if aggregation was removed. To assist the minister, the Treasurer indicated, when asked in another place (either in the Estimates Committees or during the Appropriation Bill debate), that the cost of aggregation would be 'many' or 'some' (I cannot remember the exact word he used) tens of millions of dollars. This is a significant issue and one that is important to a number of land tax payers, who have been critical of the former Liberal government and the current Labor government for retaining the notion of aggregation.

The Treasurer has indicated that the government will be persisting with the concept of aggregation. As shadow treasurer, I can indicate that at this stage we have certainly not flagged any intention to change from that because, as I said, the Treasurer has put an estimate on the public record that it is either many or some tens of millions of dollars cost to revenue. The Treasurer has also indicated that he is quite happy in relation to tax policies and others to provide estimates and assistance from Treasury officers of the costing of various options for government. I seek from the minister, and the advisers available to him, an estimate, which must have been provided to the Treasurer, of the cost to revenue per year, if aggregation were to be removed from the land tax provisions. I note that the Hon. Mr Stefani asked the question and did not get an answer. The answer was just that it had been a longstanding feature, and it explains what aggregation is. However, it does not actually indicate what the cost would be to government revenue if aggregation were removed.

The Hon. P. HOLLOWAY: I am advised that an approximate estimation was made some time ago, based on the previous rates that applied, of about $50 million. However, it was only an approximate estimate based on the old

rates. What it would be worth on the new rates would require a considerable amount of work. That is the only information that we have to date.

The Hon. R.I. LUCAS: Can I clarify that that $50 million was an estimate that was done on total land tax collections, which includes private sector collections and government, as I understand it, and not just the private sector breakdown?

The Hon. P. HOLLOWAY: We believe that it was just based on private land tax payers.

The Hon. R.I. LUCAS: Could I leave that on notice? The minister has indicated that he believes that is the case. I am happy to accept an answer by way of correspondence to confirm that if, indeed, that is the case. Could we have that checked, because up until the past six months or so all of the debate about land tax has essentially been about total land tax collections. The most recent budget papers are the first that have actually disaggregated land tax collections into collections from the private sector and from government departments and agencies. Also, from memory, I think that private land tax collections are a little over half of the total land tax collections. I cannot remember whether it was 60 per cent or 65 per cent, but it was something of that order; so, whether or not that $50 million is the private sector component—

The Hon. P. HOLLOWAY: I believe it is the private, but we will let you know if it is contrary to that.

The Hon. R.I. LUCAS: Perhaps I will work on the basis that if I do not hear anything different that is the case, but if it is different to that I would appreciate some correspondence. I guess that members could work on the basis of what the total land tax collections have been reduced by through this $260 million relief package over four years, and we could get a rough estimate. Clearly, the fact would be that aggregation costs a lot less than $50 million. So, the removal of aggregation would cost a lot less than $50 million now, because the total tax collection pool is a lot less as well. At least the Hon. Mr Stefani, who asked the original question, and other members who are interested would be able to do that calculation to get a rough estimate.

The Hon. NICK XENOPHON: I am grateful to the minister for his answers to the questions that I put to him, and I also found quite helpful the answers that he gave to the Hon. Mr Lucas's questions. I have two or three follow-up questions in relation to the answers that were given. Firstly, in answer to the question about assumptions being made regarding property values in costing the land tax proposals, I note that the minister's answer is that, based on advice from the Valuer-General's office, land tax estimates for 2005-06 assume a 20 per cent growth in residential site values and a 12 per cent growth in commercial and industrial site values. Can the minister confirm whether these were the same estimates of increases in values for the 2005-06 year that were given when the Treasurer made this announcement in February of this year? It is not a trick question: I simply cannot remember whether that was the case, or whether there has been a modification from the estimates that were given in relation to that?

The Hon. P. HOLLOWAY: I am advised that the figures used by the Treasurer in February were 15 per cent for residential, and 10 per cent for commercial and industrial.

The Hon. NICK XENOPHON: I am grateful for that answer. Could the minister advise on what basis there has been a change? Is this as a result of the latest advice? On what basis has there been a difference between the two figures, and will that make any difference in terms of the estimates made?

The Hon. P. HOLLOWAY: Obviously, the new figures would be based on advice from the Valuer-General, so that would be an update of his most recent estimate.

