

LEGISLATIVE COUNCIL

Monday 4 July 2005

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

PAPER TABLED

The following paper was laid on the table:

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

Regulations under the following Acts—

Volunteer Ministerial Advisory Group—Report to the Premier and the Minister for Volunteers on Advancing the Community Together: A partnership between the Volunteers Sector and the South Australian Government—May 2005.

ASHBOURNE, CLARKE AND ATKINSON
INQUIRY

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to the tabling of the McCann report and the special commission of inquiry into reference and conditions made earlier today in another place by the Premier.

CARNEGIE MELLON UNIVERSITY

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement relating to Carnegie Mellon University made earlier today in the other place by the Minister for Employment, Training and Further Education.

QUESTION TIME

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.I. LUCAS (Leader of the Opposition): My question is directed to the Minister for Emergency Services. On 9 June, when the minister received the correspondence from the Director of Public Prosecutions, had that memorandum been opened in minister Atkinson's office and copied prior to its delivery to minister Zollo?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): It had been opened, in accordance with the office instructions for correspondence received in that office. I was advised of that. I have no idea whether it was copied. I certainly did not copy it.

The Hon. R.I. LUCAS: By way of supplementary question, the minister said, 'in accordance with the office instructions'. Will the minister outline what those instructions are and which officer in the Attorney's-General office is responsible for opening and reading the correspondence and directing it to minister Zollo?

The Hon. CARMEL ZOLLO: I am very surprised at that question. As a former minister, the leader should know that all ministerial offices have protocols in relation to the correspondence they receive, and I was told that they had followed their protocols. I am not certain exactly who opened it. It was not my office—it was the Attorney's office.

The Hon. R.I. LUCAS: By way of supplementary question, will the minister respond to the serious allegation made by the Director of Public Prosecutions on Friday when he indicated that, within 45 minutes of the private and confidential memorandum being delivered to the Attorney-General's office, someone from the government leaked that information to Mr Nick Alexandrides in the Premier's office? In particular, can minister Zollo indicate whether it was one of her officers in her ministerial office or indeed herself that leaked the information to Mr Nick Alexandrides?

The Hon. CARMEL ZOLLO: I cannot comment on that, but my colleague the Hon. Paul Holloway will respond.

The Hon. R.I. Lucas: He wasn't here.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am the minister responsible, so I will take the question.

The Hon. R.I. Lucas: You were overseas.

The Hon. P. HOLLOWAY: Yes, I was overseas, but it should be referred to me. Obviously I was not here and have no direct knowledge of the actual events, but I am aware that the officer concerned strenuously denies he was given a copy of that report. In other words, he disputes the account given by the DPP.

The Hon. R.I. LUCAS: I have a supplementary question, but under the protocols, now that he has pinched it, I am not sure who it is a supplementary question to.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Clearly you are trying to hide something. You were not even here—you were overseas. By way of supplementary question to minister Zollo, did minister Zollo or one of her officers leak the information to Mr Nick Alexandrides?

The Hon. CARMEL ZOLLO: The leaking is only an assertion on your part, but the answer to that is no.

The Hon. R.I. LUCAS: By way of supplementary question, if the minister maintains that neither she nor one of her officers leaked the information, is it therefore her knowledge that one of the Attorney-General's ministerial officers leaked the information to Mr Alexandrides within 45 minutes of the information being provided in a private and confidential envelope to Attorney-General Atkinson's office?

The Hon. CARMEL ZOLLO: That is not my knowledge.

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of the DPP statement.

Leave granted.

The Hon. R.D. LAWSON: On ABC radio last Friday morning, the leader was interviewed by Messrs Abraham and Bevan, during the course of which the leader said:

It is deeply concerning to me I have to say. We expect the Director of Public Prosecutions' office to be independent of government and also independent of the opposition. They have a very important role in our community. They should be playing a role independent of both government and the Liberal Party.

He went on to say that he was not making the allegation against the director personally and then he said:

I am very concerned that this information appears to have surfaced. I was asked by Mr Pallaras, as the minister responsible, for a confidential meeting. I respected that confidence.

The minister went on to say:

The Leader of the Opposition is saying now that this information has clearly come from this very senior source with an intimate knowledge of the operations of the DPP's office. That really does concern me.

There are other statements to similar effect attributing the provision of certain information from the DPP's office to the opposition. On Friday, the Director of Public Prosecutions issued a quite unprecedented media statement on this very issue. He said:

The Director of Public Prosecutions said public comments on radio this morning by the government leader in the Legislative Council, the Hon. Paul Holloway MLC, has left him with no alternative but to make a public reply.

The director then went on to say that on 9 June this year he had sent a memorandum to the Attorney-General under the cover of a private and confidential envelope, which we are now told by the Minister for Emergency Services was actually open, notwithstanding that it was marked 'Private and Confidential' and hand delivered to the Attorney-General's office at 1.15 p.m. on 9 June. The DPP says:

In essence, as has now been publicly revealed, the memorandum concerned a complaint about the conduct of Mr Alexandrides.

