LEGISLATIVE COUNCIL

Thursday 30 June 2005

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

ABORTIONS

A petition signed by 70 residents of South Australia, concerning abortions in South Australia and praying that the council will do all in its power to ensure that abortions in South Australia continue to be safe, affordable, accessible and legal, was presented by the Hon. Sandra Kanck.

Petition received.

QUESTION TIME

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Premier a question about the Rann government corruption inquiry.

Leave granted.

The Hon. R.I. LUCAS: Mr President, as you would be aware, in May this year it was revealed that the new DPP (Mr Steve Pallaris) sought an urgent meeting with Attorney-General Atkinson to lodge strong objections to the actions of Treasurer Kevin Foley for what he described as a clear attempt to intimidate and threaten him in an unjustified attempt to interfere with the independent operation of the DPP's office. Mr Pallaris also later described an attack on him by the Treasurer as 'beneath contempt, personal vilification at its most objectionable and motivated by self-interest'.

The Hon. Sandra Kanck: He's a bit like that, isn't he?

The Hon. R.I. LUCAS: He should tell us what he really thinks. I have now been informed by a very senior source with an intimate knowledge of the operations of the DPP's office that in recent weeks the DPP has expressed concerns about the actions of a senior adviser to the Premier in relation to the recent Ashbourne court case. I am informed that during the recent Ashbourne trial Premier Rann's deputy chief of staff and senior legal adviser, Mr Nick Alexandrides, behaved in a verbally aggressive and intimidatory manner with a DPP officer on the issue of Premier Rann's appearance at the Ashbourne trial. I am further informed that when told of this matter the DPP, Mr Pallaras, was so concerned that he sought an urgent meeting with the Attorney-General, Mr Atkinson, to protest at the behaviour of the Premier's senior legal adviser towards DPP staff acting in the trial of a former senior adviser to Premier Rann, Mr Ashbourne. My questions are:

1. Will the Premier now confirm that the DPP, Mr Pallaras, was so concerned about the actions of Mr Alexandrides that he sought an urgent meeting with the Attorney-General to protest at the actions of Mr Rann's senior legal adviser?

2. Will the Premier now reveal publicly what his senior legal adviser was trying to convince the office of the DPP to do in relation to the trial of Mr Ashbourne?

3. Will the Premier now reveal publicly what specific concerns were expressed by the DPP about the actions of Mr Rann's senior legal adviser and, in particular, was any concern expressed about attempted interference in the DPP's handling of this case?

4. What action has the Premier taken in relation to Mr Alexandrides as a result of the concerns expressed by the DPP?

5. Will the Premier admit that, in the interests of openness and accountability, the promised inquiry into this issue now has to be a public inquiry so that all the facts of the behaviour of the Premier, ministers and advisers can be revealed publicly?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I was appointed the minister to whom the Director of Public Prosecutions reports in relation to the conduct of the Ashbourne inquiry. Mr Pallaras and his predecessor—

An honourable member interjecting:

The Hon. P. HOLLOWAY: No; I am not in the gun at all. The Director of Public Prosecutions raised a matter with me on my return from overseas. He sought a confidential meeting with me, and, in accordance with convention, I intend to honour the confidentiality of that meeting.

Members interjecting:

The Hon. P. HOLLOWAY: It was at the request of the DPP. As to matters between the Director of Public Prosecutions—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —and the appropriate minister, if the DPP asks for a confidential meeting, I will honour that convention.

The Hon. R.I. LUCAS: My question is directed to minister Zollo. Prior to the issue being raised today, was the minister aware that the DPP, Mr Pallaras, had lodged very strong objections about the behaviour of Premier Rann's Deputy Chief of Staff and senior legal adviser, Mr Nick Alexandrides, in relation to the Ashbourne trial, and that he had sought an urgent meeting with the Attorney-General, Mr Atkinson?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): In the absence of the Hon. Paul Holloway, who had administrative arrangements for that case—

The Hon. R.I. Lucas: Where was he?

The Hon. CARMEL ZOLLO: He was overseas on parliamentary government business. I attempted to facilitate a meeting with Mr Pallaras. I actually physically went and tried to have a meeting. He was not interested.

The Hon. R.I. Lucas: In talking to you?

The Hon. CARMEL ZOLLO: He was not interested in talking to me. It was appropriate for me to try to do so; it was inappropriate—I stress that it was inappropriate—for the Attorney-General to do so, because the court case was happening at the time.

The Hon. R.I. LUCAS: I have a supplementary question. Did either the DPP or one of his representatives advise the Hon. Carmel Zollo, or was she advised by the Hon. Mr Atkinson, as to the nature of the complaint against Mr Alexandrides?

The Hon. CARMEL ZOLLO: The DPP did not advise me of the nature of why he wanted to see the Attorney-General. He said that it was for the Attorney-General and, basically, he chose to leave.

The Hon. R.I. Lucas: Did you have a conversation with the Attorney-General?

The Hon. CARMEL ZOLLO: No; not about that. The DPP said that it was external to the case. It was inappropriate for the Attorney-General to actually see him, and that was conveyed to him.

The Hon. R.I. LUCAS: I have a supplementary question. As I understand it, if the Hon. Mr Holloway was the delegate minister on behalf of the Rann government because of conflict of interest issues, and, if the Hon. Carmel Zollo was the appropriate acting delegate minister, why did the DPP or his representative indicate to the Hon. Carmel Zollo that he was unprepared to meet with her?

The Hon. CARMEL ZOLLO: I suggest that the Leader of the Opposition asks him that.

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the minister representing the Premier questions about the Rann government corruption inquiry.

Leave granted.

The PRESIDENT: Before you go on, this council passed a motion recently in respect of this matter, and I believe that it decided on the Ashbourne, Clarke and Atkinson Inquiry as its title. The language is quite colourful, but the council has clearly identified the inquiry with that name. I think that the honourable member ought to call it what the council has called it. This council made a decision on Monday in respect of this matter. I ask the Leader of the Opposition to continue with his question and bear in mind what I have just said.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! If the Hon. Mr Redford wants to reflect on my ruling, there is a process for it.

The Hon. R.I. LUCAS: Mr President, unless you are ruling me to be unparliamentary, you cannot govern what I describe a particular inquiry as, so I look forward to your rulings on this issue. I will describe the inquiry as I wish.

Members will be aware of the recent trial in relation to Mr Ashbourne, and that after a trial it is possible for any member of the media or of the community to purchase copies of transcripts of court cases through the Courts Administration Authority. I have been advised this week by a media representative that, after the recent Ashbourne trial, this media representative went to the court transcript office in the usual way to purchase copies of the Ashbourne trial and was surprised when the officer at the court transcript office said that he had to get his supervisor to answer this particular request. The supervisor then said to the media representative that all questions or queries about Mr Ashbourne's trial transcripts had been referred upstairs to the Criminal Registry.

The media representative then went upstairs to the Criminal Registry as directed, and an officer at the registry told the media representative, 'The judge has stopped all access to the transcripts.' The media representative then protested and asked why—as these were public documents, in the words of the media representative, and normally available—he could not purchase transcripts of the Ashbourne trial. The officer then sought assistance from another more senior officer who came to speak to the media representative. This more senior representative then advised the media representative that an application form could be completed, but that there was an issue with the Director of Public Prosecutions about the trial that had to be sorted out before they could be released to anyone, and it could be some time before a decision would be made about the release of the Ashbourne transcripts. My colleague the Hon. Robert Lawson (who is more experienced in these issues than I) says that in the best of his recollection this blocking of the release of transcripts is unprecedented. My questions are:

1. Will the Premier reveal why the transcripts of Mr Ashbourne's trial are not being made available in the normal way to media representatives and anyone else with an interest in the issue?
2. Has the Premier, any minister or ministerial adviser been involved in any discussions about this issue and, if so, what was the nature of those discussions?
3. Given this issue and other issues already raised, does the Premier now admit that it is in the interests of openness and accountability that the promised inquiry into these issues has to now be a public inquiry?

The Hon. P. HOLLOWAY: In relation to the last question, the answer is quite obviously no. There is absolutely no issue at all raised. We are talking about the release of a transcript. What a joke to suggest—this is absurdity. The honourable member is saying—

Members interjecting:

The Hon. P. HOLLOWAY: During his question, the honourable member mentioned the judge and he also mentioned the DPP. I have no idea why the transcripts are not there.

The Hon. R.I. Lucas: You're the responsible minister.

The Hon. P. HOLLOWAY: Yes, I am, so I will find out from those responsible. The honourable member suggested in his question that it was either the DPP or the judge; I think you can take your pick.

The Hon. R.I. Lucas: I said the media representative told me.

The Hon. P. HOLLOWAY: Well, that's right: the media representative said it was the judge, and then, later in his question, he mentioned the DPP. I do not know why they are not available to members of the media. I will take steps to find out, but the Office of the Director of Public Prosecutions is an independent office, and the Director of Public Prosecutions is an independent officer under the statutes of this state, as indeed are the courts, and they make their own determinations. They are separate from government. There is separation of powers and, if they make a decision—how absurd is it to suggest that that is a reason for having an open inquiry. The opposition must be desperate. Let us get back to the basics here. We had a member of—

The Hon. R.I. Lucas: What are you hiding?

The Hon. P. HOLLOWAY: We are not hiding anything. We had a member of the Premier's staff—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —who, as we debated earlier this week, had been prosecuted and was fund not guilty in almost record time by a jury. He was found not guilty. No offence has been committed, so it makes it—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, he was charged. One can make a judgment as to why he was charged.

The Hon. R.I. Lucas: What are you hiding?

The Hon. P. HOLLOWAY: He was charged. There is nothing behind it; the facts are out there. There is no hiding. What are we hiding? There is nothing to hide.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: We have a desperate—

The PRESIDENT: Order! Members of her Majesty's loyal opposition have had the spotlight for the week, and I am

sure that the TV cameras are having a very deleterious effect on their behaviour. The Leader of the Opposition sought leave to make an explanation and was given the right to make that explanation in silence, except for the odd interjection from the Hon. Mr Sneath. The minister listened in silence, and he is entitled to be heard in silence.

The Hon. P. HOLLOWAY: It has been 3½ years since the last election. Members opposite have nothing at all going for them. They cannot come up with any policies at all, and their credibility is shattered because of their past actions like selling the Electricity Trust of South Australia and everything that has flowed from that. We have seen their behaviour in this parliament. They are opposing everything they can. They are deliberately creating as much dislocation to this state as they can. That is what they are on about. Anyone who has been in this parliament can see it. It is visible before their eyes.

Members opposite have nothing else going for them so they are trying to make something out of this. We had a court case. A former employee of the Premier's office was found not guilty of any offence in 55 minutes, and members opposite are desperately trying to create some circus which might give them some oxygen on the way to the next election in six months, because they have nothing else. It is a vacuum over there. For the Leader of the Opposition, after his role in the former government, to be standing up and taking the high moral ground, really, Mr President, it is nauseating.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer. Can the minister give an assurance to this council that no minister or ministerial adviser to the Rann government has copies of the transcripts of the Ashbourne trial, which have been denied to the media, members of the opposition and anybody else?

The Hon. P. HOLLOWAY: As the minister responsible, I requested a copy of the transcript, and I have one as one would expect. I have no idea—

Members interjecting:

The PRESIDENT: Order! There is too much interjection.

The Hon. P. HOLLOWAY: —who does have a copy.

Members interjecting:

The Hon. P. HOLLOWAY: Well, as the minister responsible, why should I not have a copy? I have no idea who else has one. That is not my decision to make. Court transcripts as provided by the courts are a matter for those who are responsible independent officers. There is a separation of powers. The Leader of the Opposition is like Joe Bjelke Peterson—he does not understand the separation of powers. He is on his way out. As I indicated earlier, I will find out about the transcripts. There may be reasons but, after all, trials are public matters.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer. Given that the leader has indicated that he has a copy of the transcripts, will he table a copy so that members of the media, the opposition and the minority parties can share a copy of the transcripts of the Ashbourne trial at taxpayer's expense, rather than him keeping them secretly to himself while the rest of us are denied access to them?

The Hon. P. HOLLOWAY: The release of transcripts is a matter for the courts. If the Hon. Mr Lucas rings up the courts and asks for a copy of those transcripts—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —I would expect that it would be done. It is a matter for the courts.

The Hon. A.J. REDFORD: As a supplementary question, will the minister provide the opposition with a copy?

The Hon. P. HOLLOWAY: The courts release the transcript. I have already indicated that I will inquire from the DPP, as I know nothing about it, other than what the Leader of the Opposition has said. He suggested that there was some issue with the DPP holding it up. The DPP is an independent officer, and I will ask him to see whether there is a problem. Prior to this, I was certainly not aware that there was any issue in relation to these matters. However, I will certainly investigate why there is a problem—if, in fact, there is one.

STATE EMERGENCY SERVICE

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about rescue vehicles and equipment in the State Emergency Service.

Leave granted.