The Hon. NICK XENOPHON: So, given the minister's answer that the Treasurer's estimates of savings to taxpayers were based on a 15 per cent increase in residential site values not 20 per cent, and 10 per cent for commercial not 12 percent, as now set out, does that have any implications as to what the overall impact of the package will be on tax revenue?

The Hon. P. HOLLOWAY: The figures that we have given in the table relate to those values of 20 per cent growth for residential and 12 per cent growth for commercial. They are the latest figures based on the latest information, and those figures in the table—which we have had incorporated in *Hansard*—are based on those assumptions.

The Hon. NICK XENOPHON: I thank the minister. I indicate that quarterly instalments were a concern for people involved with the Land Tax Reform Association. As I understand it, it will be quite similar to land tax instalments that can be paid on a quarterly basis—the option is there—and it will be just as easy to administer as council rates. If I am wrong, I would be grateful if the minister could respond.

My next substantive question relates to the issue of the criteria to which a property would be subject to an exemption in terms of bed and breakfast or home-use businesses. The concern expressed to me by Mr Darley from the Land Tax Reform Association was along the lines that there seems to be some doubt as to the criteria for exemption—whether you fall within residential or commercial. I am grateful to the minister for providing further details in relation to that.

Are there any criteria or guidelines accessible to the public so that there is some degree of certainty, or is it just a matter of putting your case forward to the Commissioner of State Taxation for a determination? Can the minister advise whether there are guidelines as to whether a property falls within commercial or residential? Is it something that is accessible to members of the public seeking guidance on this, and have these guidelines or policy directions changed in any way in recent months? So, are the guidelines or policy directions that apply now in any way different to what applied several months ago, for instance?

The Hon. P. HOLLOWAY: I am advised that there are no official guidelines: it is done on a case by case basis and will depend on the evidence provided by the taxpayer. Obviously, the taxpayer will provide the evidence and claim, and that will be assessed on a case by case basis.

Clause passed.

Remaining clauses (2 to 22) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

DEVELOPMENT (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 June. Page 2156.)

The Hon. R.I. LUCAS (Leader of the Opposition): I support the comments made my colleague the Hon. Caroline Schaefer, who is leading the debate for the Liberal Party in this chamber on this issue. I, too, acknowledge the tremendous amount of work the shadow minister for the area has

done, the member for Davenport, Iain Evans, in helping prepare the Liberal Party's position and the considerable consultation that he has engaged in with a number of interested parties.

I will address a couple of issues. This is a very important issue in many areas. In particular, I will talk about the areas of Norwood, Payneham and St Peters, and areas of the inner eastern suburbs, in particular around Norwood. I acknowledge the tremendous amount of work that Nigel Smart has undertaken on this issue as the Liberal candidate for the electorate of Norwood. This has been an important issue for Nigel in his considerable doorknocking and meeting with community groups and residents' associations. The state government's policies on this issue—strongly supported by the member for Norwood, Ms Vini Ciccarello—are of great concern to many people in and around the Norwood area.

Mr Smart has put a very strong position to me and other members of the Liberal Party, urging us not to go down the path supported by the member for Norwood and the Rann Labor Government on this issue. Let me acknowledge, therefore, the hard work that Nigel Smart is doing in fearlessly representing the interests of local Norwood residents and communities on important issues such as this. He is prepared to be independent and to speak out in the interests of the local constituency, and not slavishly follow the party line, as some members, such as the member for Norwood, obviously have to do within the strictures of the Rann Labor Government.

I refer members to a very good submission on this bill from the City of Norwood Payneham St Peters to all members. The letter was signed by the Chief Executive Mario Barone. I refer, in particular, to the issue of the development assessment panels, which is one of the more controversial aspects of the legislation. Mr Barone, on behalf of the Norwood Payneham St Peters council, addresses that issue. The letter states:

> If better outcomes are what is being sought and which are driving this agenda for reform, then clearly an alternate method would be for the government (through the bill) to set the desired (expected) outcomes and retain the current flexibilities for councils to adopt their own models for their panels.
>
> The government could choose to be very prescriptive about the outcomes it expects in terms of time frames, delegations and at the same time introducing reporting mechanisms so that a panel's (and therefore a council's) performance can be maintained and assessed. If problems and issues are identified with a particular council's performance, then the minister can be given the power to deal with that council.
>
> The approach will avoid the 'one-size-fits-all' model contained in the bill and will, if the criteria, the outcomes and the reporting mechanisms are clearly defined, achieve the government objectives.