The Director of Public Prosecutions says that less than a half an hour after the delivery of the memorandum to the Attorney-General's office, under cover of a private and confidential envelope, Mr Alexandrides made another telephone call to a prosecutor involved in the Ashbourne case. Mr Alexandrides clearly knew that a complaint had been made about him to the Attorney-General. He goes on:

On the following day, 10 June, I was called to attend the District Court to speak with the defence counsel acting for Mr Ashbourne. They were concerned about information they had, that I had sought to speak with the Attorney-General on the previous day.

He goes on:

It was apparent from that discussion that they, too, were aware of my attempt to see the Attorney-General and, furthermore, they were aware of the general tenor of the conversation between Mr Alexandrides and the prosecutor.

Mr Pallaras continues:

By 20 June—
some 10 days later—
there was significant media interest in this issue—
so the issue had gone outside of the legal team, outside of the DPP's office to the media—
my office received several requests to comment on a 'behind the scenes incident during the trial'. No comment emanated from my office in response to these requests.

The DPP continues:

It was, however, now clear that Mr Alexandrides, Mr Ashbourne's defence team and sections of the media knew of the incident. I was concerned at not having received any response from the government, not only because it raised serious issues of inappropriate conduct but also because the perception may have been that this interference came from the Premier himself.

I interpose: we are yet to find out about that. Finally, Mr Pallaras says that on 22 June he met with Mr Holloway, gave him a copy of the memorandum and spoke about his concerns, and then he concludes with these words:

For him [minister Holloway] to now suggest that my office has leaked the information, given that factual background, is disingenuous. Government has had this information since 9 June and have done nothing with it. This last-minute attempt to attribute blame to my office is a transparently political manoeuvre. I totally reject it and the accusation behind it.

My question is: does the minister still maintain, notwithstanding Mr Pallaras's statement, that the information concerning this matter was leaked from the office of the DPP?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I have never alleged—never alleged—that the information came from the office of the DPP. Let me remind the council what happened here last Thursday. The Hon. Rob Lucas in a question to the council provided this information. I began my interview on radio last week by quoting verbatim what the Leader of the Opposition said. I will quote verbatim from *Hansard* what I said:

I have now been informed from a very senior source with an intimate knowledge of the operations of the DPP's office. . .

The Hon. Rob Lucas participated in that radio interview as well and he conceded at the end of that interview that that was how I had defined it. I said:

I have now been informed from a very senior source with an intimate knowledge of the operations of the DPP's office. . .

That allegation was not from me; it was from the Leader of the Opposition. That is what he said. Now, who can get an intimate knowledge of the workings of the DPP and what that means, I do not know, but I did express my concerns.

Members interjecting:

The Hon. P. HOLLOWAY: Mr President, I have complete confidence that the Attorney-General would not supply any information to the Hon. Rob Lucas—I can assure you of that. That was the claim made by the Leader of the Opposition. I was simply expressing that view. Anyone can read the transcript, if they wish. The Hon. Robert Lawson read some of that, and nowhere in that did I say—in fact, Bevan said 'And you're suggesting that it appears that the office of the Director of Public Prosecutions has not been independent from the political process.' Well, I am not making that allegation against the director. When I read out what Rob Lucas said, Matthew Abraham said, 'That's code for the DPP's office. Would you regard it that way?' I said, 'Well. . . I don't know. . . clearly, it's from someone who appears to have very strong links. . . that is deeply concerning to me, I have to say.'

Anyone who reads that interview where the question was asked whether I accused the DPP of leaking it will see that it is false. Therefore, the information that is contained in the media statement from the Director of Public Prosecutions is not correct, because I have never claimed that he leaked it.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, he has called me disingenuous. What is disingenuous is to suggest that I have done that. People can make up their own minds. Anyone can read the transcript and judge for themselves, and I am quite happy for them to do that. In his media statement, the DPP also said:

Government has had this information since 9 June and have done nothing with it.

The DPP apparently tried to present that information to the Attorney-General. The Attorney-General quite rightly refused to take it because he was not the minister responsible. He quite specifically had been instructed not to be involved.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: That is an allegation that I reject; there is no evidence of that.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Mr President, this is a serious question. Can I be given an opportunity to answer it without interjection?

The PRESIDENT: Order! That is a reasonable request. The two questions were heard in silence.

The Hon. P. HOLLOWAY: These are very serious matters, and I would have thought the council would listen in silence as did I when the question was asked. It was my understanding that the Attorney-General did decline to meet with the DPP, because there had clearly been an instruction that I was to be the minister responsible for the Ashbourne matters. Indeed, I rang Mr Pallaras before I went overseas—this is prior to the trial and prior to 2 June 2005—informing him I was the minister responsible and that I would be away and could be contacted—

The Hon. A.J. Redford: Convenient!

The Hon. P. HOLLOWAY: It was not my fault the trial had come on then; I had booked this months ago.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: This had been done months ago; nearly a year ago.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No. I had been appointed the minister nearly a year ago, and I rang the DPP before I left. I had a telephone call when I was in Japan earlier in the week—

The Hon. R.I. Lucas: From whom?

The Hon. P. HOLLOWAY: From the Director of Public Prosecutions. Actually, I had a phone call from the office that I should speak to him, and I responded to the call. The DPP informed me on that occasion that the judge—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Mr Redford is being pedantic.