The Hon. J. GAZZOLA: The State Emergency Service provides a multi-faceted emergency rescue service to the South Australian community. Will the minister advise the council how the State Emergency Service rescue services are equipped?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Now for some useful information, and I thank the honourable member for his most important question. The SES provides a vast range of emergency services—

Members interjecting:

The PRESIDENT: Order! Members on my left will come to order.

The Hon. CARMEL ZOLLO: —to local communities throughout South Australia, including marine rescue, road crash rescue—

Members interjecting:

The Hon. CARMEL ZOLLO: It is a shame that members opposite are not interested in what our volunteers and State Emergency Service undertake for our community—vertical rescue and search and rescue, as well as temporary or emergency structural repairs as a result of storm damage or major impact. I think that it is difficult to talk about the SES and, indeed, all our emergency services volunteers, without mentioning that, in the last few weeks alone, we have seen our SES volunteers needing to undertake such an emergency service response and recovery for the people of Karoonda as a result of severe weather. More recently, storm-related emergencies in the city and regional areas have highlighted the skills and commitment of our State Emergency Service. The SES took literally dozens of calls to assist people with storm-related damage. It cleaned blocked drains and removed trees that had fallen onto houses. I am sure that, even though members opposite are not interested, I am joined by all in this chamber in thanking the SES for its commitment to our community.

In order to meet the various needs of the community, the SES has a range of vehicles and equipment, including marine rescue vehicles, for both open sea and inland waters; specialist search vehicles, including motorbikes and quad bikes, as well as four-wheel drive vehicles; specialist trailers designed to transport specific equipment for particular roles, such as urban search and rescue, storm damage and road crash rescue; and rescue vehicles that carry a variety of rescue

equipment and trained personnel. The 2004-05 financial year provided funding for the replacement of:

- a new rescue vessel for Tumby Bay SES and Port Pirie;
- eight specialised rescue trucks;
- two remote rescue vehicles;
- seven heavy towing vehicles; and
- 10 heavy duty hydraulic rescue kits, which have been acquired and are being issued to units across the state.

The 2005-06 budget funding for SES rescue vehicles includes $343 200 allocated from capital works for SES appliances classified as vehicles exceeding 3.5 tonnes and $325 000 allocated from the operating budget for the leasing of vehicles from Fleet SA.

ADOPTION

The Hon. KATE REYNOLDS: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Families and Communities, a question about adoption services.

Leave granted.

The Hon. KATE REYNOLDS: On 14 December last year, Ms Lomman wrote to the Premier about some difficulty that she had with adoption services. I preface my explanation by saying, first, that the South Australian Democrats welcomed the announcement by the minister on 19 June that he would be making changes to age restrictions to allow older people who wanted to adopt a child to apply. When Ms Lomman wrote to the Premier, she said:

> I would like to draw your attention to the legislation in this state regarding inter-country adoption and in particular the single applicant—

and by that she means unmarried, non-coupled applicants. The letter continues:

> I realise that this is not your portfolio and is handled by Mr Weatherill but I am having difficulty getting any sensible dialogue with this minister and so I am appealing to you for help.
>
> I am a mother of an adopted child. We became a family on 14 October 2002, when [and she names her daughter] was nearly 12 months old. I adopted her from China but had to go to Victoria to do this. I had started the process in South Australia, struggled and persisted to eventually gain approval as a 'prospective adoptive parent' in South Australia—

by way of explanation, I have a copy of a letter from the Adoption and Family Information Service which advises Ms Lomman that she has been approved as a prospective adoptive parent—

> but was told that my file would never be sent overseas and would in fact be put in a drawer. I was also told that despite the belief that I would make a great mother if I were allocated a child, that allocation would be refused. After several attempts at appealing to the then minister, Mr Dean Brown, I gave up my struggle and went to Victoria. Here the process started again and after four years all up I became mum to [and again she names her daughter]. Shortly after returning to Australia with her I resettled back to Adelaide. I would now like to extend my family and adopt another child from China but of course face the same ridiculous scenario. The fact that I can apply, eventually be approved but never be allocated. Another interstate move is out of the question. Why should I have to move when I am perfectly happy in South Australia. . . Currently Western Australia, Victoria, New South Wales, ACT and Northern Territory all allow single applicants and these are assessed and approved on equal merit with couples.

She says that she is aware of a woman who adopted two children 28 years ago from Thailand. This woman has contacted Ms Lomman.

In her letter to the Premier she says that she was a single mother and at the time was only successful in her adoption application due to the intervention of the then premier Mr Don Dunstan. She knows of four other single women who, at the same time, also adopted two children each. The letter further says:

> Ms Jennifer Rankine MP has been corresponding with Mr Weatherill but frankly her office has acknowledged that they are embarrassed at his vague and useless letters. He hides behind the departmental standard line that adoption is always done 'in the best interests of the child' and therefore all children go to couples.

She asks the Premier:

> How can it be in the best interests of the child in five states/ territories for singles to adopt and not in South Australia?

That letter was sent seven months ago and Ms Lomman is still waiting for a response from the Premier. I now refer to an article in *The Advertiser* newspaper of 20 June, following the announcement by the minister on 19 June, in which minister Jay Weatherill is quoted as saying:

> For parents wishing to adopt, an assessment of their skills and parenting capacity will be the deciding factors.

My questions are:

1. Is the minister aware of the application by Ms Lomman?
2. Why has AFIS refused to allow this parent's application to be considered on merit and, importantly, to proceed through all of the usual channels?
3. Will the minister assure the council that Ms Lomman has not experienced discrimination by AFIS?
4. What steps will the minister take and when to ensure that AFIS does not discriminate against sole parents who wish to adopt a child from overseas?
5. What assistance will the minister provide to Ms Lomman to help her extend her family by adopting a second child?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to my colleague in the House of Assembly and bring back a reply.

PROSTITUTION

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about prostitution.

Leave granted.

The Hon. A.L. EVANS: Recently, I received a letter from a constituent who for some years had worked in the sex industry here in South Australia. I understand from the letter that she was charged with soliciting for sex while working as a prostitute. She explained in her letter that a few years ago she started to make some personal decisions that eventually led her out of the sex industry. This constituent is doing all she can to start a new life. However, a point of grievance is that even after 10 years her criminal record remains. Under the present law in South Australia it is illegal to run a brothel, solicit for sex in a public place or live off money provided by prostitution. My question is: is the Attorney-General willing to introduce a bill into parliament that would remove any charge or conviction of soliciting for sex in a public place that may be on the public record after a period of 10 years; if not, why not?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I believe that the Attorney-General and the Speaker (Hon. Bob Such) in the other place have publicly canvassed the idea of introducing legislation to remove criminal records after a certain period of time. I know it has been discussed widely for some time in relation to a range of offences, not

just those relating to prostitution. I am aware that the Attorney-General has been looking at this matter in a more general sense, but I will refer the question to the Attorney-General and bring back a reply.

ALEXANDRIDES, Mr N.

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Director of Public Prosecutions.

Leave granted.

The Hon. R.D. LAWSON: The minister today has admitted to the council that during the trial of Randall Ashbourne she was aware that the Director of Public Prosecutions was seeking a meeting with the responsible minister. My question is: did the minister, or any person on her behalf or with her knowledge, have any communication at all with Mr Nick Alexandrides concerning the meeting which the DPP sought?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I am not certain what the honourable member is asking. Did I speak to Mr Nick Alexandrides? The answer is no. As I said, in the absence of the Hon. Paul Holloway, who had administrative carriage or arrangements in relation to that case, I saw the DPP. He chose not to speak to me. He did not divulge what his urgent matter was about. Clearly, we have agreed it was inappropriate for the Attorney-General to speak to him. I reiterated with the staff present that he could speak to me. As I said, he chose not to and he walked away. Basically, that is it.

The Hon. R.D. LAWSON: I have a supplementary question. Was Mr Nick Alexandrides present at the meeting to which the minister has just referred?

The Hon. CARMEL ZOLLO: No; he was not. No-one knew what he wanted. There was big drama, but no-one knew what he wanted.

The Hon. R.D. LAWSON: I have a further supplementary question. The minister said that she had no communication with Mr Alexandrides, but my initial question was whether anyone else on her behalf or with her knowledge had any conversation with Mr Alexandrides about the meeting?

The Hon. CARMEL ZOLLO: Prior to the meeting?

The Hon. R.D. Lawson: Prior to or after?

The Hon. CARMEL ZOLLO: I cannot say for sure after. Obviously, I think what evolved after that was that the DPP then sent formal communication in writing to the Attorney-General. Again, it was not appropriate for him to look at it. I did look at the correspondence, and I asked that it be referred to the CE for advice.

GAS PRICES

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Industry and Trade a question about gas prices.

Leave granted.

The Hon. A.J. REDFORD: The Essential Services Commission released its final price determination for residential and small business customers of Origin Energy last Tuesday. Average increases for residential standing contract customers was 5 per cent and for small business customers it was 2.5 per cent. That means that gas prices have risen by some 26 per cent in the 3¾ years since the Rann government took office on the promise of cheaper power. At the same time, electricity prices have risen by 25.2 per cent—in fact, less than the price increase in relation to gas. The rate of increases in prices is more than double that of inflation and, certainly, it is much greater than the rate of increase in Victoria.

Prior to the Essential Services Commission's releasing a final determination, it sends out or releases a draft determination. It does so in order to enable the public or their representatives to make submissions about the draft determination. My questions are:

1. Did the government make a submission in relation to the recent gas price announcement and, if so, what was the thrust or effect of that submission?

2. Will the government apologise for allowing gas prices to rise more than electricity prices?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): What gall, Mr President. Let us wait for the Hon. Angus Redford to apologise for the increase in electricity prices as a result of his vote and his government's policies with respect to the sale of ETSA. Everyone knows why electricity prices went up, but I am sure that we will never hear an apology from the Hon. Angus Redford. The reason energy prices went up was that full retail contestability was introduced. Look at these people. How dishonest can you get?

The definition of the nine Liberals opposite would be collective dishonesty. It beggars belief. It was the Liberal Party opposite that sold ETSA. We know what happened during the electricity sale process. The Liberal Party deliberately locked in, through vesting contracts, the price of electricity until 31 December 2003—after the election. It locked it in, quite dishonestly. It is a pity that the Hon. Rob Lucas is not present. No wonder he left the chamber when this question was being asked. He would be red with shame that someone in the opposition would dare ask questions about energy prices when the energy situation in this state is as a result of members opposite. Full retail contestability has been introduced, and the honourable member knows full well that this has been part of the policies that have been pursued by the federal government.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens will come to order.

The Hon. P. HOLLOWAY: It is certainly convention that ministers be here. If the honourable member thinks that it is fine for members to leave the chamber, perhaps he should see what would happen if ministers left the chamber during question time. Members opposite should wake up. In relation to gas prices, I remind the council that something like $54 million of taxpayers' money was injected to reduce the impact of gas prices which were locked in through the full retail contestability policies and which were part of the energy agreements which—

Members interjecting:

The Hon. P. HOLLOWAY: Well, John Howard has now been in government for 10 years. Talk about John Howard—we know what he thinks about members opposite. We know what he thinks about state governments. I mean—

Members interjecting:

The PRESIDENT: Order! Members on my right should not try to assist the minister. Members on my left, if they bowl up a lollipop they are going to get hit over the fence, so they should take their punishment and be quiet. There is so much disruption in the council that I thought for a minute all the cameras were back.

The Hon. P. HOLLOWAY: As I said, this government has used significant amounts of taxpayers' money to reduce the impact of rising energy prices, particularly on the more vulnerable in this community and specifically in relation to gas. That is what this government has done to reduce the impact of those rapid rises in energy prices, both gas and electricity. The South Australian community knows where the pressures for those increases came about. In relation to the specifics of the question, I will refer those to the Minister for Energy in relation to whether or not a submission was made.

The Hon. A.J. REDFORD: As a supplementary question, given the minister's suggestion that prices went up because of privatisation in relation to electricity, how does he explain the massive increase in the price of gas, which was privatised by the former Labor government?

The Hon. P. HOLLOWAY: I have already answered that: full retail contestability and the introduction of those competition policies.

The Hon. J.F. STEFANI: As a further supplementary question, does the minister agree that the promise to build the interconnector from New South Wales to bring in cheaper power has failed?

The Hon. P. HOLLOWAY: If the honourable member wants to go into history I am sure he could just lean over and ask the Hon. Nick Xenophon, who knows as much about this as anyone else. Let me explain to the honourable member what happened. There was an alternative link called MurrayLink—and, again, the Leader of the Opposition would not want to be here if he knew a question like that was coming. Who introduced MurrayLink and who did everything they could to sabotage the interlink connector? There are documents, all of which have been produced to the parliament. They are all in the bowels of this parliament, going back to the 1990s, as to what happened.

The MurrayLink private sector DC proposal, underground proposal, was introduced and, once that was introduced and promoted by the previous government, it was done deliberately to prevent the interlink connector being built. That is quite clear to anyone who has had a look at it. By the time this government came to office, unfortunately, that had gone so far that it was impossible to proceed. Also, of course, the whole episode of the interlink, as the Hon. Nick Xenophon would know, was sabotaged to a large extent by the particular public interest and tests that were used by NEMMCO to determine these projects.