I support the position that the member for Davenport and the Hon. Caroline Schaefer have outlined on behalf of the Liberal Party. In so doing, I put on my hat conveying not only the views through Nigel Smart of the residents of the Norwood electorate but also the views that have been put to me by some in the development industry and in the business sector in South Australia. What business people and developers are saying to me is that they want a world-class planning system. That is an interesting comment in itself in terms of how one defines what a world-class planning system is. How does one measure it? In most initial responses it is in terms of the speed of processing and the consistency of decision making. I understand that a number of measures are available, or can be available, that measure the time taken through these planning processes. Equally, I understand that there are measures, which various council authorities have, in relation to the number of their decisions overthrown by the judicial process through the environment court.

I understand that a number of other potential measures can be defined for what the industry, the Economic Development Board and others would want in terms of a world-class planning system. We would all share the view that, if we can get whatever it is that is a world-class planning system, that would be desirable. From an investment viewpoint, the speed of decision making and consistency in decision making, and other factors such as that, are desirable attributes for encouraging investment in South Australia.

It is my very strong view that we should look at a system which the Liberal Party is now proposing, that is, let us not just adopt the one size or one model fits all approach that this government is trying to introduce. Why not have a system where we define whatever it is that a world-class planning system will look like. What are the measures, the benchmarks, that must be met, and then say to the local councils, 'If you can meet those particular benchmarks of a world-class planning system (in terms of speed, consistency, etc.), whatever model you adopt for your development assessment panels is entirely an issue for you.'

No-one can guarantee that, through the introduction of the government's preferred course (which is the independent development assessment panel model), the sort of benchmark about which I am talking for a world-class planning system will absolutely in all cases be achieved. This minister will not be able to give that guarantee, and we will pursue that with him in the estimates committees. He may have a view that there is a greater chance of achieving them, etc., a higher probability (whatever words that his advisers might give him), but he will not be able to guarantee—or truthfully, anyway—that the independent development assessment panel model will guarantee that, in all cases, a world-class planning system is adopted.

Equally, it is not possible to say that, in all cases, the current arrangements in relation to development assessment panels are inconsistent with a world-class planning system. It may well be the case that there are a number of examples where that is the case. Certainly, I know that, from my contacts in the business and development industry (anecdotally at least), there are a number of claims and allegations in relation to that, which, obviously, I believe would have some substance.

If you have a world-class planning system and you can achieve those benchmarks through whatever model you choose, I do not believe that the business and development industry can have any reasonable criticism of a model that is geared to deliver those sorts of outcomes. As I said, even adopting the one model fits all approach of the independent development assessment panels does not of itself guarantee meeting the benchmarks of a world-class planning system in all cases.

The Liberal Party position, as espoused by the member for Davenport and the Hon. Caroline Schaefer, is that we go down this path but that, in the end, we must retain in essence the penalty or the stick for those local government areas that do not, after a period of time and tests, meet the criteria of the benchmarks for the world-class planning system. In those circumstances, as outlined by the Liberal Party, the minister would have the capacity—after following certain processes—of requiring an independent development assessment panel in that area, so that there will be a set of circumstances where performance is measured against benchmarks for a world-class planning system.

If you meet those benchmarks, you can adopt whatever model it is you want. If, however, after a period of time you do not measure up, the minister (whether it be in this government should it continue or under a Liberal government should a Liberal government be elected) would have the authority to impose an independent development assessment panel on that local government authority. In the discussions that I have had with some business and development interests, I know that they are prepared to accept the sort of model that the Liberal Party is adopting. I will be frank and say that, also, some would still prefer the government position in relation to this issue.

That is the position held by the member for Norwood (Ms Ciccarello), who is a strong supporter of the Rann government's position in relation to this issue. However, the Liberal Party is seeking to provide a balance with the strongly held views of local residents and ratepayers' associations and others. To them, this issue is about sustainable development, and the Liberal Party wants to find a balance between their views and the genuine and, in many cases, validly held views of businesses and developers who want to see a world-class planning system.