The Hon. P. HOLLOWAY:—hearing that trial had made a decision that the McCann report was not to be mentioned during the trial and that this should be brought to the attention of the government. I also understand that the trial judge had expressed some concern about political statements that were made during the course of the trial which the judge had asked to be brought to the attention of members of parliament. The DPP asked me to bring that to the attention of members of parliament. I rang the Acting Chief of Staff in the Premier's Department, Mr Alexandrides, and informed him of that decision. I believe that was on about 7 June. Two days later I heard about the events my colleague has alluded to regarding the DPP. I rang the DPP's office from Osaka. He informed me that in fact there was a matter which he did not regard as being related to my responsibility but which was related to the more general responsibility of the Attorney-General and therefore it did not concern me. After that point, about 9 June, when these events were occurring, it was a matter for the Attorney. Subsequent to my return—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am giving the explanation. On my return, I was made aware that this matter had taken place and the DPP had sought a meeting. On about Friday 17 or Monday 20 June I then requested and received the document that has been referred to by the DPP, and I met with the DPP. It was his office that requested that meeting, on the morning that I was due to do estimates, so I could fit it in quickly. It was on 22 June, that Wednesday.

The DPP made clear to me at that meeting that he did not wish me to take any action other than having my attention drawn to the question of the point of contact between the DPP's office and the Premier's office, because he believed that Mr Alexandrides should not be that point of contact. That was the sole matter. I asked the DPP at the end of that

meeting whether there was any other action he wished me to take on that matter, and he indicated to me that, apart from that action, that was the only action he wished me to take. Notwithstanding that the DPP says in his media statement last Friday that the government has had this information since 9 June and has done nothing with it, the DPP has never sought my advice. Certainly, the document was awaiting my return on Friday 17 or Monday 20 June, when I received it. It was marked 'private and confidential' on what was apparently the envelope it came in, so I respected that. Given that the DPP had not disclosed what he wanted to meet with me about (although I assumed it was this matter, given its early history), I assumed that that meeting and the contents of that document were to be confidential. That is the normal convention in relation to any matter for statutory officers, such as the DPP, if they have matters they wish to raise with me—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes; he has said it.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: He said, 'The government has had this information since 9 June and has done nothing with it.' As I said, the DPP has made no request to me—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: I have told you that the DPP told me at the meeting that he did not want me to take any further action on the matter, other than to change the point of contact between the DPP's office and the Premier's office. That was the sole matter.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No; what is changing is the Leader of the Opposition. The Leader of the Opposition is changing his story—and to some extent he is responsible for this because of his comment. I do not know why the DPP has said nothing about the comment in parliament by the Leader of the Opposition about the source of this information. The DPP has accused me of accusing him; the DPP has accused me of providing information. The transcript clearly shows that that is not the case: it was the Hon. Rob Lucas (as Leader of the Opposition) who suggested or said it was a senior source 'with a very intimate knowledge of the operations of the DPP's office'.

When the DPP says, 'The government has had this information since 9 June and has done nothing with it,' I deny that. I have indicated the course of events in relation to this matter. The DPP has made no request to my office in relation to what action I was taking. Indeed, at the meeting on the 22nd he indicated to me that he was simply bringing it to my attention. He said that it was a problem for the government, not him. Essentially, at that meeting his request was that the Premier be informed of this and change his point of contact with the office. There was no other request. I specifically followed up that matter.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not attacking the DPP; I am simply pointing out the facts here. Certainly, my comments on Friday were not to attribute blame to the DPP's office. I was simply responding to the request from the media in relation to this matter. It was the opposition that had raised this matter in parliament. The Leader of the Opposition put out this accusation about the source of the information. It could be completely incorrect, of course. The Leader of the Opposition might have been deceitful in his answer. It may not have been from a person who has an intimate working knowledge of the DPP's office. We do not know that, but that

was the accusation he made—not me. I think that deals with the matters that were raised in the question.

It is certainly incorrect to suggest that I have accused the DPP of leaking that information. Certainly, in that conversation I had with the DPP he did indicate it appeared that certain people knew about it, but, during that conversation, I put it to the Director of Public Prosecutions that it may have been court gossip. The DPP was certainly adamant that that information was in the hands of Mr Alexandrides. Certainly, it appears apparent that there was knowledge. There is no doubt there was knowledge.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Look, I cannot answer questions such as this with these interruptions. It is just not fair.

The Hon. R.D. LAWSON: I have a supplementary question. How does the leader reconcile the statements he has made to the council today—that he did not allege that the office of the DPP leaked information—with his statement on ABC Radio last Friday morning, as follows:

We just wish now the DPP's office would get on with it. I am not blaming the DPP for this, but clearly somebody down there has leaked this information.

An honourable member: When was that?

The Hon. R.D. LAWSON: Just before the Hon. Rob Lucas came on, towards the end of the minister's interview. The interview continued:

I think clearly somebody down there has leaked this information. He further stated:

We do know there's been some tension, I guess, between the government and the DPP's office over issues such as the Nemer case and the McGee cases. I know that's created tensions. I know there are people who disagree with the government's actions. Well, so be it.

Clearly, the minister was implying that, because of some hostility within the DPP's office, they were leaking it.

The PRESIDENT: There is no explanation. The Hon. Mr Lawson knows better than that.