The answer to the question is that the interlink connector was effectively sabotaged by the policies of the previous government. Just as they had put in full retail contestability, they knew that prices would have to jump by 30 or 40 per cent after 31 December 2002. They locked in vesting contracts just to tide them over the election and, of course, this government was left dealing with that. We were also left with significant budget deficits. Remember those $967 million or whatever it was of cuts in the first budget? Members opposite are still whingeing about the cuts. We have now turned the finances around. We have now restored AAA rating to the finances.

This state is now in a healthy surplus. When it came to our first budget, as well as dealing with some of this electricity shambles, we had to cut out of the forward estimates nearly a billion dollars. People forget that. They forget what happened in the hospitals. The then deputy premier in the other house, who was minister for health, would not talk to the treasurer. The two would not talk. In fact, the previous minister for health instructed his financial officials in the Department of Human Services not even to talk to Treasury.

Members interjecting:

The PRESIDENT: Order! Members of Her Majesty's Loyal Opposition will come to order.

The Hon. P. HOLLOWAY: What they were doing in the Health Commission was running up deficits in individual health units and, of course, that was one of the other things that had to be repaired in the 2002 budget when this government came to office. If members opposite want to go back into history, I am very happy that we have that history lesson, because it is so easy to forget the situation that faced this government in 2002. As I said, we had to cut nearly $1 billion out of the forward estimates of this state, and all members opposite did was whinge about the cuts. We have now turned around the finances of this state.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The whip is not setting a good example.

The Hon. P. HOLLOWAY: We would love to have done more in relation to these matters if we had not been so hamstrung by the decisions on energy that were made by the previous government.

EDINBURGH PARKS AUTOMOTIVE PRECINCT

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the Edinburgh Parks Automotive Precinct.

Leave granted.

The Hon. G.E. GAGO: The state government has developed Edinburgh Parks Automotive Precinct as a dedicated supplier precinct adjacent to Holden Elizabeth to support Holden's logistics requirements, and this includes direct access to the plant via a road and bridge called the Tuggerway. My question is: what is the current occupancy of the Edinburgh Parks Automotive Precinct and what is the likely uptake of the remaining allotments in stage 1?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): There are 25 allotments that comprise stage 1 of the automotive precinct at Edinburgh Parks. Two allotments are held under an option that remains until 2008. Seven allotments are occupied by companies that have completed construction and are in operation. These companies are: Air International, Wayne Richardson Sales, Plexicor, Nylex, Australian Arrow, Chep and Automated Supplies/Orbseal, which jointly occupy a lot. Construction is taking place on seven allotments. The four companies involved are: ZF Lemforder (two lots), Johnson Controls (two lots), Walker Tenneco, Cubic Pacific and Noble Metals. One lot has been sold to a company that is contracted to build in the immediate future. This company is Kilic Engineering.

All the companies named above have contracts with Holden's to supply components for the new VE Commodore. Two allotments have been sold to a developer. One has a building that is leased and the other is empty. Three lots are subject to final negotiations with companies whose names cannot be released. Contracts are expected to be completed shortly, and two lots are subject to negotiations that are at an early stage. The final lot has attracted some interest, but none of them has reached a stage where contracts are imminent. However, this final stage 1 allotment is likely to be contracted

within the next few months as there are some supplier companies that have yet to organise their facilities.

While we are talking about the automotive companies in that region it is worth mentioning that Hirotec is building a factory at Elizabeth West, just outside Edinburgh Parks, and Dana is operating from a former RAAF stores building in the logistics precinct. Companies operating in the Automotive Suppliers Precinct (located in stage 1 of Edinburgh Parks), will engage at least 1 700 employees. In addition, the Minister for Infrastructure recently (a couple of days ago) announced the sale of over 28 hectares of land at Edinburgh Parks to Macquarie Goodman for the construction of a $125 million new distribution centre for retail giant Coles Myer. The planned facility will be constructed on land near the eastern boundary of the Edinburgh Parks development to the north of the planned Wyatt Road extension. This new development will involve the establishment of a 64 725 square metre regional distribution centre with associated hardstand facilities, making it one of the largest warehouse developments of its kind in Australia.

A key requirement for the Coles Myer development was easy access to all forms of major transport, and Edinburgh Parks is ideally suited as a result. I think we can expect that this decision by Coles Myer will encourage associated industries to look very seriously at Edinburgh Parks as the place to locate or expand their business in South Australia. The government's Land Management Corporation will continue to develop Edinburgh Parks to accommodate technology organisations with links to DSTO and the RAAF base and the automotive industry with links to Holden as well as warehousing and distribution and general to light industry. Edinburgh Parks has become a significant new growth centre for industry. As a result, it will assist in delivering more jobs as well as strong economic growth for the northern region of Adelaide.

HOSPITALS, PATIENT RECORDS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the minister representing the Minister for Health a question about the privacy of patient records in South Australia.

Leave granted.

The Hon. SANDRA KANCK: Yesterday, *The Age* newspaper reported a Victorian Supreme Court decision which forced the Royal Women's Hospital in Melbourne to provide patient records of a pregnancy termination to the Medical Practitioners Board of Victoria. This decision was made against the express wishes of the patient. The abortion was carried out at 32 weeks after the foetus was diagnosed with skeletal dysplasia. The woman (known as Ms X) had threatened to commit suicide should she be forced to go through with the birth. The medical board intervened in the case following a complaint by federal National Party senator and anti-abortion zealot, Julian McGauran. In response to the decision, Women's Health Victoria has pointed out the following:

> Access to reproductive and sexual health information and medical services should be able to be done in privacy without fear of exposure or prosecution.

Other commentators have highlighted how the decision may result in some women shunning the hospital system in favour of backyard abortions. My questions are:

1. Does the minister agree that the release of hospital records in the manner directed by the Victorian Supreme Court would be a breach of patient privacy?
2. Is it possible for a third party to precipitate the release of patient records against the will of a patient in South Australia; and, if so, will the minister commit to legislative changes to ensure that patient records cannot be released against the will of a patient?

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

GAMBLING, PROBLEM

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the minister representing the Minister for Gambling a question about the Problem Gambling Family Protection Orders Act.

Leave granted.

The Hon. NICK XENOPHON: In October 2004 I asked questions regarding steps that the government had taken to publicise the problem gambling family protection orders following the passage of legislation of the same name which came into force on 1 July 2004. In his response to my questions, the minister stated:

> The Independent Gambling Authority has been monitoring the development of the scheme and will six months post-implementation undertake a review to identify (among other things) whether any additional steps are necessary to ensure that information is appropriately available in the general community.

My questions to the minister are:

1. How much money has been spent on the publicity and advertising campaign relating to problem gambling family protection orders since the legislation came into force, specifically in relation to press, radio and television, respectively, and in relation to any other methods of publicity and advertising?
2. How many people, to date (on a month by month basis) have made inquiries about the orders since the legislation came into force?
3. How many individuals have been granted an order since the legislation came into force?
4. Has the Independent Gambling Authority, as part of the review process, identified any additional steps necessary to advertise the existence of such orders?
5. Has the review by the IGA been completed? If so, when will the report be released; if not, when will it be concluded and the report released?
6. In respect of separated and divorced couples, does the legislation cover situations where one party may be concerned that the other has a gambling problem which may affect their ability to meet maintenance and other obligations to the children of the former relationship and, in particular, will the legislation have any impact where a property settlement may be pending under the Family Law Act?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to my colleague in the House of Assembly and bring back a reply.

WHEEL CACTUS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Conservation a question about wheel cactus.

Leave granted.

The Hon. R.K. Sneath interjecting:

The Hon. CAROLINE SCHAEFER: Do you know what it is?

The Hon. R.K. Sneath: No. I'm going to listen to you and you can tell me.

The Hon. CAROLINE SCHAEFER: Mr President, before asking the question, can I change my mind and ask a question of the Hon. Bob Sneath?

The PRESIDENT: Standing orders do not provide that opportunity.

The Hon. CAROLINE SCHAEFER: Wheel cactus (or the Opuntia species) is more commonly known as prickly pear and I am sure the Hon. Bob Sneath would have attempted to shear sheep who were contaminated with that particular pest. It is widespread throughout an area south of Yongala through to the north of Hawker, to the west of Quorn and across to the Riverland and is very readily spread, particularly in dry conditions, by native and other animals, seed and any small segment that is spread on tyres. It does a great deal of damage to the environment and contaminates the carcasses of stock, native animals and sheep and cattle. It smothers out native vegetation and is very damaging to skin, should people be unfortunate enough to touch it themselves.

In recent years it has spread very rapidly to the extent where there is a very thick patch of it in the Nackara hundred, as I understand it. The NRM board, previously the animal and plant control board, received two $25 000 grants in 1999. It has applied since for financial support to map the full extent of the wheel cactus and applied for a coordinator to bring the three most affected regions—Peterborough district, Flinders Ranges district and the Riverland—into programs that have been introduced successfully interstate. The board has applied for a scholarship for more in-depth studies of this species and research for the determination of a predator.

Last week, some of my colleagues went to that area with the local member, Mr Graham Gunn, and they assure me that the drought has increased the spread of this prickly pear because other species have not been able to compete with it because they require more rain. My question is: has the government considered the application for grants to combat this species, which also carries fruit fly? If so, have any of those applications been successful? If not, why not, and will the minister provide me with a report on what it has done with regard to wheel cactus?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): For the record, I think both the Hon. Bob Sneath and I are familiar with this species of cactus, but I will refer the honourable member's questions to the Minister for Agriculture, Food and Fisheries in the other place and bring back a response.

BIKE LANES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Police, a question relating to the policing of bicycle lanes.

Leave granted.

The Hon. IAN GILFILLAN: Rule 153 of the Australian Road Rules has the following to say on the subject of bicycle lanes:

> A driver, except the rider of a bicycle, must not drive in a bicycle lane unless the driver is permitted to drive in the bicycle lane under this rule or rule 158.

There are exceptions to this rule for buses and taxis picking up and setting down passengers and allowing vehicles to cross a bicycle lane when entering or leaving a road. Members have no doubt observed that bicycle lanes are marked with dotted lines where vehicles may cross in this fashion and a solid white line where they may not. The Australian Road Rules also define a bicycle in the dictionary as follows:

> Bicycle means a vehicle with one or more wheels that is built to be propelled by human power through a belt, chain or gears and includes a pedicab, penny-farthing, scooter, tricycle and unicycle, but does not include a wheelchair, wheeled recreational device, wheeled toy or any vehicle with an auxiliary motor capable of generating a power output over 200 watts, whether or not the motor is operating.

So, we can see that bicycle lanes are for human powered vehicles, and drivers of other vehicles are not permitted to use bicycle lanes as an alternate lane for general travel. Despite this, during morning peak hour in Adelaide, motorcycles and motorised step-through scooters are frequently observed using the bicycle lane on Anzac Highway from Gray Street to South Road and from Everard Avenue to Richmond Road as an alternate lane for overtaking vehicles waiting at controlled intersections. Further, during morning peak hour, vehicles can be observed parking in the bicycle lane along these stretches of Anzac Highway during the times specifically prohibited by bike lane signs. During evening peak hour, the bicycle lane on Hindley Street from Liverpool Street to West Terrace is completely obscured by drivers unlawfully using the bicycle lane to queue for the traffic lights on West Terrace.

These observations are made when we currently have a royal commission looking into the tragic death of a cyclist, which reminds us of how vulnerable cyclists are on the road. With our appalling record for cycling safety in South Australia, my questions are:

1. When will the minister direct traffic police to pay attention to the highly dangerous and unlawful practice of drivers and motorcycles using bicycle lanes as convenient alternative lanes?

2. What steps will the minister take to ensure that police treat cyclists as legitimate road users who deserve the protection of the existing laws that are in force?

3. What reporting process will the minister put in place to demonstrate that police are taking his directions seriously and are actively policing bicycle lanes to improve safety for all cyclist?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): As Acting Minister for Police, I will refer those questions to the Police Commissioner for his consideration and bring back a reply.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Consideration in committee of the House of Assembly's message.

The Hon. P. HOLLOWAY: The background to this bill is that this chamber dealt with the bill first and moved certain amendments. The House of Assembly sought to oppose those amendments and responded to this council. It is clear that for

this bill to progress we need to establish a conference, so we need to go through that process. I move:

That the Legislative Council do not insist on its disagreement to the House of Assembly's amendments.

I will not divide on this because I think it is agreed that we just go through the procedures.

Motion negatived.

The Hon. P. HOLLOWAY: I move:

That a message be sent to the House of Assembly requesting that a conference be granted to the council in respect of amendments made to the bill and that, in the event of a conference being agreed to, the council would be represented at such conference by the Hons P. Holloway, G.E. Gago, I. Gilfillan, A.J. Redford and T.J. Stephens.

Motion carried.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

Consideration in committee of the House of Assembly's message.