The Liberal Party (through the member for Davenport and others) is trying to provide a model which will create a win-win situation in relation to this issue: that is, a world-class planning system provided through the mechanism outlined in the Liberal Party's amendments. Ultimately, the sanction which is included in the government's bill of an independent assessment panel can be imposed if a local government authority is unable to meet those benchmarks for a world-class planning system.

I also refer to the strongly held views of the Kensington Residents Association on this bill which have been provided to me. I have had discussions with Nigel Smart, the Liberal candidate for Norwood, on this particular issue. The Kensington Residents Association put their very strong view to the former minister back in May 2004. Whilst Iain Evans on behalf of the Liberal Party has not indicated that we will pick up all the recommendations of the Kensington Residents Association, it is fair to say that he is recommending that one or two of their positions should be picked up in amendments to be moved by the Liberal Party.

I congratulate again my colleague the Hon. Caroline Schaefer and the member for Davenport for the considerable amount of work that they have done. I thank the City of Norwood, Payneham and St Peters (in particular, Mario Barone for his letter) for the considerable work that they have put into lobbying members. As I said, the letter that Mr Barone sent to me on behalf of the council impressed me in terms of my discussions with the member for Davenport and others. I thank the Kensington Residents Association and other local groups throughout the electorate of Norwood who put their strong views to the Liberal Party on this issue. I urge members in this chamber to listen to the views that have been put by residents groups and individual constituents such as those which I have listed, and I urge government members to move away from their very strong position on this issue which is strongly opposed by all of these groups.

The Hon. A.J. REDFORD: This bill introduced by the government causes me significant concern, particularly in relation to its potential impact on the residents of Brighton, Brighton South, Hove, Seacliff and Marino. Over the past five years there has been substantial development in these suburbs under the guise of urban infill. Where one, three or four bedroom character bungalows housing four to six people existed, now there are two or three bedroom townhouses where four to eight people live. This is putting greater pressure on transport, parking, electricity and water infrastructure. Many people in these suburbs feel left out of a process which has dramatically changed their local environment. They are concerned. This bill does nothing to alleviate those concerns.

The planning system in this state is complex and involves both state and local government. Unfortunately, it is so complex it is often easy for a state government to blame local government for its own inadequacies. The state government is responsible for the final approval of planning amendment reports (PARs). These planning amendment reports set out the framework or the rules that councils must comply with in deciding whether an application to subdivide or build is to be approved. Councils are bound by these planning amendment reports. If a developer complies with the rules in a planning amendment report, then the council must approve the development application. If it does not approve, the developer will succeed in an appeal, costing the council and its ratepayers significant sums of money. Unfortunately, local councils often get the blame for these decisions when the fault may lie with the state and the PAR for which it is responsible or, indeed, a developer pushing the envelope or stretching the rules.

Much of the criticism about the rate and extent of urban infill has been laid at the feet of the Holdfast Bay council. The problem may be with the PAR, and I will explain why. The PAR allows blocks of 800 square metres to be cut into blocks of 350 square metres. There is nothing the council can do if the application complies with this. So what can a council do? One thing it can do, faced with community concern, is seek to change the PAR. Unfortunately, however, to change a PAR requires state approval. That can take, in some cases, up to four years and even then there is no guarantee that the minister will approve the changes. The processes are unclear and confusing.

This has led to a situation where local communities, through their councils, have become disempowered. It leads to a perception of inconsistent decision making and a lack of confidence in the system. Many believe that this leads to, particularly in the case of the Holdfast Bay council, unfair criticism. I can understand that, because the system is so complex. At the moment, that council is bound by state government policy of urban consolidation and is almost powerless to change or affect that policy. So when I door-knock I often get criticism of the council when it may be better placed at the feet of the state government. What has happened with this legislation is that the government has sought to unfairly blame local government for planning failures and used its own inadequacies to take the 'local' out of local planning.

The bill seeks to change the council development assessment panels. The panels are the councils' panels, which are made up of elected councillors. In other words, they reflect the 'local' in local planning decisions by representing the locals. Government members want to ensure that the local councillors are in the minority on these development assessment panels. In simple terms, what the government is saying is that ratepayers cannot be trusted to select people to make local planning decisions. That is taking away from the ratepayers of Brighton, Seacliff, Hove, Marino and Brighton South the power to control their own local areas and their

own local environments. I cannot and will not support this part of the bill.