The Hon. P. HOLLOWAY: Let me again correct the record. The transcript states:

I am not blaming the DPP for this, but I think clearly somebody down there has leaked the information, or someone very closely associated with them, by the Liberals' own admission. . .

That is, a senior source—a person with an intimate working knowledge of the DPP. That is what the Hon. Rob Lucas said. If he was incorrect, let him stand up and apologise. He is the one who should be apologising, as they are his words, not mine.

The Hon. R.I. LUCAS: Mr President—

The PRESIDENT: Does the Hon. Mr Lucas have a personal explanation, or an apology? What does he want to do? Does he have a supplementary question?

The Hon. R.D. LAWSON: I have a supplementary question arising out of the minister's earlier answer. To whose evidence was the DPP referring when he called the minister in Osaka and told him that the trial judge had complained about political statements made during the trial?

An honourable member interjecting:

The Hon. P. HOLLOWAY: No; it was not. My recollection of the conversation is that the only politician I read of in the press reports I saw in Osaka was the Hon. Sandra Kanck, when she made some comment.

Members interjecting:

The Hon. P. HOLLOWAY: Well, that was the only one I could see in the press reports there. However, my recollection of the conversation with the DPP is that he was speaking generally and, to the best of my recollection, I do not believe that he mentioned particular names.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Why did the minister, in his answers last Thursday, not refer to the critical telephone call from the Director of Public Prosecutions to the minister in Osaka and refer only to the fact that 'the Director of Public Prosecutions raised a matter with me on my return from overseas'?

The PRESIDENT: Order! I will take that as the third question.

The Hon. P. HOLLOWAY: As I said, I have already explained this. I rang the DPP as a result of my office's indicating that there had been some contact. The DPP had said there was no matter concerning me, and that was the last I heard about it from the DPP until my return, when he sought the meeting on 22 June.

The Hon. R.I. LUCAS: As a supplementary question, why then, in his response to questions asked last Thursday, did the minister make no reference at all to his telephone conversation with the Director of Public Prosecutions whilst he was in Osaka?

The PRESIDENT: That is the same question.

The Hon. P. HOLLOWAY: I just answered that question, Mr President—because it was not the question I was asked last week. I was asked about some matters with the DPP, and I said that I regarded the document referred to me as confidential and the meetings with the DPP as confidential. I have provided the detail I have today only because the DPP has made comments. I will not comment beyond those matters the DPP has raised, as I believe it would be improper for me to do so. It is really up to the DPP to release further information, if he so wishes.

The Hon. R.I. LUCAS: I have a supplementary question. Is the minister now indicating that he will not reply to the memorandum, which went, first, to the Attorney-General, to minister Zollo and, ultimately, to minister Holloway? If that is the case, how does he reconcile that with his statements to the house last week that he had referred the issues to Mr Alexandrides on the basis of natural justice, and was waiting for a response from Mr Alexandrides before he then proceeded with handling the issue?

The PRESIDENT: Order! That was not a question. Its explanation was argumentative. Honourable members know that a supplementary question must be a direct question without argument, without opinion. Minister, you can answer the question any way you like. All honourable members need to be reminded that there are procedures and there are opportunities for supplementary questions, but the council has used over 31 minutes on supplementary questions. Other honourable members wish to ask questions and are entitled to ask them. There is far too much opinion and argument in supplementary questions. Members are asking multiple questions, which are not necessarily supplementary because some of them introduce new matters into debate, so I will be watching it much more closely in future. Minister, you may answer the question if you want.

The Hon. P. HOLLOWAY: Given the lengthy background, it is extremely difficult to cover it all by way of

questions. No doubt I will be accused of leaving bits and pieces out unless it is specifically asked. I suppose that is the dilemma that one faces. In fact, I have just about forgotten what the question was, it was so long.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Look, would you be quiet.

Members interjecting:

The Hon. P. HOLLOWAY: Well, if you do not want to hear the answer—I am happy not to respond.

BANKSA TRENDS BULLETIN

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the BankSA *Trends* bulletin.

Leave granted.

The Hon. R.K. SNEATH: BankSA's economic bulletin *Trends* June 2005 was released on 1 July 2005. Can the minister outline the main issues for South Australia?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the honourable member for his question and for his interest in the economy of the state. The June issue of *Trends* examines business investment, rural population, housing and rural prices in Australia and South Australia. The future outlook presents both risks and opportunities for business investment in South Australia. On the opportunities side, there is the boost in business investment in South Australia in recent years that has outstripped growth in Australia as a whole, and is all the more impressive given that it has often occurred in the context of rising overall national business investment.

Moreover, survey data from a variety of statistical and consultancy sources suggest that this ongoing boost in South Australian business investment can be sustained at least for the short term. Analysis of the \$20 billion in the investment pipeline for South Australia shows that significant portions of it are in areas such as: mining and metals, 30 per cent; commercial building, 24 per cent; and economic infrastructure, 23 per cent. The state has an above average share of its investment pipeline in areas such as manufacturing and commercial buildings. South Australia is also set to benefit from the same mining boom that has underpinned stellar growth in other states such as Western Australia and Queensland. The Olympic Dam expansion, if it proceeds, will involve an investment of \$4 billion into the state by the year 2010, estimated to generate 8 400 permanent jobs for the state.