The Hon. P. HOLLOWAY: This bill originated in the House of Assembly. The government's view is that the council should not insist on its amendments. I do not wish to delay the debate on this matter any longer, because it has been delayed at length. I think it is agreed by all parties that this matter also needs to go through the process to establish a conference, so I keep my comments to that.

The Hon. R.D. LAWSON: The opposition—and I believe that I speak on behalf of those who supported the opposition's amendments elsewhere—believes that the council should insist on its amendments; so, there is a clear disagreement with the government. We accept that a conference should be set up as soon as possible by the appropriate mechanism, realising that it cannot be done from this chamber.

The Hon. P. HOLLOWAY: I move:

That the Legislative Council do not insist on its amendment.

The Hon. IAN GILFILLAN: I believe that the actual understanding between the two houses is that there was only one amendment, namely, amendment No. 5, which was disagreed with and which contains the concept of criminal negligence. I reinforce that, from the Democrats' point of view, we are prepared to insist on the retention of that amendment in the bill.

The CHAIRMAN: The outline presented by the Hon. Mr Gilfillan is accurate. There is one amendment on which the minister has moved that the council not insist.

Motion negatived.

STATUTES AMENDMENT (SENTENCING OF SEX OFFENDERS) BILL

Adjourned debate on second reading.

(Continued from 26 May. Page 1962.)

The Hon. KATE REYNOLDS: I rise, with a degree of reluctance, to indicate support for this bill. I say that I do so with some reluctance because criminologists worldwide agree that deterrence does not work. We therefore question the inclusion of the statement that the paramount consideration in this bill should be given to the need for deterrence.
I flag that at this stage I do not intend to speak during the committee stage, so I will make some general remarks during my second reading speech.

The challenge for this government, and for future governments—and, I probably should add, the failure of previous governments—is to improve the way in which government assists people who find themselves sexually attracted to children. That is, not only to rely upon deterrents but also to improve the way in which this government, and future governments, provide pre and post release rehabilitation and monitoring programs for convicted sex offenders, including offences committed against children and young people. In our view, the term prevention is not one that the previous Liberal government, or this Labor government, understood in relation to the protection of children. This bill is just one of the suite of legislative changes designed to support the Labor government's tough on law and order stance, but it reveals a lack of commitment to prevention or recurrence of child sexual assault or exploitation.

I was disappointed to see an answer to a question provided to me by the Attorney-General earlier this week. I had asked a number of questions of the Attorney-General about implementation of the Layton report and the answer provided to me by the Hon. Paul Holloway, on behalf of the Attorney-General, stated:

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.

The South Australian Democrats, and various other members of this council, have raised questions before about the sex offenders treatment program and, as has been highlighted on numerous occasions, it is clearly inadequate. It is too little, and it is too late, and I know of one situation where a person who was convicted of an offence had to wait seven months after being released on parole before they could begin that program. That is clearly not sufficient, so that is why we say that relying simply on deterrents is not going to work. We must improve those treatment programs.

With the indulgence of the council, I would also like to read an editorial from *The Age* of Monday 18 April 2005. I think that it is really important that members hear this because, in our view, this sums up very neatly some of the concerns that we have about the whole approach to dealing with sex offences, particularly those against children and young people. Under the heading, 'Panic over abuse makes for poor policy', the article states:

Disgust at sex crimes against children becomes part of the problem if it hinders the fight to protect them.

The editorial continues:

It is difficult to think of an issue more emotive than child sex abuse, a scourge that inspires fears so primal they can cloud the thoughts of even the most rational. Perhaps this is why, in the past year, governments across the country have passed tough laws designed to catch and curtail child sex offenders, with little public debate on the overall policy thrust. Many states now have compulsory registers tracking the movements of all offenders and extra restrictions on those classed as especially dangerous. The Federal Government has introduced a national register, along with new offences covering the access, downloading and creation of internet child pornography (including taking unauthorised pictures with camera phones).

The civil liberties issues have been canvassed often and should be of great concern. The example of Orbost teacher Andrew Phillips—who lost his job over an offence years ago, for which no conviction was recorded, and lacks any right of appeal—illuminates what happens when a net is cast wide. Many people risk getting caught and a one-size-fits-all approach ensures the consequences are grave. Contrary to popular perception, child sex offenders are no more recidivist, and probably less so, than other violent offenders.

A small number of very dangerous individuals do fit the stereotype, so tough restrictions on high-risk offenders such as 'Mr Baldy' make absolute sense, but extending the indignity to all smacks of a knee-jerk response even if telling one from the other is an inexact science. Yet, the broader, more crucial question rarely gets asked, namely: is all the extra expense and effort actually winning the fight against child sex abuse? *The Age* article states:

As *The Age* reports today—

and, Mr President, there are a series of other articles in the same edition that members may want to read if they are interested in this topic—

it is a question posed by experienced forensic psychologists, criminologists and even some child advocates, who argue that child sex abuse is as much a public health problem as the law-and-order challenge. And because of the nature of the problem, occurring as it does mostly within families, the criminal justice system alone cannot necessarily fix it. The low prosecution rates for child sex offences in general proves the point.

This is a very bitter pill to swallow, but the issue, at the very least, deserves greater consideration. Wouldn't some of the (necessary) money spent on cracking down on purveyors of child porn, for instance, be better used on early intervention programs that encourage people with deviant fantasies to come forward and seek help? Experience from overseas suggests many offenders will confess their behaviour and seek treatment when approached the right way, so is a mass education campaign such a bad idea? Without letting our guard down and neglecting policing efforts, we must try to understand the many shades and dimensions of this sad epidemic. If we fail to, warns Corrections Victoria psychologist Karen Owen, 'we can't then be surprised this behaviour occurs. . . We are actually creating more victims.' The problem with uninformed populist policy is that it may not be the best way to protect children.

I think that is a very useful comment and, as I said, it sums up some of the concerns that we have. I have indicated our support for the bill, but it does not all sit easily.

Returning to the specifics of the bill, we welcome the changes which permit penalties for offences against 12 and 13 year old children to be as high as the penalties for offences against younger children, but we do caution against the retrospectivity allowed in the new division 5. I understand that this is not straightforward, straight out 100 per cent retrospectivity, but there is certainly some element of retrospectivity. I think it is important that we put on the record our discomfort with this move and caution the government against assuming that we would support similar moves in relation to other legislative changes. I indicate Democrat support for the second reading of this bill.

The Hon. NICK XENOPHON: I indicate my support for the second reading of this bill and for what the legislation is trying to achieve. I agree, to an extent, with the Hon. Kate Reynolds that there must be effective programs to deal with sex offenders. It was some time last year that I attended a lecture by a Professor Bill Marshall from Canada who has lectured extensively and done extensive research and treatment of sex offenders in Canada. In fact, notwithstanding that he is an atheist, he was chosen by the previous Pope to give a series of lectures and seminars that were held in the Vatican several years ago on dealing with priests who abused children. This is a person who had extensive experience. As I understand it, he had discussions with the Department for Correctional Services. I am not sure what has happened from those discussions but, clearly, we need to do more to reduce the risk of recidivism.

My concern, after speaking with those who have exposed child sex abuse—in particular, the Reverend Don Owers, the very courageous Anglican church minister who exposed the lack of action in the Anglican dioceses of Adelaide with respect to abuse—is that some of these abusers have abused dozens or hundreds of children over many years.

So, some have a greater risk of repeat offending. I support better and more effective programs, as well as the monitoring of sex offenders, to reduce the risk of reoffending. In particular, I believe that the bill contains a number of welcome elements, and the Hon. Kate Reynolds has alluded to some of them, particularly with respect to the increase in penalties for offences against 12 and 13 year olds. I do not have a problem with retrospectivity, and I believe we should be mindful of it. However, the public policy consideration ought to be paramount, and the primary consideration ought to be the welfare of children and the reduction of risk of harm to them. I do not have any problem with retrospectivity in such cases.

I also note that the bill provides that an application may be made by the Attorney-General 'for the indefinite detention of an offender at any time while the person remains in prison serving a sentence of imprisonment'. Presumably, if there is information as a result of psychological assessments, or any other evidence that indicates that a particular offender is an ongoing threat to children, the term should be increased until such time as there is evidence that the risk to children no longer exists. Those are the sorts of things I welcome.

I take on board the comments of the Hon. Kate Reynolds in her considered contribution, namely, that more needs to be done and that there are perhaps other ways of looking at this issue. However, I also think it is important that the government does not confine its efforts in this regard simply to tougher penalties. They are important, as they are part of the package, but there ought also to be a concerted effort with respect to education in order to ensure that there are adequate rehabilitation programs so that the risk of reoffending is markedly reduced. I support the bill.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank honourable members for their contribution to the debate. In his contribution, the shadow attorney-general very accurately summarised the main points of the proposals in the bill. I am disappointed that he is not pleased with the answers given to his questions in another place, and I note that he has repeated some of them here; I will try to answer them as best I can, although I cannot guarantee that they will be as fulsome as he might desire.

The first matter raised by the honourable member is that it must be a 'a contradiction to have more than one primary or chief purpose' in the Criminal Law (Sentencing) Act. I do not agree either as a matter of law or as a matter of policy. The purposes referred to relate to distinct crimes—home invasion, arson and, it is proposed, child sexual abuse. It would be rare for a person to be sentenced for child abuse committed in the course of arson. It might be conceivable that child sexual abuse would be committed in the course of a home invasion, or that arson would be committed in the course of a home invasion, but any fair reading of these purposes, when considered in relation to each other, would show no inconsistency between them. If there is inconsistency, it has not occurred to anyone else, and the honourable member has not shown how the policies might conflict in any given situation. The honourable member does not intend to change the suggested policy. The honourable member, like his colleague in another place, asks for 'further detail' of section 23, detainees. The Attorney-General provided facts to the other place. Those facts were:

I am informed that the DPP records show three applications made before March 2002 and 13 after that date. Of the 13, four were successful, four are pending, two were withdrawn and three were dismissed. The terms of detention for each are identical and required by statute. The detention is indeterminate at the Governor's pleasure. One person is being held under an order made many years ago under what was then section 77a of the Criminal Law Consolidation Act. I am informed that he was released on licence and that his order for detention was due to expire on 23 February 2003. However, an application was made and granted that the order not be discharged, and it was further extended for three years from 24 January 2003.

That information contains an error, and I regret it. It is not indeterminate at the Governor's pleasure, but indeterminate until further order by the Supreme Court. The information was a little antique. I regret the error, but it is not material. The fact is that the sentence of detention is indeterminate.

I am not sure what further detail the honourable member wants. He does not say. Obviously, each of these have been found according to the procedures laid down by the act to be incapable of controlling their sexual instincts. I could name some, but not all these people, because I am informed that some of them are the subject of suppression orders. I would need to have research done on the terms of the suppression orders in order to determine whether and to what extent their cases should be revealed publicly. I am sure that the honourable member would not want to encroach on a suppression order, and I am not sure what purpose the information would serve. The proposal is to extend the regime to those who are unwilling to exercise control over their sexual instincts and, apart from some public examples such as those mentioned by the honourable member, there are no accurate statistics on those because they are not subject to any but ordinary sentences at the moment.

I comment on one further matter, although the honourable member did not raise a question about it. It is about the raising of the trigger age for aggravation from 12 to 14 years. The honourable member may be aware that there are different ages of this kind all over Australia, and to that extent there is always a degree of arbitrariness in it. However, this is consistent with the situation now established in New South Wales, and what is more important was the age that was selected nationally as aggravating child pornography offences in recent national moves. The proposed change in age is therefore generally consistent with modern thinking in the area. Again, I commend the bill to the council.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: Will the minister indicate when it is proposed that this act will come into operation? Is there any reason why its proclamation might be delayed?

The Hon. P. HOLLOWAY: I am advised that the government will proclaim the bill expeditiously but will do so in consultation with the courts and the DPP.

The Hon. R.D. LAWSON: Given that some of the changes have retrospective effect with reference to clause 9 of the bill, will the minister indicate whether there are any cases pending in the courts the result of which might be affected by the commencement of this legislation?

The Hon. P. HOLLOWAY: We could not tell the number, but my advice is that there will be perhaps a number of cases pending before all levels of courts which might relate to the matters covered by this bill.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. R.D. LAWSON: This clause refers to 'two legally qualified medical practitioners nominated by the court'. There is no stipulation, either in this legislation or in the previous legislation, that the medical practitioners have any particular qualifications in relation to psychiatry—as I read the provisions. Is that impression correct? If it is correct, was consideration given to insisting that there be a degree of speciality for those who make these certifications?

The Hon. P. HOLLOWAY: My advice is that the impression the honourable member has is correct. It does not necessarily require a psychiatrist—and there are very good reasons for that. For example, the case might be one of intellectual disability or brain damage, which might come as a result of inhaling fumes and the like. Therefore, the medical specialties appropriate for the case are not necessarily those relating to psychiatrists.

Clause passed.

Remaining clauses (8 to 18) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS) BILL

Adjourned debate on second reading.

(Continued from 24 May. Page 1879.)