For those reasons, I will support the opposition amendment that will enable councils to maintain a majority of elected members on the local development assessment panels. The government should fix its own inadequacies before using local government as a whipping boy. Finally, I thank the staff and members of the Holdfast Bay council and, in particular, chair of their development assessment panel, Jon Deakin, for their advice. At one stage I, like many of their ratepayers, thought the problem lay with the council. However, an examination of the minutes reveals that the council has simply applied state government policies—policies over which it has little or no control.

The Hon. D.W. RIDGWAY: I rise to speak to the Development (Sustainable Development) Amendment Bill 2005, and I support the comments made by my colleagues the Hon. Caroline Schaefer, the Hon. Rob Lucas and the Hon. Angus Redford. In fact, the Hon. Caroline Schaefer, the opposition's lead speaker and shadow minister with carriage of this bill, outlined a number of concerns and a vast range of issues covered by this bill. It is very complex as it is a bill to amend the Development Act, the Criminal Law Consolidation Act, the Local Government Act, the Natural Resource Management Act, the Ombudsman Act, the Parliamentary Committees Act, the River Murray Act and to repeal the Swimming Pools (Safety) Act. It is indeed a complex bill.

During some of our processes in our policy development forums over the past 12 months, I have had the opportunity to speak to a number of industry and local government groups, including the LGA, the HIA, the UDIA, the Property Council and a number of local residents and councillors right across the state. Right through there has been a theme of concern about delays in the planning process and the building approvals process, and, although it has not been consistent across all councils and all areas, it has been a concern to some people to whom I have spoken.

It appears that the bill potentially attempts to address some of these issues, but, as my colleague the Hon. Angus Redford says, removes the local majority from the development assessment panels. The Liberal Party has on file some amendments which will address a number of the concerns of people I have spoken to in the past 12 months regarding some of the delays; and perhaps, as the Hon. Rob Lucas said, it will deliver us a world-class planning system. A state the size of South Australia, with our small economy, cannot afford to have anything that will make us less competitive with the other eastern states. As my colleague the Hon. Angus Redford said, perhaps it is an opportunity for the government to fix up some of the inadequacies within its own system in order to allow a more streamlined and transparent system.

However, there are a couple of issues I would like to address, one being spot zoning. The spot zoning in this amendment bill means that the minister can at any time at his or her discretion zone a particular parcel of land or allotment. So you might have a street with 50 or 100 house blocks in it and, if the minister saw fit, he or she could use his or her ministerial powers and discretion to change the zoning. That is something we need to explore further in committee to see exactly why the government wishes to have that power.

The Swimming Pools (Safety) Act intrigues me also. My understanding is that pools that were built prior to 1993, I think, are not subject to safety fences. I noticed in the bill that the penalty for non-compliance is $4 000. Unfortunately, there are a number of drownings every year in South Australia and right across Australia because of accidents with young children and swimming pools. Having recently erected a fence around a pool down on our farm at Bordertown, I know that it is much more expensive than $4 000. I wonder whether the $4 000 penalty may be a cheaper option than erecting a fence. We need to explore that further in committee.

We used to have trees of significance that local councils dealt with, and now we have regulated trees. I am intrigued as to what is a regulated tree. Does it have the same measurements and characteristics of a significant tree? Is it a regulated shape and size? A number of people have contacted us members on the ERD Committee about a significant tree in their backyard. Although it might be destroying their fence, blocking their drains, or filling up their gutters with leaves, they are unable to do anything about it. Trees that may have been planted 100 or 150 years ago or more we now find are inappropriate in their placement.

The Hon. R.D. Lawson: We have plenty of inappropriate logs placed here.

The Hon. D.W. RIDGWAY: The Hon. Rob Lawson interjects that we have plenty of inappropriate logs in this chamber. I will not make reference to the chair when talking about inappropriate logs. We should explore further what a regulated tree is and perhaps attempt to allow some of these people, who are now quite elderly, to deal with the significant trees in their gardens so that their houses are not affected and do not deteriorate any further. Another thing we need to be mindful of is much of the current thinking with older people in our community to allow them to age in place; certainly in rural communities. Ageing in place is important but, as people get older, they find it more difficult to cope with a large house and garden, so we often see smaller retirement-type homes built in some of the suburbs with big subdivisions.