To the extent that South Australia has relatively fewer infrastructure projects in its investment pipeline than some other states, this can sometimes reflect better management of our needs to avoid corrective infrastructure investment. A prime example of this is in water resources, where Adelaide is projected to maintain the best sustainable square capacity in urban water supply of any major city in Australia through to the year 2025. Considering this outlook, there is good reason to be positive about business investment outcomes in the state. Under the risk category, it is expected that the remainder of 2005 will be challenging in international markets due primarily to higher Australian dollar values and slow consumption growth in our major markets.

The risk of a sharp decline in house prices appears to be lessening with house prices experiencing a gentle easing, rather than a sharp correction, in part because of rising rents and relatively low rental vacancies. In the longer term,

capacity constraints may be a more significant risk to ongoing growth. With the unemployment rate at a historic low and demand for skilled labour remaining strong, skills shortages are a real risk. According to the latest *Trends* bulletin, the business investment to output ratio in South Australia on key indicators reveals that the degree of business optimism about the future is not only higher than the national average but the gap is growing.

Plenty of good investment opportunities remain in Australia and South Australia. The investment pipeline is strongest where it is most closely linked to booming commodity demand and prices or servicing such needs. While South Australia still records population growth below the national average, it is the only state where non-capital city growth outpaced that of the capital city. Areas such as Fleurieu Peninsula, Mount Barker and regional centres such as Murray Bridge and Port Lincoln are seeing strong population growth. Business investment and regional population growth are two areas that relate to targets in the South Australian Strategic Plan, and it is very pleasing to see South Australia's strong performance in these areas. Again I thank the honourable member for his question.

TAXIS

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about the treatment of guide-dogs in the taxi industry.

Leave granted.

The Hon. IAN GILFILLAN: Members may remember in November last year I asked a question in this place about an instance that occurred to a friend of mine on Kangaroo Island, a Mr Peter Ellson. In the past week, I received an answer to that question in which there was considerable detail but, unfortunately, the incident which I am about to recount reflects again that the action is not matching the words. I refer to the description sent to me by Peter Ellson who is 58 years old, who has a degenerative eye disease, who has been legally blind since 1995 and who has had a guide-dog since 1997. Incidentally, he also has a heart disease known as atrial fibrillation. Peter Ellson writes:

Unfortunately, Transport SA's policy of counselling offending drivers, current training methods for new drivers, and with the help of the RSB, informing drivers of their obligations with brochures and taxi newsletters is simply not working. An incident which occurred to me last Friday 24 June highlights this.

At around 10.40 a.m. the Highlander Hotel called me an Adelaide Independent taxi to take me and my guide-dog Luigi into the city. The cab duly arrived and the driver took my bag and placed it in the boot, saying something about the 'in the boot' which I did not catch as I was making my way unassisted to the passenger side door, but assuming he was referring to my bag, I thanked him.

As I was settling into the front passenger seat after removing Luigi's harness and putting him in his usual place in the footwell the driver again said something about 'in the boot' and thinking he wanted to put the harness in the boot I said thanks, but I would keep it handy. At his third attempt, I finally got the message; he wanted me to put my guide-dog in the boot with my bag, and presumably close the lid, it being a sedan.

I could not believe what I was hearing, but explained politely but quite firmly that Luigi was a guide-dog and travelled with me. The driver said that he would take the dog, but he had to travel in the boot.

I again said that this was impossible and told the driver that it was an offence for him not to take the dog. He again refused, saying something about the dog 'having a go' at him. At this point I got out of the cab, put Luigi's harness back on picked up my bag from the still open boot—there was no misunderstanding where the driver

intended Luigi to travel—told the driver I would report him to Transport SA—

The Hon. Sandra Kanck: And the RSPCA as well.

The Hon. IAN GILFILLAN: Yes—

asked for his company name and cab number and went back into the hotel. The driver said he wanted to talk to them as well, but he made no attempt to come in.

Quite understandably, Mr Ellson says:

I found this incident extremely distressing, even worse than the straight out refusals I have had to endure in the past. . . . The incident did in fact trigger an atrial fibrillation event. I should have gone to hospital to stabilise it, but I just wanted to get home to the care of my wife and the comfort and security of my home. . . . most members of the blind community do not report incidents—they tend to just put up with it. Part of the reason for this is that most people take the least avenue of distress, finding it less distressful to just call another cab and not report the matter rather than argue with the driver and go through the reporting process. This unfortunately does not give a true picture of the size of the problem.

I am hopeful that this incident will prove the catalyst that brings about an early, effective and lasting solution to this problem.

This incident took place only a couple of weeks ago. Members will know that this sort of behaviour is an offence under the Equal Opportunity Act, which provides that 'blind or deaf persons are not to be separated from their guide-dogs'. Clearly, this was an offence that is actionable, but it is quite unreasonable to expect people who are at a disadvantage, both physically and in their emotional state, to take action. The people who support the blind community believe the government must act to make sure that these sort of incidents do not occur in Adelaide, and with that in mind I ask the minister whether he will ensure that this incident triggers a thorough and meaningful response. Will all taxi drivers be required to satisfy Transport SA that they understand and undertake to fulfil their obligations to carry the blind and their guide dogs, and does the minister agree and would he emphasise that it is an offence to carry a dog locked in the boot of a car, regardless of whether or not it is a guide dog?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I think we would all sympathise with the constituent. I will refer the question to my colleague in another place and bring back a reply.