The Hon. CAROLINE SCHAEFER: This bill is as a result of a requirement for a review of local government elections after two local government electoral cycles post the 1999 legislation that was passed at that time. The Electoral Commission's report on the 2003 local government elections raised some matters and recommended some technical improvements. However, the main reason for the introduction of this bill is to shift the electoral date for local government elections from March (as it currently is) to November. The opposition, obviously, agrees with this, given that we now have fixed terms for state elections, which will always fall in March.

Next year we have a series of circuses surrounding those elections, varying from the Festival of Arts to car races and anything that anyone can think of in between; as well as, as you have rightly indicated, Mr President, a very important horse race or two. Next year the thought of state government elections and local government elections, I am sure, would be far too much for our long-suffering electorates. However, in the long term, it is also practical to change the local government elections to November. Of course, that will mean an extension of a few months for the terms of those currently elected.

A review was set up led by the Local Government Association. There are a number of objectives to the bill, most of which have been discussed at some length in another place. The objectives of this bill, according to my briefing notes, are:

- to assist councils' capacity to fill their roles;
- ensure councils objectively assess, in consultation with their communities, the range of available options for councils' representative structure and the implications for representation and governance;
- to resolve practical problems in the administration of local government elections; and

· maintain as much consistency as possible in electoral provisions, both across councils and with provisions that apply to state government elections.

As I say, the LGA led a review, which lasted one month (January 2005 to February 2005), and a subsequent bill was drafted. The consensus was to have four-year terms for elections. The opposition is still opposed to this. I have just received a letter from the LGA reconfirming that its preferred position is a four-year term. However, I have also received—and, I am sure, each of us has—a number of letters from the various councils, some which want four-year terms and some which want three-year terms. Certainly, I would agree that, in the majority, those who bothered to respond to the LGA were in favour of four-year terms.

I am in the possession of a letter, for instance, from the Eyre Peninsula Local Government Association affirming that, in fact, it favours shorter terms. My personal view is that they should be two-year terms, that is, four-year terms half in half out, similarly to the way in which the Legislative Council is elected. That has been my belief since I served on a small local council. I think that it takes, probably, two years to learn the ropes; but had someone asked me to serve a four-year term on council when I lived as far as I did out of the town and had three small children, certainly, I would have said no.

I also think—and this is my personal view and not the party view—that with all in, all out it is far too easy for a single interest group to stack a local council election on one issue. We have all seen the trouble local government gets into if it is unfortunate enough to have that happen to it. However, having said that, that view certainly was not a view supported during the LGA's inquiry, which I have noted took one month from January to February, which is when most people are on holidays. It may not have occupied a huge part of the concerns of the elected membership of a lot of councils at the time.

In reality, most people are ambivalent about whether they have three or four-year terms. Certainly, the reaction I get from the many councils and councillors I know across the state is that they either prefer three or four years, but not with any great passion or commitment in any way. My view and that of our party is that two years is probably too short and that four years is too long, particularly as one of the stated objectives is to encourage more young people into local government. The thought of starting as a member in local government when you have a two-year old child and not being able to get out of it without causing a by-election until that child is six years old and at school is simply too long. Our view is that a three-year term is a reasonable half-way measure, and my amendments all relate to changing it to three year terms rather than four years.

The other amendment to be moved by the government is, I understand, as a result of consensus that has been reached by the minister and the shadow minister. It is with regard to when a council decides that it wants to change the method of selecting its presiding member, either from a mayor elected at large to a chair elected from within the council or the reverse of that (to change from a chair elected within the council to a mayor elected at large). The amendment facilitates a poll of the ratepayers and sets in place criteria where the poll will be valid only if 50 per cent of the total of the number of people vote who voted at the last general local government election, and an absolute majority is won on that issue. That poll must be conducted after consultation with the ratepayers. My understanding is that that is a consensus reached by the minister and the shadow minister, and obviously we will support it.

I was interested in reading this to find that there was quite some debate, which was wisely shelved, as to what councils should call their presiding member—whether they should be called a mayor or a chair—and I was amazed that anyone cared. I cannot personally see what difference it makes to the efficiency of the person presiding over their local council. However, it has been left that they can suit themselves as a council as to what they call each other and, given that I have been in here a while, I believe that either mayor or chair would be gratefully accepted a lot of the time.

I place on the record my admiration of most of our local councils. Most of the councillors with whom I deal give a great deal of their time in what could only be called a voluntary position to endeavour, as best they can, to represent the people of their area and to help provide services for them. We will be supporting this bill and the second reading. As I said, I will move one amendment with respect to three-year rather than four-year terms. If I am not successful, I will not proceed with my other amendments.

The Hon. KATE REYNOLDS: I indicate support for this bill on behalf of the South Australian Democrats. It has been subject to considerable discussion, consultation, feedback, amendment, debate and briefings. I put on the record my appreciation with respect to the minister and his office, the Office of Local Government, the Local Government Association and individual councils for their willingness to respond to our questions and recommendations.

I certainly welcome the change in the election date from May to November, not for any reasons associated with the state election (that makes perfect sense), but because this will give incoming councillors the opportunity to get their individual and collective heads around the role of an elected member and the workings of their particular council, including its policies and strategic plans, before they have to consider and then adopt the council's budget. Back in the bad old days when I was on council for one term (when terms were just two years), a person was elected one week, sworn in the next week, debating the budget the following week and the week after they were expected to vote on it. Thankfully, we have moved on from those bad old days.

In relation to the extension of the term of office from three to four years, I am waiting with anticipation for some comments from the minister, because I have discussed this issue with her advisers. I thank her for putting on the record the intentions of the government through the Office of Local Government and the Local Government Association to address some of those issues, which I believe have contributed to some elected members expressing their concerns about that change in the term of office.

I agree with the Hon. Caroline Schaefer that the stated intention of this bill to bring more younger people into local government is questionable—unless, of course, the wish is to frighten off some of the more mature elected members from contesting future elections, and I am not sure that that is a particularly good strategy. However, the project to educate South Australians about local government and the challenges and personal benefits of becoming involved in their local council might help to attract some younger people, particularly if councils can improve the way in which they support elected members. Four years is a long time. When I was on council, there were weeks when two years seemed a long time—

The Hon. R.K. Sneath: You've got eight years next time you get elected.

The Hon. KATE REYNOLDS: Thank you. The Hon. Bob Sneath has just expressed confidence in my re-election prospects. I thank him for that. Four years is a long time, but I am not sure that the difference between three and four years is significant if councils can better support their elected members and if better training programs, and so on, can be provided in those early months. I have to say, having been involved in some of the training programs that the Local Government Association runs nowadays, that they are even better than they were a few years ago. They are very comprehensive: 10 or 15 years ago one might have received a manual in the post, or something like that, whereas now there are various, and sometimes highly enjoyable, opportunities for local government councillors to orientate themselves to their new life.

I understand and have some sympathy for elected members in country areas, in particular, who feel that the demands on their time, energy and personal resources are especially high. I also understand their concerns about increasing the term of office to four years, but again I am not persuaded that it is such a dramatically bad change that we should oppose it. I hope that the work to be undertaken by the Local Government Association and the Office for Local Government will have a positive impact on the experiences of country elected members in serving their community.

I take this opportunity on behalf of the South Australian Democrats to thank this particular cohort of elected members for their valued and important contribution to good community governance, and I look forward to, I think, a brief committee stage of this bill.

The Hon. NICK XENOPHON: I support the second reading of this bill. I agree with the Hon. Kate Reynolds that the contribution that local councillors make to grassroots community governance is very important, and it is certainly valued and very much appreciated. I support the general thrust of this bill. I am particularly pleased that the government has filed amendments with respect to the proposal to change the composition of councils so that the council will have a chairperson rather than a mayor and that there must be a process of review with a ballot process which contains certain safeguards. This is something which I have pushed and called for, and I note that the shadow minister, Dr Duncan McFetridge, is also supportive of this.

I commend the Minister for Local Government for convening meetings with interested parties including the Hon. Kate Reynolds and the shadow minister. I was also part of the process—as were members of local government—in the minister's office where we thrashed out some of the details. It was a good process with a good result with respect to this particular amendment, which I support.

The contentious amendment appears to be increasing the term of office from three to four years. I do not have any problem with the date for the elections being shifted to November 2006. I think that makes a lot of sense as the state government election will be only a couple of months earlier. However, I have received representations from a number of councils. I acknowledge that the Local Government Association has said that it is only a relatively small minority, but, as the Hon. Caroline Schaefer has said, regional councils in particular are concerned about four-year terms, because it could well scare off by way of shorthand some people contributing to local government.

That to me is a very real concern. I will listen to the debate about this provision and the potential undertakings that the minister may give and the nature of those undertakings to which the Hon. Kate Reynolds has alluded. I think this needs careful consideration. One way of looking at it is that, if we have three-year terms as distinct from four-year terms, will that discourage people from being involved in local government? Whilst the majority of councils might prefer four-year terms, if the risk is that some councils simply will not get a sufficient number of people to participate fully in the running of those local councils, particularly on Eyre Peninsula—perhaps the Hon. Caroline Schaefer can assist us in committee in respect of those councils that have a greater degree of concern about this—then I think that, on balance, we should go to four-year terms. I look forward to the committee debate and the passage of this bill.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank all members who have contributed to this debate. Reference has been made to a letter from the Eyre Peninsula Local Government Association which supports three-year rather than four-year terms on the basis that the specific characteristics of the Eyre Peninsula region create extra wear and tear on council members. There is concern that four-year terms will make it more difficult to attract candidates, as several members have already noted. Members have also received a letter from the Local Government Association (LGA) outlining the consultation processes that informed this bill and restating that a four-year term of office is supported by the LGA and received support from most councils, although it is not the unanimous view of all. The letter from the Eyre Peninsula LGA concedes that its may be a minority voice and concludes with a reference to its strong and formal links with the LGA and its confidence that, having put across its point of view, its member councils will accept the umpire's decision.

As the Minister for State/Local Government Relations has clearly stated in another place, the government does not dismiss the concerns expressed by some councils and some resident and taxpayer groups that a longer term may increase the burdens on councillors and may discourage candidates, in particular young people or those busy with family and other responsibilities. However, the personal cost to individuals in fulfilling the modern role of a council member and the need to change the ageing profile of council membership are challenges that already exist for the local government sector and need to be dealt with. It is not clear whether and to what extent introducing four-year terms would in itself worsen these problems, but it is very clear that retaining three-year terms will not make them go away.

The approach proposed in this bill, together with the non-legislative strategies also planned, is one of moving to four-year terms in the interests of the development of local government and addressing these concerns by providing increased and sustained encouragement and support for candidates and members. Part of the concern expressed by the Eyre Peninsula Local Government Association relates to retaining sitting members in order to avoid the situation where elections produce a council that consists largely of new members. Of the five Eyre Peninsula member councils who made submissions during the consultation stages, one supported the bill and two of the remaining four would have supported four-year terms had the proposal been for split terms with half the members retiring every two years.

The bill retains all-in, all-out elections for local government in South Australia because they increase competition between candidates in multimember electorates and allow preferential voting systems to work more effectively, ensure that all candidates face elections in the same circumstances and increase electors' powers to fundamentally alter the membership and consequently the policy directions of their council. In practice, it is fairly rare that all or most of the members elected to a council are new members, but some councils have experienced difficulties in adjusting to changes in council membership. The solution is not to hamper change but to ensure that the resources are available for councils to maximise the advantages of both experienced and fresh thinking and to equip both current and new members with the support and skills they need to work together in the interests of their communities.

The Hon. Kate Reynolds, on behalf of the South Australian Democrats, has expressed concerns about the ability of the local government sector to attract a diverse range of candidates. The government and the local government sector are well aware that new and sustained initiatives need to be developed within the local government sector to encourage potential candidates and to improve the representation of under-represented groups. The Minister for State/Local Government Relations wrote to the LGA on 8 March 2005 to advise that the officer-level discussions on strategies complementary to the bill should canvass what strategies the LGA might need to support and encourage potential candidates, including assisting rural councils experiencing difficulties in attracting nominations.

The Minister for State/Local Government Relations gave a commitment that the issue of appropriate amendments to deal with elector polls in association with a change of the type of principal member for a council would be discussed between the houses. Those discussions and further consultation with honourable members and the LGA on draft government amendments occurred. As a result, the government will move amendments that will make council proposals to change the type of principal member subject to approval by a poll of electors. Council proposals to change the type of principal member would not be able to proceed unless a level of voter participation is achieved at the poll which is equivalent to at least half the turnout percentage at the most recent general election for that council and the majority of persons who validly cast a vote at the poll approved the change.

The requirement for a poll and the form of poll proposed are not intended to set general precedents, but they should overcome the concerns expressed by council electors and members of parliament in relation to this change to a council's constitution. The government's amendments include transitional provisions that apply this new requirement in a consistent way to current representation reviews and to proposals arising from representation reviews that have not yet come into effect at a general election.