People have a bit of personal conflict. They do not want urban infill in some of those areas yet as individuals they still want to live in their local community and do not want the burden of a big property, a big garden and sometimes, of course, big council rates and sewerage and water rates etc. That is another issue we need to look at as a community, that people do wish to age in place. However, perhaps they are having two bites at the cherry when they are not wanting a subdivision in their area.

One issue that has been brought to my attention is the issue of the Planning Development Fund and, in particular, the financial contribution for open space. I read a letter that has been written to me by Mr Richard Abbott, a surveyor, who says:

> Over the last few years the market value range of residential allotments has grown dramatically wider, both within and outside metropolitan Adelaide. This is clearly exhibited by the price of coastal frontage allotments. In the last financial year the Valuer-General stated that average land values rose 25.21 per cent in the metropolitan area and by 31.39 per cent in the outer metropolitan area. The table below shows the open space contribution changes and amounts requested as from 1 June 2005.

Those figures show for the metropolitan area in 2001-02 $1 785 per allotment for a new subdivision or new allotment and in 2005-06 it is now $3 470, an increase of 94 per cent. In the outer metropolitan area, it increased from $820 in 2001-02 to $1 985 in 2005-06, an increase of 142 per cent. That is for a block of land in the outer metropolitan area. Whether it is a coastal fringe block valued at maybe $500 000

or $1 million or a block in Karoonda or somewhere that may be only $5 000 or $10 000, that fee of $1 985 applies. Mr Abbott goes on to offer some suggestions. He suggests that it may not be equitable and that perhaps we should look at a more equitable contribution and he makes these points:

Relating the open space contribution to land value and land use, irrespective of the land's location:

- Residential outer metropolitan area coastal frontage land now has a higher value than most metropolitan Adelaide land.
- The open space contribution in a country township for an allotment worth $20 000 and for a country coastal frontage parcel worth $500 000 is disproportionate.

He says that if we had an open space contribution related to land value and land use it would encourage the development of land for cheaper housing right across the state. He also suggests abolishing the open space contribution in areas where the residential land values are below $90 000, again to encourage development of land in cheaper areas across the state. I have brought these matters to the attention of the government. I am not sure whether they are interested in addressing them or whether I may have some amendments drafted to try to help with that situation, and I will take some guidance from Parliamentary Counsel on that.

I would like a comment from the minister and his advisers on that issue. In closing, we all support some changes to the Planning Act to try to bring South Australia to a world class planning system and make us more competitive, and the Liberal amendments worked through by the member for Davenport in the other place and the Hon. Caroline Schaefer, the shadow minister who has carriage of it in this chamber, will come very close to addressing many of the problems and bringing some resolution to the disputes between the building industry, the development industry and the local councils and set South Australia up for a very positive future.

The Hon. G.E. GAGO secured the adjournment of the debate.

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

Adjourned debate on second reading.

(Continued from 2 June. Page 2116.)

The Hon. R.D. LAWSON: I rise to indicate that the Liberal opposition will be supporting the passage of this bill. We do so primarily because we are great supporters of the Masters Games and we are assured that, if it were not for this bill, the Masters Games that are scheduled to be held in Adelaide in October this year would be in jeopardy. However, in supporting the bill and the Masters Games, it ought be noted that this government has been dilatory in relation to the matter of registering codes of practice under the Recreational Services (Limitation of Liability) Act. This act was originally passed in 2002, with our support, with great hope that it would provide safer and better systems in our recreational services area, which includes adventure activities as well as sporting and tourism activities and the like, all of which are important to the welfare of our community. We believe (as did the government) that the framework of legislation introduced at that time would facilitate a regime which would yield codes of safe practice, which would improve the risk management activities of organisations and businesses in the community, and that it would be a win-win situation all round.

As the minister indicated in his introductory speech, there are only five codes of practice in the process of registration at the moment and, in fact, none has completed that registration process. We do not believe that the government has put sufficient resources into facilitating the development of these codes. I do not for one moment suggest that it was easy to develop these codes.