CHLAMYDIA

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Health, questions regarding chlamydia rates in South Australia.

Leave granted.

The Hon. T.G. CAMERON: According to a recent article in *The Age*, young women in Victoria will be encouraged to be tested for chlamydia in a pilot screening program that will be set up to try to reduce the rapidly growing rate of the serious infection. The federal government will provide \$12.5 million for the program over four years, which is expected to start in March next year. The program will target women younger than 30, who are at the greatest risk of long-term damage from the infection. Further, 77 per cent of chlamydia cases last year were in people aged 15 to 30 years. Chlamydia poses serious problems for women who, if left untreated, could develop chronic pelvic pain, infertility or ectopic pregnancies. However, chlamydia can easily be treated with antibiotics.

The first national sexually transmissible infection strategy reports that there were about 36 100 new notifications of chlamydia last year. The report says the rate of infection has grown at an annual rate of 20 per cent for the past five years and that there were 3 243 cases in 2000, rising to 7 632 reported cases in 2004. In Victoria, where there has been a rapid increase in notifications, the Department of Human Services will soon launch its own pilot program offering testing for women aged 15 to 30 years. My questions to the minister are:

1. What are the current figures for reported cases of chlamydia in South Australia from 2000 to 2005?
2. If these figures show a similar increase as Victoria, will the government launch an education awareness program directed at young women and men on the dangers of chlamydia infection and ways to prevent it?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question. I will refer it to the Minister for Health in another place and bring back a response.

METROPOLITAN FIRE SERVICE

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

Leave granted.

The Hon. J.S.L. DAWKINS: Members would be aware that on 31 May this year I asked a question of the minister about the number of vehicles available to the Metropolitan Fire Service training department. On that occasion I asked the minister to confirm that out of a budget for six vehicles the training department has access to 40 per cent of the usage of a twin cab utility and no access to the other five vehicles. In addition, I understand that the South Australian Metropolitan Fire Service executive structure includes a number of positions that are unfunded or outside the fire service's global compliment of personnel. My questions are:

1. Will the minister provide details of the unfunded MFS executive positions that have been allocated the vehicles from the training department budget?
2. Will she also confirm that, due to the lack of available vehicles, the training department was forced to hire a vehicle for three months?
3. Will the minister indicate the cost to the training department of hiring this vehicle for three months?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions. Clearly they relate to an operational matter and I do not have that advice with me. I undertake to get that advice and bring back a response.

HOMELESSNESS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about homeless numbers.

Leave granted.

The Hon. J.F. STEFANI: On 9 July 2002, in a press release entitled 'Rann announces social inclusion targets', the then leader of the Labor opposition, the Hon. Mike Rann, announced specific targets to be tackled by Labor's social

inclusion initiative. In his press release, the Hon. Mike Rann said:

The first task of Labor's initiative will be to develop strategies to halve the number of homeless people, estimated to be around 7 000, during the first term of office of a future Labor government.

He promised that a Rann government would set a target to reduce homelessness by 50 per cent. In the recent issue No. 3, published in April 2005 by the Social Inclusion Unit, the Premier Mike Rann and the chair of the Social Inclusion Unit, Monsignor David Cappo, announced that 360 people who had been sleeping rough on the streets, in tents, cars, humpies and shacks have been assisted into secure accommodation over the past couple of years. The publication further declares:

South Australia's strategic plan target is to halve the number of rough sleepers in South Australia by the year 2010.

In view of the election promises made by the Hon. Mike Rann, my questions are:

1. How many people are currently homeless in South Australia?
2. How many people have been provided with accommodation or housing since the 2002 election?
3. Will the Premier keep his election promise to provide accommodation or housing for 50 per cent of the 7 000 homeless people by 18 March 2006?

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

The Hon. KATE REYNOLDS: I have a supplementary question. What qualitative or quantitative information does the state government have about the number of asylum seekers, that is, people on bridging visas or temporary protection visas who have sought assistance from homelessness services?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): That is a pretty fair extension for a supplementary, but nevertheless it is an important question and I will seek the answer from my colleague the Minister for Housing.

WATER SUPPLY

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question regarding alternative technologies that minimise the use of water.

Leave granted.

The Hon. J. GAZZOLA: South Australia, as we know and as has been often said, is a very dry state in a very dry nation, with permanent water conservation measures. Therefore, my question of the minister is: what is the CFS doing to investigate alternative technologies that minimise the use of water?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. The CFS continues to look for ways to minimise the use of water whilst still maintaining fire-fighting effectiveness. Recently, a compressed airform system (CAFS) appliance was commissioned for the Blackwood brigade, using world-class technology. The use of this technology enables water resources to be used with far greater efficiency. Anecdotal evidence suggests that, when compared to conventional pumping systems, CAFS increases the fire-fighting capacity of water by a ratio of around 8:1. Therefore, an appliance carrying 1 000 litres of water with CAFS has similar fire-

fighting capacity as a much larger conventional appliance with 8 000 litres of water. The Blackwood appliance takes advantage of this by carrying only 1 000 litres of water, whereby the CFS would normally carry 2 000 litres on a similar-sized vehicle. This provides the CFS with a highly efficient fire appliance in a relatively small package.