The Hon. Kate Reynolds has raised the question of whether the summary of issues prepared for the poll will be included with the voting paper for the poll. Under the Local Government Elections Act, the Electoral Commissioner will also be the returning officer for such poll, and the Acting Electoral Commissioner has given an assurance that it would routinely be included in an appropriate form. The government appreciates the cooperation of honourable members in dealing with this bill quickly today so that it can be disposed of in the current sitting, leaving adequate time for preparation for the 2006 local government elections and avoiding uncertainty and administrative disruption for councils and the State Electoral Office.

Bill read a second time.

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. CAROLINE SCHAEFER: I move:

Page 6, lines 2 and 3—Delete subclause (1)

As I have said, this amendment is a test vote, because all my amendments relate to changing the term of office from the proposed four years to three years. When the Hon. Kate Reynolds was saying that all she got in the way of training was a manual, I was reminded of the famous old *Fawlty Towers* excerpt, 'Oh, you were lucky; we got hole in road.' Certainly, when I was a member of a local government council there was very little in the way of training. I fail to see how having an extra 12 months at the end of the term, when training would surely occur at the beginning of the term, would make a great deal of difference to the efficiency of a council.

One of the other arguments that has been used for four-year terms is a longer period before necessitating a by-election if someone retires early, but I believe our amendments have accommodated that to take it out to a longer period of time. In any case, my view is that if we go to four-year terms we will, indeed, have more casual vacancies and more by-elections. I have argued to the best of my ability that to most people and most councils there is probably not much difference between a three-year term and a four-year term unless, as I have said, you are a young person. For many of us a term or two in local government is our first exposure to public life and, in my view, the thought of a four-year term is quite daunting.

With due respect, I think the fact that there were not many responses at all to the local government survey—and the minority, not the majority, of those were in favour of three-year terms—probably indicates that the system is not terribly broken and so no-one felt the need to fix it. My argument is exactly that. I have never been inundated by councillors saying that they would run for local government if only they could have a four-year term, but I have had people say that they thought four years would be just too long for them to consider at that particular stage in their life—and they have mostly been young people.

I recognise that there are, I think, 1.1 million people in the greater metropolitan area and the rest of us live outside that. However, in my own case (and personal experience is really all I can fall back on) I lived 45 kilometres from the town on a dirt road and, as I said, when I took it on the thought of a two-year term seemed like a long time. I ended up staying on council for eight years, which probably says something about my intelligence or lack thereof. The Hon. Bob Sneath interjected and said, 'Well, you were happy to spend eight years here in one term,' but here I am remunerated. I do not know any councillor, particularly any country councillor, who makes any money or even covers their costs; they generally belong to local government because they have a real passion for their community and a desire to do the best they can for the administration of that community's local needs.

I assume that the Independents here today have thought about this long and hard. I do not think that we will have floods or droughts or that Hell will freeze over whichever way this amendment goes, but my genuine belief is that the

system of three years has worked and there is no valid reason for extending it to four years, so why do so? With that, I urge people to think very carefully as to whether they really need a four-year term. I have spoken to local government officers and they are sticking to the results of their inquiry—that is, to favour four-year terms and not the three I am seeking. However, and as I said, I do not think there was a great deal of passion on either side and most people I have spoken to are still not madly wedded one way or the other.

I do not think this bill will be a lesser bill or less efficient if our amendment for three-year terms gets up. I understand that this is but tranche one of a series of discussions which are to be held about the elections of local government officers and that there is to be a review in another two years. So, my suggestion is that further discussions be held and, while they are being held, we retain the status quo.

The Hon. R.K. SNEATH: I want to reply on the topic of four-year terms and some other things that the Hon. Caroline Schaefer mentioned. Yes; we have eight-year terms in the Legislative Council, and we are paid for them. I agree that council members do not make any money out of representing their communities in volunteering their time for councils, nor do they in becoming mayors or chairmen. However, one of the other arguments used earlier by the Hon. Caroline Schaefer was to have a turnover to give younger people the opportunity to serve on councils. Perhaps that is why the terms in the Legislative Council could be reduced from eight years to four years: to give younger people an opportunity.

It is a convenient argument that the Hon. Caroline Schaefer advances, but I think that if you look at the serving records of the councillors, especially in rural communities, you will find that most of them do at least four years on a council before they retire, and some serve for 20 years or more. I do not therefore think that reducing the term from four years to three years will have any benefit at all. I think that they require four years. The first year, in most cases, is a learning experience for the new councillor, and then they make positive contributions in the next three years. I am sure that many of them would go on and serve the second four-year term and perhaps the third and fourth.

The Hon. J.F. STEFANI: My contribution supports the proposal that the three-year term should be considered. I say so because of my recent experience of a particular council, namely, the Campbelltown council, where the community has been embargoed by an entrenched gerrymander of councillors who are not prepared to listen to the voices of the ratepayers. The reality is that we have a council that closes down a meeting at 10 o'clock at night and proceeds to deal with council matters in secret until 1.30 in the morning simply because it has the numbers.

If this place entrenches that sort of behaviour in councils and imposes another year of it on the community, we are purely extending the pain of unwanted Taj Mahal decisions which will cost the community millions of dollars and increased rates for 20 or 30 years. My view is very simple: the shorter the term for local government, the better. This will enable, as the minister has advocated on numerous occasions, the community to have its say in the ballot box and chuck the people out. We, at state level, operate on a different basis, and in those circumstances I am very passionate to ensure that an amendment securing three-year terms gets up.

I want to add one other thing. When at a meeting of the council they say that they have received 80 per cent of responses, which indicates that the ratepayers are against a proposal, but because they have sent out 15 000 brochures and received only 900 back, and 80 per cent to 85 per cent of those do not want us to proceed with the proposal, it means nothing, because the others, who have not responded, agree with us; It just makes no sense whatsoever. I believe that we should have a short term to ensure that the community has the opportunity to use the ballot box, and to ensure that the counsellors who are there to serve them are listening to them and carrying out their duty in accordance with the will of their people.

The Hon. CARMEL ZOLLO: I take the Hon. Julian Stefani's comments on board, and I know of his passion in relation to these issues and Campbelltown council. However, I am of the view at this time that possibly the Minister for State/Local Government Relations is in a better position to have that conversation with the honourable member. Again, I take his comments on board.

The Hon. NICK XENOPHON: I was hoping that the Hon. Kate Reynolds was going to make a contribution, but that is not her fault: I understand that she is waiting to hear from the minister's office in relation to some undertakings. In the absence of those undertakings, I can indicate my position and, given the contributions that have been made by the Hon. Caroline Schaefer and the Hon. Julian Stefani, I, too, share very serious concerns about going from three years to four years.

I think that the nub of the argument has been put very well by the Hon. Caroline Schaefer in that you are not going to have fewer people running for council and wanting to make a contribution if you have three-year terms rather than four-year terms, but you may very well make a significant difference, particularly in regional South Australia, and particularly in Eyre Peninsula. I spoke to councillors who approached me at an LGA meeting several months ago expressing their very serious concerns about going to four-year terms and the effect that that will have on participation in local government in their communities. I believe that there will be a diminution of the talent pool of people running for local government if we go from three years to four years.

I note that the Hon. Kate Reynolds has alluded to additional resources and the like, but I think that there is something healthy about the people—for the most grass-roots form of government—having a say, and being able to run for public office every three years rather than every four years. It was not that long ago that council terms were two years, and that was increased by 50 per cent to three years. The Hon. Julian Stefani makes a very telling point. He refers to a lot of controversy in the City of Campbelltown about a recent council meeting. I was privileged enough a few weeks ago to chair a public meeting of over 250 residents and ratepayers—and the Hon. Julian Stefani participated at that meeting—who were expressing concern about some council proposals. My feeling was that the number of people at that meeting represented a pretty good cross-section of the people of the City of Campbelltown who were expressing their concerns about proposals that could lead to a significant increase in council rates. I should disclose that I live in the City of Campbelltown.

The Hon. R.I. Lucas: How did you vote?

The Hon. NICK XENOPHON: I point out to the Hon. Mr Lucas that I was the chairman, so I did not vote.

The Hon. R.I. Lucas: No, for the survey.

The Hon. NICK XENOPHON: In relation to the survey, I can indicate that—

The Hon. R.I. Lucas interjecting:

The ACTING CHAIRMAN (Hon. R.K. Sneath): Order! Question time is finished for the day.

The Hon. NICK XENOPHON: Yes, I think question time has finished. I indicate that I am concerned—following through with the concerns of the Hon. Julian Stefani—about not giving people a chance. I think that having that extra 12 months could lock some councils in to some very large projects with long-term consequences, not only for another three or four years but also for a generation to come. I think it is healthy to have shorter terms and to keep the status quo. It has not been long since we saw the jump from two years to three years. I think we now have the balance about right, and I have not heard anything to date that will change my mind with respect to that. I urge my honourable colleagues on the crossbenches to seriously consider the ramifications of going from three to four years. We will see fewer people wanting to make a contribution, particularly young people and people in regional South Australia. I think that would be a very backward step for the quality of local government in this state.

The Hon. J.F. STEFANI: I just want to put some other information on the public record. I mentioned that there is a possibility that entrenched councillors can, in fact, achieve a gerrymander at election time by manipulating the support of a particular organisation or organisations. I can certainly put an example of that on the public record. The Athelstone Football Club sought a substantial loan from the Campbelltown council in its efforts to rebuild its facilities and extend them for poker machines, and so on.

On 11 April 2003, the club was audacious enough to circulate a letter that was an important notice to all our members and supporters. The purpose of the letter was to ask the members and supporters of the Athelstone Football Club to vote—at the next elections to be held in May—for a particular group of people who had supported the loan application on behalf of the club.

There may not have been anything sinister about this, but the fact is that we then have the possibility that, because local government elections usually involve a very low number of people voting, and you have a block of votes that are prearranged for whatever reasons by an organisation such as a football club, you then have the result of a gerrymander for a council that is entrenched in making decisions, as it did thereafter, to further advance a loan to the Athelstone Football Club. Those very people named in the circular—and I will stop short of naming them now—were equally supportive of an extension of a further loan of $75 000 to pay creditors, including the Australian Taxation Office.

In addition to that, the same group of people supported the notion to write off the $580 000 loan to the club, and convert that loan so that half would be written off and the other half leased. In my opinion, that was totally and utterly wrong. If we entrench these people for four years, you will have more of the same.

The Hon. A.L. EVANS: For a long time, I have been an advocate for long-term leadership positions. My background is that my father was in a church situation where he had to be voted in every year. I looked at the instability of that church and its structure. The term was later changed to three years and, when I became a pastor, it was changed to an open-ended position, and it was up to the church, with the result that I stayed 30 years in one church. A long-term arrangement provides a much greater ability to stabilise and set vision than a short-term one, followed by another election, another short-term and then another election.

From a political point of view, I always considered four-year terms in parliament as an improvement on three-year terms, when you would just be elected, start to put things in place and get organised but then have to start to plan for the next election. I do not believe that such an arrangement provides an opportunity for vision and direction in the long term. However, I was lobbied strongly by the LGA, which claims that the majority of its members prefer a four-year term. Obviously, they have debated the issue, lobbied on it and discussed it at length, and these people, who are on the ground and have experience, believe that a four-year term is better, as it gives stability and continuity. Therefore, I support the four-year term.

The Hon. CARMEL ZOLLO: First, I will quickly respond to the Hon. Julian Stefani's concerns in relation to Campbelltown council. Of course, these people do not have to be entrenched, as the next election will be in 2006, when the Campbelltown community will have the opportunity to determine its future, as is appropriate in any democracy. The government opposes the amendment of the Hon. Caroline Schaefer. We maintain our support for the introduction of four-year terms. Reflecting the majority of councils that made submissions during the LGA-led review of the draft bill, the LGA supports four-year terms. Such terms have the potential to increase the strategic focus of councils and their members, so that elected members can better fulfil the role envisaged by the 1999 act. Longer council terms certainly require more focus on civic participation and council accountability between elections—and that is desirable.

The government does not dismiss concerns about attracting candidates and keeping the role of council members manageable. However, these issues need to be tackled, whether or not terms are extended. In addition, the LGA has committed to a comprehensive strategy to promote local government in order to entice a higher level of interest in the nomination of candidates and in electors voting. This strategy will be embraced and resourced by the local government sector, and the LGA can continue to assist, through the preparation of courses for candidates and newly elected members and a range of practical documents, such as manuals.

The particular challenges generated by remote communities will be addressed by a targeted regional strategy that supports community capacity and builds leadership. I add that the government will assist the LGA in these initiatives. I also place on record that this government is very committed to increasing voter turnout. As part of the State Strategic Plan, we have a target of increasing this by 50 per cent by 2010.

The Hon. NICK XENOPHON: Further to what the minister has just said about the target in the State Strategic Plan to increase voter turnout by 50 per cent by 2010, if the government does not reach this target, or falls substantially short of it, will it consider compulsory voting for local government elections? Is the minister able to indicate the government's position in this context?

The Hon. CARMEL ZOLLO: I am advised that that has not been part of discussions to date.