I think it was difficult, especially for not for profit volunteer organisations, to put in the professional time and expertise needed to develop such a code. In those circumstances, it required a highly proactive government to put in place the necessary supports and assistance to enable codes to be developed. Certainly, in the early stages, the government was very quick to put out press releases stating that this legislation would have beneficial effects for recreational service providers but, when push came to shove and some resources were required to oil the wheels of progress, the government was not forthcoming with sufficient resources. I admit that a number of people within the public sector have been working hard to achieve a positive result in this area. Frankly, not enough effort was put in, nor was it put in soon enough. The government is responsible for appropriately resourcing these issues, and it failed dismally. Accordingly, we are now being asked to make changes to facilitate the government's indolence.

The problems about insurance are not going away. You yourself, Mr Acting President, have been active pursuing issues on behalf of a number of constituents. I am well aware of the approaches that you have made to the government on behalf of Mr David Ellis of Active Education Pty Ltd, which provides camp activities for primary school children across this state. Mr Ellis reported to you the very significant increase that he has incurred in his company's public liability insurance premiums. They are clearly having an effect on his business, as they are indeed on many community groups, not-for-profit organisations, as well as businesses and providers of sport and recreation programs.

I did see the response of the Treasurer to representations you made on behalf of Mr Ellis. The Treasurer suggested that a couple of programs might be able to assist him, in particular, the Special Risks Facilitation Scheme conducted by the Insurance Council of Australia. That scheme was established to assist organisations which experience difficulty in obtaining affordable insurance and which do not qualify for other schemes that have been specifically established for other purposes. Access to this scheme was by referral from a commonwealth, state or local government, and the Treasurer indicated to you, Mr Acting President, that officers from Treasury had made an initial contact with the Insurance Council, and it was suggested that Mr Ellis would be able to explore this option through SAICORP. I noted subsequently that Mr Ellis took up the Treasurer's suggestion—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The level of conversation in the chamber is becoming too loud for me to hear the speaker.

The Hon. R.D. LAWSON: Mr Ellis took up the suggestion. He contacted SAICORP, which said that it was unable to assist, and suggested that he contact SAICORP next year if a similar situation arises. Mr Ellis has expressed a concern that many others have. His greatest concern, he states, is that insurance companies are taking a simplistic view of things and using only narrow turnover as a means for calculating premiums. He states that there are companies in the same field as his business that conduct activities with far greater risk attached, for example, abseiling, mountain biking,

expedition-style camps, etc., and yet, because their turnover is less than that of Active Education, they pay less in insurance premiums. This is a very real issue. It is ongoing and I regret to say that this government has not been sufficiently diligent in pursuing it. We see the result of that indolence here with a necessity to pass legislation that effectively winds back the clock in relation to codes of practice for recreational services. However, we understand the difficulty.

We are supporters of the Masters Games, as I said. We are not going to stand in the way of this bill, which we see is really a hiccup in the development of mechanisms which, in the longer term, will be of benefit to the community. I would ask the minister to indicate, either in his response here or perhaps in writing later, exactly what resources the government is putting into the development of codes of practice under this act; what assistance it is providing to organisations; whether that assistance is available to businesses which are conducted for profit; or whether it is limited to not-for-profit businesses. I think that ought be on the record. However, I do not wish to delay the committee stage of the bill by pursuing the issue at this stage, because I understand that the passage of the bill is relatively urgent, given the October schedule of the Masters Games and, no doubt, the need for the organisers to have certainty well before their commencement time.

I note that the bill also enables waivers to be used during the transitional time whilst a code is being registered. Bearing in mind the complexity of registration, and the time it is taking, we believe it would be an appropriate measure, and we support it. We also support the fact that minor amendments can be made to codes of practice without the necessity to reinvoke the full machinery of code making. I note also that the definition of 'recreational services' will be amended slightly to remove certain potential doubts. I do not believe that those doubts in fact exist, or would be sustained if the matter were ever tested in a court of law. However, we certainly support the removal of any doubts, and the avoidance of litigation is always to be sought after. For those reasons, we support the amended definition. We support the bill.

The Hon. KATE REYNOLDS: I rise to indicate Democrat support for the bill. I also support the comments made by the Hon. Robert Lawson about the need to better support safety codes. I will be very interested in the answers from the minister, once the bill has proceeded through this chamber. In addition, I am interested in the answers about the resources currently being provided. I will not labour the point, but I put on the record that, when speaking to the bill to establish the act, my colleague the Hon. Sandra Kanck expressed strong concern about the speed with which the bill was being passed through the parliament and about the potential for unintended consequences as a result of that haste. Given that the act requires amendment in order to allow the Masters Games to proceed, it is of course sensible to take the opportunity to address some of the deficiencies.