Other efficiencies gained with CAFS include: lower firefighter fatigue due to hoses being much easier to handle because of their reduced weight and the ability to extinguish fires quickly. Other advantages of the system include: rapid extinguishment of fire resulting in reduced damage and less time spent on the fire ground allowing volunteers to get back to work or their families sooner and reduced wear and tear on vehicles and equipment, again due to reduced working time. So, following on the success of this appliance, the CFS is considering the purchase of further CAFS pumps.

DIGNITY FOR THE DISABLED

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about the Dignity for the Disabled campaign.

Leave granted.

The Hon. KATE REYNOLDS: Since I came to this place 2½ years ago I have been raising concerns about South Australia's disability services. Sadly, many of those questions remain unanswered. Mr David Holst has told me that late last year when the Dignity for the Disabled Coalition was holding a series of well-attended public meetings which attracted significant media coverage the Premier's press secretary rang a number of journalists and told them that Mr Holst, the group's spokesperson, was a plant for the Liberal Party. On 5 May, Dignity for the Disabled announced that they were putting their campaign on hold until after the budget. Mr Holst said:

We have decided, despite receiving no undertakings from the government, we would show a sign of good faith by suspending a campaign until after the May budget.

They also announced on that day that, if they were not satisfied with the government's vision, leadership and financial commitment to disability services they would seek candidates to contest the next election.

Mr President, you would have seen in today's *Advertiser* an article headed 'Give us dignity or we'll give you grief', which stated that the group Dignity for the Disabled will be advertising for candidates for lower house seats and for the upper house in the next state election following what they described as negligible support for the disabled in the May state budget. The Minister for Disability Services (Hon. Jay Weatherill) is quoted as saying that 'the decision showed the group is a front for the Liberal Party'. On ABC Radio this morning, the minister said:

I don't think Mr Holst is being fair dinkum. When I see a rich businessman running candidates in Labor marginals. . . I begin to get very worried indeed.

The Rann Government's Ministerial Code of Conduct requires that a minister 'shall not dishonestly or wantonly and recklessly attack the reputation of any other person.' Dignity for the Disabled is today writing to the Premier and asking him to intervene. They are understandably angry and will ask that the Premier take action to ensure that the minister does not continue to insult or attempt to discredit the people

whom, as they say, he is paid as a servant of the public to represent. My questions to the minister are:

1. Who instructed the Premier's press secretary to phone journalists and allege that Mr Holst was a plant for the Liberal Party?

2. Will the Premier instruct the minister to immediately and publicly (through a statement in parliament) withdraw his remarks and apologise to Dignity for the Disabled and Mr David Holst?

3. Does The Premier consider that minister Weatherill has breached the Ministerial Code of Conduct and, if so, what action will he take?

4. When will the Rann Labor government fulfil its election promise of more than three years ago of developing a 10-year plan for disability services?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): What I do know is that in the last budget there was a significant injection of funds into disabilities as well as significant additional recurrent funding.

The Hon. Kate Reynolds interjecting:

The Hon. P. HOLLOWAY: Perhaps the Hon. Kate Reynolds will say how she proposes to fund this along with all those other hundreds of areas she wishes to fund. No member of this parliament would not agree that there is significant need in disabilities, housing and health and many other areas of this state. This government has put a significant injection of funds into this area.

The Hon. Kate Reynolds: \$9 million.

The Hon. P. HOLLOWAY: Plus the one-off. Don't forget the significant \$25 million, or doesn't that matter?

The Hon. Kate Reynolds: It's money that was required under the commonwealth-state disabilities agreement.

The Hon. P. HOLLOWAY: So, if it is required, the \$25 million has to be found so it does not count. So, presumably if it is required under an agreement, it can just happen like a magic pudding. If \$25 million is required it can come without having to take it from anywhere else or having to raise taxes or cut services somewhere else. When this government came to office it had to balance its first budget by making cuts of about \$960 million over four years. We took that out. Members opposite have been bleating about it; in recent days they have been trying to take credit for the fact that this state has recorded its AAA rating. The business of government has to be a balance between having a strong and healthy economy and providing and meeting the priorities of need in social and other areas.

This government has put significant additional funds into this area. Those funds are very hard to find; they do not materialise out of nowhere. This government has put a lot of money into that area, and that money has been found only by making some very difficult decisions by cutting other programs during the year. It is easy for members opposite just to negate this fact. When the election comes up next year, all parties will have the chance to say how much extra they will give all these areas and how they will fund it. This government has delivered by putting in significant extra money. That money is tangible.

It is all very easy to say, as does the Hon. Kate Reynolds, that the \$25 million is required anyway, so it does not count. Honestly, where are we going here? This state needs a serious debate about how we fund increasing demand. I saw in an article in yesterday or today's paper where a Treasury

official—it might have been Ken Henry—was saying that the GST would have to rise to 24 per cent to fund all the health needs in the future with the extra demand. That is what is happening out there. There is huge extra demand, which will put significant strain on all governments in this country. That is what has to be addressed. My colleague the Minister for Disability and this government have been addressing it, but it is hard work getting those extra millions of dollars into that area, because they have to come from somewhere.