The Hon. KATE REYNOLDS: Thank you, minister, for putting those additional remarks on the record; I appreciate that. In relation to the contribution of the Hon. Andrew Evans, I assume he is not suggesting that, once elected, the mayor, chairman or whatever the principal member will be called, should have an open-ended term of office. Secondly, in relation to the Hon. Julian Stefani's concerns, four years

is a very long time in politics, whether it is local government politics or state or federal parliament—

The Hon. Nick Xenophon: A week is a long time, too!

The Hon. KATE REYNOLDS: Yes, that is certainly so. However, I am not persuaded by the argument that four years is too long between opportunities to throw out a local council, given that people are elected for four years in the lower house of state parliament. We have an opportunity to throw out a government only once every four years. Of course, in the Legislative Council our term of office is eight years, except for those who come in on a casual vacancy. I am not sure that we can apply the argument that it is appropriate, necessary or justifiable that one sphere of government must have a shorter term of office on the basis that electors require shorter periods between opportunities either to throw out certain individuals, or to elect or re-elect others.

In relation to the minister's comments about the work to be undertaken by the Local Government Association with assistance from the state government, will the minister put on record the answer to the following question? Regarding the 50 per cent participation target to be achieved by 2010 in local government elections, I am assuming that it will not be left entirely to the Local Government Association to boost the profile about individual local governments or local government in general. I am hoping the minister will confirm that the state government will play a significant role which includes financing those broader community education programs about the opportunity for residents and ratepayers to participate in local government elections and also influence the thinking and decisions of local government. I am particularly concerned that the record shows that this does not become yet another cost shifting exercise, with the burden for that community education falling entirely on the Local Government Association.

The Hon. CARMEL ZOLLO: I indicate that this government has certainly committed to supporting the Local Government Association. We are very much at the initial stage of discussing these issues. This is about better democracy, not cost shifting.

The Hon. KATE REYNOLDS: If the Local Government Association found in the lead-up to the 2010 target date of achieving 50 per cent participation that it was not able to finance from its own resources a sufficient education campaign to entice (I think that was the word the minister used earlier) a broader range of people to stand for local government, would the state government look favourably upon applications for—let us call it—'project funds' from the LGA?

The Hon. CARMEL ZOLLO: The concerns that the honourable member raises are part of a broader package of requirements within the local government sector. It is rather difficult for me at this time to commit to something as broad as that, but certainly it is our intention and resolve to see a greater participation in our local municipalities; and the government will do all that it can at that time.

The Hon. KATE REYNOLDS: Will the minister confirm that the Local Government Association will not be expected to bear the full cost of any education programs, whether they be to entice a broader range of people to stand for election or to encourage a greater percentage of the South Australian population to vote in local government elections?

The Hon. CARMEL ZOLLO: The answer is no. This government does not have a history of cost shifting and will not commence one.

The Hon. J.F. STEFANI: What avenue does a minority number of councillors on the council have available to them to address important procedural and functional issues of a council that is entrenched for four years? For instance, the legal advice that has been given to the council is that, on the motion that was proposed to advance a loan to pay creditors and the Australian Taxation Office, the council by its decision has entered a binding arrangement and, if it was rescinded by a rescission motion, the council would be liable. That is the sort of practical problem we have at the Campbelltown council.

We have a legal opinion that says that the majority of the people, who were named in the circular by the Athelstone Football Club to be voted by a block of votes, 300 or 400—whatever it might be—and who got onto council, then made the conscious decision to advance a loan prior to the election, and a loan after the election—being fully aware, I am sure, that the Athelstone Football Club was promoting them during the election—and those same people are making and forcing the decision on the council, which binds the council, according to the legal opinion; and, if that decision was rescinded, it would expose the council to liability. What course of action can anyone have in terms of a procedure that is available to correct such a problem, given that we are considering a four-year term to continue that sort of behaviour?

The Hon. CARMEL ZOLLO: Again, I take the honourable member's comments on board. However, with all due respect, the issues that have arisen in the Campbelltown council during the three-year term are not related to this clause. They are not related to the term of office: really, they are related to good governance. That is the best that I can say to the honourable member.

The Hon. NICK XENOPHON: Obviously, the undertakings the minister gave in response to the questions put by the Hon. Kate Reynolds about further training, education and information for new councils are all good things. There is no doubt about that. However, that does not satisfy me in relation to the principal concern, namely, whether we go from three-year terms to four-year terms. The Hon. Caroline Schaefer has said that a number of people may well be discouraged from running for public office, particularly young people and particularly in places such as Eyre Peninsula. I believe that will be a retrograde step, and that is why I will support the opposition's amendment in this regard.

The committee divided on the amendment:

AYES (9)

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

NOES (9)

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

PAIR

Lawson, R. D.	Roberts, T. G.

The CHAIRMAN: There being an equality of votes, it is incumbent on me to make a casting vote. I am a great believer in the three tiers of government. My understanding is that this bill was constructed with the cooperation and the wishes of the Local Government Association. The bill was

drafted by the government. There are not enough votes to carry the amendment. I therefore cast my vote with the noes.

Amendment thus negatived.

The Hon. CAROLINE SCHAEFER: As I indicated previously, that was a test clause and I will not proceed with any more of my amendments.

The Hon. P. HOLLOWAY: I move:

Page 7, after line 12—
Insert:
(3a) Section 12—after subsection (11) insert:
(11a) If the report proposes that the composition of the council be altered so that—
(a) the council will have a chairperson rather than a mayor; or
(b) the council will have a mayor rather than a chairperson,
then the proposal cannot proceed unless or until a poll has been conducted on the matter and the requirements of subsection (11c) have been satisfied.
(11b) The council may, with respect to a proposal within the ambit of subsection (11a)—
(a) insofar as may be relevant in the particular circumstances, separate the proposal (and any related proposal) from any other proposal contained in the report (and then it will be taken that the council is reporting separately on this proposal (and any related proposal));
(b) determine to conduct the relevant poll—
(i) in conjunction with the next general election for the council (so that the proposal (and any related proposal) will then, if approved at the poll, take effect from polling day for the following general election); or
(ii) at some other time (so that the proposal (and any related proposal) will then, if approved at the poll, take effect in the manner contemplated by subsection (18)).
(11c) The following provisions apply to a poll required under subsection (11a):
(a) the *Local Government (Elections) Act 1999* will apply to the poll subject to modifications, exclusions or additions prescribed by regulation;
(b) the council must—
(i) prepare a summary of the issues surrounding the proposal to assist persons who may vote at the poll; and
(ii) obtain a certificate from the Electoral Commissioner that he or she is satisfied that the council has taken reasonable steps to ensure that the summary presents the arguments for and against the proposal in a fair and comprehensive manner; and
(iii) after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principal office of the council, are available for inspection on the Internet, and are published or distributed in any other way that the Electoral Commissioner may direct;
(c) the proposal cannot proceed unless—
(i) the number of persons who return ballot papers at the poll is at least equal to the prescribed level of voter participation; and
(ii) the majority of those persons who validly cast a vote at the poll vote in favour of the proposal.
(11d) For the purposes of subsection (11c)(c), the *prescribed level of voter participation* is a number represented by multiplying the total number of persons entitled to cast a vote at the poll by half of the turnout percentage for the council, where the *turnout percentage* is—
(a) the number of persons who returned ballot papers in the contested elections for the council held at the last periodic elections, expressed as a percentage of the total number of persons entitled to vote at those elections (viewing all elections for the council as being the one election for the purposes of this provision), as determined by the Electoral Commissioner and published in such manner as the Electoral Commissioner thinks fit; or
(b) if no contested elections for the council were held at the last periodic elections, a percentage determined by the Electoral Commissioner for the purposes of the application of this section to the relevant council, after taking into account the turnout percentages of other councils of a similar size and type, as published in such manner as the Electoral Commissioner thinks fit.
(3b) Section 12(12)—after 'The council must' insert:
then, taking into account the operation of the preceding subsection,

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 7, line 15—After 'subsection (9)' insert 'that relate to the subject matter of the proposal'.

This amendment is consequential.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 7, after line 15—Insert:
(4a) Section 12(13)—delete 'the report' and substitute 'a report'.

This amendment is also consequential.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 7, after line 35—
Insert:
(18a) Subsection (18) has effect subject to the operation of subsection (11b)(b)(i).

New section 12(18a) of the Local Government Act, which qualifies section 12(18), relates to when changes resulting from council reviews of representation come into effect.

Amendment carried; clause as amended passed.

Clauses 12 to 41 passed.

Clause 42.

The Hon. P. HOLLOWAY: I move:

Page 16, line 7—
Delete 'made by post'

This amendment of section 43 of the Local Government (Elections) Act relates to the issue of fresh voting papers. It is a technical correction which simply removes a redundant phrase.

Amendment carried; clause as amended passed.

Remaining clauses (43 to 51) passed.

Schedule.

The Hon. P. HOLLOWAY: I move:

Clause 6, page 21, after line 40—
Insert:
(1a) However, if—
(a) a proposal within the ambit of subclause (1) proposes that the composition of the relevant council be altered so that—
(i) the council will have a chairperson rather than a mayor; or
(ii) the council will have a mayor rather than a chairperson; and
(b) the council has not, before the commencement of this clause, referred its report on the proposal to the Electoral Commissioner under section 12(12) of the Local Government Act 1999,
the proposal cannot proceed unless or until it is approved at a poll in the manner contemplated by section 12(11c) and (11d) of the Local Government Act 1999 as enacted by this act.

This amendment inserts an additional transitional provision that would apply poll provisions to a proposal for a change to the type of principal member arising from a council representation review which has commenced but which has not yet been referred to the Electoral Commissioner when this amending bill comes into effect.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Clause 6, page 21, line 40—
Delete 'section 12(18)' and substitute:
section 12(11b) and (18)

This amendment is consequential on the previous government amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 21, after line 40—
Insert new clause as follows:
6A—Change to principal member

(1) In addition to the operation of clause 6, if, at the time of the commencement of this clause—

(a) (i) a council is undertaking a review of its composition under section 12 of the Local Government Act 1999 and has referred its report on its proposal or proposals to the Electoral Commissioner under subsection (12) of that section; and

(ii) a proposal is that the composition of the council be altered so that—

(A) the council will have a chairperson rather than a mayor; or

(B) the council will have a mayor rather than a chairperson; or

(b) (i) a council has completed a review under section 12 of the Local Government Act 1999; and

(ii) a proposal arising from the review is that the composition of the council be altered so that—

(A) the council will have a chairperson rather than a mayor; or

(B) the council will have a mayor rather than a chairperson; and

(iii) the composition of the council is to be altered as from the next general election of members of the council,

then despite the operation of section 12 of the Local Government Act 1999 (and anything that would otherwise take effect if it were not for the operation of this provision), the proposal cannot take effect unless or until it is approved at a poll of electors for the relevant area as if it were a proposal within the ambit of clause 6(1a) (and accordingly subject to the requirements of section 12(11c) and (11d) of the Local Government Act 1999 as enacted by this act).

(2) A proposal that is approved under subclause (1) will then have effect in accordance with a determination of the Electoral Commissioner under this clause.

This amendment inserts a new clause 6A, which provides that a poll of electors is also required where a representation review report proposing a change to the type of principal member has already been referred to the Electoral Commissioner or is to come into effect at the next general election.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 2184.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading of the Appropriation Bill. Given the lateness of the hour, I indicate that I will leave comments of a more general nature until Monday of next week. I will seek leave to conclude my comments this afternoon but, in accordance with the convention of recent years, I will now place on the record questions for the minister and the government's advisers. This will give officers almost a full week to prepare answers before the bill has to pass next Thursday, as I understand it.

My first set of questions relates to Budget Paper 3. I refer, first, to page 2.12 and the reference that the rate of growth in employee expenses is in an area of significant fiscal concern to the Treasurer and Treasury. Will the Treasurer indicate in respect of the last three financial years (2002-03, 2003-04 and 2004-05) the rate of growth in employee expenses in actual terms and the budgeted rate of growth at the start of each of those financial years? Obviously, the government will not provide any information in relation to 2005-06 due to negotiating positions, and I understand that, but there is no reason why (in hindsight) information in relation to the last three financial years cannot be put on the public record. On page 2.15 it is stated:

> For 2005-06, the change in methodology reduces the nominal superannuation interest expense by $31.9 million.

Will the government provide a more detailed explanation of this change in methodology? In particular, what has brought about this change in methodology? Is it required by any conventional guideline or national agreement, or is it simply a policy decision of the government? What is its impact in the forward estimates years on the nominal superannuation interest expense, and what is the purpose of the changed methodology?

On page 2.16 under the heading 'Expenses by function', for the first time in 2005-06 schools and the Office of Public Transport are included in the general government sector. It is noted:

> This has the effect of boosting estimated education revenues and expenses by around $114 million per annum.

Why was the decision taken to include the Office of Public Transport and schools in the definition of 'general government sector'? On the same page it is stated:

> The decrease in transport and communications in 2004-05 compared to budget is in part due to expenditure for the Port River Expressway project now being classified as investing expenditure in the general government sector rather than as a grant.