We are pleased that the definition of 'recreational services' will be clarified so that there can be no question that it includes not-for-profit bodies. We are also pleased that there will be a fast-track process created to make minor amendments to registered safety codes. We look forward to the speedy passage of the bill so that, first, the Masters Games can proceed and, secondly, so that other changes can, hopefully, make the development of the safety code process a little easier.

The Hon. NICK XENOPHON: I indicate my great reservations about this bill. I note the history given by both the government and the opposition, particularly that given by the Hon. Mr Lawson, about the codes of practice that were established several years ago. It is a system about which I have had some reservations in terms of how effective these codes of practice were. I have always been a great believer in the common law. I have previously disclosed and I disclose again my work as a plaintiff lawyer. The view of a senior officer to whom I have spoken within the Australian Lawyers Alliance (the former Australian Plaintiff Lawyers Association), of which I am a member, is that this is an unnecessary piece of legislation. It is taking away the safeguards the codes provide, and this is seen as a sop to the insurance industry—that the profits of insurances companies are still sky high, and it is just another hit for them.

I believe this is a retrograde step, and it will make it more difficult for those who are injured to seek compensation. I note the rationale for it, and I accept the concern of the organisers of the Masters Games. I am not being critical of the organisers, but I am critical of an insurance industry which sought not to cover them. I indicate my protest about this bill and its adding another sop to the insurance industry in this country.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank honourable members for their support for this bill. The main thrust of this bill is to amend the Recreational Services (Limitation of Liability) Act 2002 to allow recreational service providers to use waivers while safety codes are being developed. The immediate benefit of this is to ensure that the Masters Games can proceed as planned, which will have a significant effect on those organising and participating in this worthy event.

This transitional measure will allow recreational service providers to be protected while they develop safety codes. Once a safety code is registered, there will be no need for waivers. A sunset clause of two years applies to this provision. While it is the case that no safety codes have been registered to this point, the government is actively working with recreational service providers to assist them in completing appropriate codes. Further amendments in this bill which will assist recreational service providers relate to amendments to codes of practice and a clarification of the definition of recreational services.

In relation to a couple of matters raised by the Hon. Robert Lawson and the Hon. Kate Reynolds, I advise that the Office of Consumer and Business Affairs does indeed provide assistance to commercial and not-for-profit organisations in developing these codes. However, we do not have the details of that assistance with us, but we will provide that information to both members. I commend the bill to the council, and I again thank honourable members for their assistance in providing speedy passage to the bill.

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

STATUTES AMENDMENT (UNIVERSITIES) BILL

In committee.

Bill taken through committee without amendment; committee's report adopted.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I move:

That this bill be now read a third time.

I place on record my thanks for the cooperation of members opposite in facilitating the third reading of this bill tonight. In particular, I thank the Hon. Kate Reynolds for her cooperation, given that she asked a question during the second reading debate, and I undertake to get a response in writing from the minister in another place.

Bill read a third time and passed.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable the Clerk to deliver messages in respect of the Statutes Amendment (Budget 2005) Bill, the Ambulance Services (SA Ambulance Service Inc) Amendment Bill, the Recreational Services (Limitation of Liability) (Miscellaneous) Amendment Bill, and the Statutes Amendment (Universities) Bill to the Speaker of the House of Assembly, notwithstanding the fact that the House of Assembly is not sitting.

The Hon. R.I. LUCAS (Leader of the Opposition): The Liberal Party is prepared to support this motion, but I note that this has breached 150 years of longstanding convention in the Legislative Council. This has not been done before.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: This is a new convention, the Leader of the Government says, so it is okay. This had not been done until recent years, and this poses concerns for Legislative Council members. I have indicated my concern about receiving messages when this chamber is not sitting and, thankfully, so far, we have managed to resist that, but this breaches longstanding conventions. As the Leader of the Government says, it is a new convention, so it is all right in this particular case. At least he acknowledges that it is a breach of a longstanding convention in relation to these issues. However, we will not be churlish about this; we are prepared to support it.

Motion carried.

ADJOURNMENT

At 6.21 p.m. the council adjourned until Wednesday 29 June at 2.15 p.m.