Will the government explain the background to this changed classification and whether it is required, or is there a specific policy decision of the government in relation to this changed classification? Is it possible for the government to outline a specific detail former budgets' treatment of this project and the current budget treatment of this project? On the same page it is stated:

> The increase in other economic affairs in 2004-05 compared to budget is due to a one-off expense associated with variations to the Mitsubishi loan agreement.

Will the government outline the details of this variation to the Mitsubishi loan agreement? On page 2.17 in footnote (b) to table 2.12 is a reference that variations are due to the correction of classification errors discovered subsequent to the 2004-05 budget. Will the government outline in detail what these classification errors were, the extent of the error in each case, and an explanation from the government as to how the classification error occurred? On page 2.24 there is

a reference under South Australia Police, 'Operating initiatives, Road safety—speed detector equipment', of some expenditures of $1 million, $2 million and then $155 000 in 2007-08. Will the government indicate why this is in the Operating initiatives section, particularly as a reference to speed detector equipment, and why it is not included in the investing section of the budget? If it relates to staffing salaries in some way, why does the quantum vary significantly from $1 million to $2 million, then down to $155 000 and ultimately to nothing?

On page 2.25 is a reference to 'Justice portfolio—partial reversal of 2003-04 savings measure'. Will the government indicate in particular what savings measure from 2003-04 was reversed and the reasons for that reversal? On page 2.30 is a reference to 'Land remediation—land previously held for the Southern Expressway', and some expenditure items there. Can the government indicate the nature of that land remediation and any more detail on that expenditure line? On page 2.31 is a reference in the 'Memorandum items—operating initiatives section', to 'Adelaide metropolitan bus services—revised contractual arrangements', an approximate cost of $3.3 million a year during the forward estimates.

Footnote (g) indicates that these amounts are over and above those provided for in the 2004-05 mid-year budget review of approximately $7 million, just under and just over, during the forward estimates years which, if you take the two items together, would appear to be approximately $10 million to $11 million a year as a result of revised contractual arrangements. Can the government outline in detail the specific nature of the revised contractual arrangements? Were these contractual arrangements legally required of the government or were they policy decisions that the government has taken in relation to the contracts for Adelaide metropolitan bus services?

On page 2.33 is a reference to 'Oakden mental health beds—reversal of existing savings measure', just under $1 million. In which particular budget year was that savings measure announced and what is the explanation for the reversal of that savings initiative? On page 2.42 under 'Department of Education and Children's Services, Operating initiatives', there is a reference to 'Capital program—additional program support', with nothing in the next two years and then just under $900 000 for the final two years. In the 'Investing initiatives' section there is the same reference, 'Capital program—additional program support', again in two out years, not in the first two forward estimate years, an additional cost item of just under $800 000 in each year. Can the government explain in both lines what the difference is and why one is in 'Operating initiatives' and one is a capital program investing initiative?

Page 2.47 shows 'Justice portfolio—partial reversal of 2003-04 savings measure' of $696 000 for 2004-05. What was that partial reversal and what was the reason for it? On page 2.48, under the Department of Transport, there is a reference to an operating initiative 'Walkerville office—deferral of the disposal of car park land', of $4.7 million. Can the government outline what decision was taken and when in relation to the Walkerville office disposal of the car park land and the reasons for the deferral of the disposal?

On page 3.2, under 'Land Tax', there is a reference to the estimated cost of the introduction of the quarterly land tax instalment payment option. No direct cost is indicated, although a footnote does highlight additional admin costs and potential interest cost. In relation to the calculations in the footnote and in the table, can the government indicate on what assumption the take-up rate for the quarterly land tax instalment option has been made? There is some assumption as to what percentage of land tax payers will take up the quarterly tax payments.

On page 3.26, there is a paragraph reference to public non-financial corporations (PNFCs), the changed ownership framework and the dividend payout ratios for SA Water and Forestry SA. I understand that some information has been provided in the estimates committees, but can the government outline the detail of that? Can the government also indicate, from a policy viewpoint, what was the policy imperative which drove the changed ownership framework and whether the policy imperative was simply something to generate additional dividend payout ratios from those agencies? On the same page, there is a reference to royalty revenue being expected to exceed budget in 2004-05. Can the government outline, in the forward estimates, what are the current assumptions in relation to the Olympic Dam expansion? I understand that this question was in part touched on by way of questions in this council by my colleague the Hon. Caroline Schaefer.

In relation to the Department of Trade and Economic Development, I ask the minister whether he could provide to members what I might colloquially refer to as a mud map of the new structure of the department. Can the minister also provide copies of the titles and names of the officers? I am happy for there to be some cut off at the lower levels of the administrative officer section if that is the preference of the minister—but certainly from the middle ranking admin officer levels and through the executive officer levels. Can the minister indicate how the department is divided up these days and the names of the officers currently holding the positions and whether they are permanently holding those positions or whether they are acting in those positions?

What are the Treasury estimates of the average costs, including on-costs, for a full-time equivalent public servant? This is a question we asked during the estimates committees, but we would be interested to try to get the answers by the end of next week, if possible, as part of the Appropriation Bill debate. As a former treasurer, I am aware that there is a rough order of magnitude used by Treasury. I am also interested in the different calculation the education department, together with the Treasury Department, use for teachers in terms of the number of additional teachers. Similarly, I am interested in the same calculation in terms of the average costs, including on-costs, for a full-time equivalent nurse and also a police officer.

In relation to public-private partnerships, I specifically seek a response from the government whether or not it is correct that the government has been taking advice on the prospects of a public-private partnership for the extension of tram networks above and beyond the currently publicly announced extensions through to North Adelaide. In particular, has this government, in its three years in office, taken advice from leading financial and accounting advisers on the cost of extending the tram network down Port Road—and, indeed, any other extension of the tram network—and has the government made a policy decision on the possibility of public private partnerships being involved in that way?

In relation to capital works spending, can the government provide a table for each financial year for the period 1997-98 through to 2008-09 of its budgeted and actual capital works spending. I seek a breakdown of this total figure into the general government sector and the public non-financial corporation sector. We obviously acknowledge that the

figures for 2004-05 will be estimated final figures, that the figures for 2005-06 will be the budgeted figures, and that the figures for 2006-07 and 2008-09 will be estimates. However, I know that the earlier budget and actual total capital works figures are already available to Treasury.

Regarding land tax collections, my question is similar to one that I understand has already been asked by my colleague the Hon. Julian Stefani. Can the Treasurer provide the breakdown details of the latest estimates of land tax paid by private landowners on residential and commercial land and all other taxable land for the year 2004-05—that is, a breakdown of the $150.9 million as reported in the 2005-06 budget? Will the Treasurer also provide the breakdown details of the latest estimates of land tax paid by private landowners on residential and commercial land and all other taxable land for the years 2005-06, 2006-07, 2007-08 and 2008-09?

In relation to SAICORP, its 2003-04 annual report lists as one of the priorities for 2004-05 'to investigate key performance indicators and assess their applicability to SAICORP'. Has this been undertaken, and if not why not? Which indicators have been investigated, and have they been assessed as suitable for SAICORP?

The SAICORP 2003-04 annual report also lists as one of the priorities for 2004-05 to 'continue to promote good risk management policies across government agencies'. How did SAICORP undertake this in 2004-05, and what will be undertaken in 2005-06? Also, how does SAICORP measure the effectiveness of its risk management program across government? The SAICORP 2003-04 annual report lists as one of the priorities for 2004-05, 'continue to populate SAICORP's web site with up-to-date data about the government's assets and associated risks'. Is this data on the web site available for members of parliament to view? If it is not, why not, and can it be made available?

The annual report also lists as one of the priorities for 2004-05 to 'trial a clinical risk management officer position within SAICORP'. Has this occurred, and what is the role of the clinical risk management officer? Were there any benefits as a result of the trial in 2004-05? The 2003-04 annual report lists as one of the priorities for 2004-05 'to review and upgrade SAICORP's external web site'. Did this occur and, if it has not, why not? Is the 2003-04 annual report currently available on the web site and, if it is not, when will it be made available?

In relation to Funds SA, what is the latest estimate of its year-to-date earnings performance, and how does it compare with other comparable funds as measured by any other comparable fund management index? Also in relation to Funds SA, have there been any changes in its line-up of investment managers during the year? Also, the Funds SA annual report refers to the Funds SA and Super SA boards working together to develop post-retirement products for retiring scheme members. What have been the results of the process and are the Funds SA and Super SA boards satisfied with the results of those new products?

In relation to SAFA, what work has been undertaken to date on assessing the impact, and managing the implementation, of Australian international financial reporting standards as they apply to SAFA's accounts? What issues, if any, have been raised to date about those proposed changes?

The last broad area that I want to raise is a significant issue in relation to the nature and structure of the budget documents. Members would be aware that, for the purposes of budget and financial reporting, the structure of government agencies is that they are broken down into various programs. For example, in the case of the Department of Treasury and Finance, one of these is financial services provision. Following on from this, each program may then be broken down into sub-programs. For example, financial services provision in Treasury is then broken down into revenue collection and management and financing services, etc.

The Portfolio Statements, as part of the budget papers delivered by the Liberal government, provided a net expenditure summary total for each agency. This provided details on expenses, administered expenses and revenues for each program and, importantly, the sub-programs of an agency. That meant that, for each sub-program in an agency, parliament was provided with sufficient information as to the costs and revenues applicable to the sub-programs. The budget papers produced by this government since the 2003-04 budget have hidden this information, despite government claims that it is adopting open and accountable budget practices.

The current budget papers provide an agency statement of financial performance for that portfolio or agency, but then for each program a statement of financial performance; however, the only sub-program financial information provided is the net cost of the sub-program. Thus, the total costs and total revenues associated with each program are hidden, which makes meaningful comparisons between different years impossible. One example of this is in the 2005-06 budget under sub-program 2.1 of the Department of Transport, Energy and Infrastructure, entitled Maintaining Roads.

Page 6.22 of Budget Paper 4 shows that in 2005-06 a net cost for sub-program 2.1 is minus $53 736 000; in other words, a net revenue of $53.736 million. Clearly, there are questions as to what on earth that means. Is it an estimated underspend of $53.7 million in 2005-06? Why would we be estimating an underspend in road maintenance when there is a $200 million road maintenance backlog? What are the total revenue costs associated with this particular sub-program? I could give many other examples, but I think that the dilemma is that members, in looking at budget information, ought to be able to do as they used to under the former Liberal government budget documents, which is to look at the costs of the sub-programs and, if there is an offsetting revenue item, to give a net cost to have those specifically shown as well.

The opposition does not have a problem with the net cost of sub-programs being shown. We believe that further information should be made available to members of parliament, as it used to be. Essentially, members of parliament want to know, for a number of the sub-programs, how much money is actually being spent on something like road maintenance or a particular service or function within a particular agency and to compare how much that money has either increased or decreased over the years. If there happens to be an offsetting revenue item to give a net cost figure, that is fine, but it may well be that the reported net cost figures, as currently provided by the government, mask significant reductions in the total cost or the total expenditure on particular programs within government. Maybe that is the purpose of Treasury and the Treasurer in changing the budget documents from 2003-04 onwards.

This is a serious issue. The opposition would like to know on what basis this decision was taken to no longer show sub-programs' revenues and costs and only to show net cost figures. Was it a decision taken by the Treasurer himself? Was it a decision taken by Treasury without reference to the

Treasurer? Was it, indeed, a decision taken by cabinet? When was this particular decision taken, and can the Treasurer indicate what the reasons for this particular decision were, and what the policy justification is for it?

Whilst I will be interested in the response, I can indicate that the preference at this stage for a future Liberal government is that the future budget papers ought to include the expenditures and revenues of subprograms, and that we ought to be trying to provide more detailed information for members of parliament, as previously provided by the former government in its budget papers. Subject to receiving a persuasive explanation from the government, I indicate that a future Liberal government, at this stage anyway, would be inclined to amend the budget papers and head back to a position where we are providing more information to members in relation to the total costs and expenditure of subprograms, in particular.

I note that my colleague the Hon. Caroline Schaefer raised some interesting questions in relation to the budgeting treatment of bodies like SARDI and the references over the years in relation to that. I think that it is an example of a more general nature, where, usefully, periods in opposition spent going through the budget papers in greater detail can concentrate the mind a bit more, and future governments ought to have a closer look at these budget documents. They are getting bigger and in some areas they provide more information, but in others they provide less. In some cases I suspect that it may well be that the current Treasurer has not realised the significance of the changes involving Treasury, if I can be kind. In other areas it may well be that it has been a conscious decision of the Treasurer to obfuscate or conceal the true total cost of some of these subprograms.

I am giving the Treasurer an opportunity to put his side of the story. At this stage I have flagged what a future Liberal government is currently inclined to do in relation the budget papers and, certainly subject to the Treasurer's response, it will be an indication of policy direction for a future government, in this area anyway, of the budget papers. With that, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 5.48 p.m. the council adjourned until Monday 4 July at 2.15 p.m.