I will refer that question to my colleague in another place, but I do not think I could let that question pass without at least trying to put it into some perspective, given the economic challenges facing this and every other government in this country and the world. There are other ageing populations in the world. Also, people who have road accidents are living longer. There is demand that is well and truly above the inflation rate. Thank goodness, our casualty rate on the roads has declined considerably. One of the reasons for this is that people who formerly would have died are now being kept alive, and in some cases they have serious brain damage and are intellectually disabled. All of that is putting massive pressure on governments. It is no good pretending that that has not happened or that there is a magical solution, but this government has moved significantly towards addressing that problem. But we will never satisfy everybody, and no government ever will.

The Hon. KATE REYNOLDS: As a supplementary question: given that in his answer the minister has acknowledged the many challenges facing not just the government but also people with disabilities, will he explain why the government has not fulfilled its election promise of developing a 10-year plan?

The Hon. P. HOLLOWAY: That is a question for my colleague the Minister for Disability in another place about the level of planning. I can say that my colleague the minister has a broad grasp of the issues in his portfolio area, and he certainly has plenty of plans for dealing with those issues. As to the specific plan referred to by the honourable member, I will take that on notice and bring back a reply.

The Hon. KATE REYNOLDS: As a supplementary question: will the minister confirm that there was such an election promise and that work on that plan has not yet begun?

The Hon. P. HOLLOWAY: I will refer those matters to my colleague and bring back a reply.

TRANSPORT MINISTER

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about the said minister's travel.

Leave granted.

The Hon. D.W. RIDGWAY: FOI requests by the opposition have revealed that the minister has spent \$184 774 on travel for him and his staff in the first two years and four months in the job. I seek leave to have inserted in *Hansard* without my reading it a table outlining that particular travel.

The PRESIDENT: Is it statistical?

The Hon. D.W. RIDGWAY: Yes; it is.

Leave granted.

Ministerial Travel—March 2002 to September 2004

Destination	Dates	Reason for Travel	No. of days	Cost
Melbourne	12/03/02	National Electricity Market	1	1 909.66
Melbourne	14-16/03/02	NEM	3	2 752.04
Canberra	25/03/02	Mtg Ian McFarlane	1	2 385.27
Darwin/Melbourne/Sydney	13-23/07/02	D—Police, M&S—Energy	6	9 726.99
Sydney	09/08/02	Police	1	1 146.03
Melbourne	13/08/02	ACCC	1	656.10
Europe and US	31/08-12/09/02	Energy, Infrastructure, Police	13	48 412.54
Sydney/Darwin	1-7/11/02	S—NEM, D Police	7	7 708.82
Sydney/Brisbane	27-29/11/02	S—Police, B—Energy	3	3 630.38
Melbourne	03/12/02	Power conference	1	884.60
Brisbane/Toowoomba	9-11/05/03	Transport	3	3 296.84
Sydney	15-16/05/03	NEM	2	2 282.18
Melbourne	29-30/05/03	Emerg Serv Min Conf	2	1 384.93
Sydney	13/06/03	NEM	1	2 519.77
Spain—Madrid, Pamplona, Bilbao	14/06-28/06/03	Wind energy	14	31 695.08
Sydney	23/07/03	Wind energy	1	698.17
Sydney	1-3/08/03	Energy	3	698.17
Sydney	19/08/03	Power and gas	1	1 726.34
Barcelona, Stockholm, Visby, Munich	29/07-12/08/03	Police games, energy	13	27 779.37
Sydney	19/09/03	Energy	1	1 736.14
Melbourne	09/11/03	Infrastructure	1	957.26
Sydney	21-23/11/03	Energy	3	1 914.54
Sydney	08-09/12/03	Energy	2	2 314.34
Perth	10-11/12/03	Energy	2	3 030.37
Chicago	27/03-02/04/04	Wind Power Conference	6	14 930.33
Canberra	02/04/04	Energy	1	1 706.88
Brisbane	14/05/04	Infrastructure	1	2 338.31
Sydney	04/06/04	Energy	1	1 197.99
Sydney	26/06/04	Energy	1	1 114.95
Sydney	20-21/07/04	Energy	2	2 239.11
	Total		98	184 773.50

The Hon. D.W. RIDGWAY: He spent that amount of money on travel for him and his staff in the first two years and four months in the job, and he has undertaken to provide details to the parliament of his travel over the past 12 months. Recently, he told parliament that he will be travelling to China in the future. My question is: is the minister travelling overseas again during his absence from duties for the period 8 July 2005 to 1 August 2005, as notified in the *Government Gazette* of 16 June 2005; if so, what is the purpose of this trip and which staff will be accompanying him?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will ask my colleague. I know I will be relieving my colleague during a period. In relation to the matter of costs, a significant amount of that travel has been associated with the minister's attending ministerial conferences. The minister has held a number of portfolios, particularly in his first two years as a minister. There was a significant amount of work in relation to handguns. Do members opposite want ministers to travel to these ministerial conferences and be part of the discussions? Do they think they should stay home and we should be the poor partners and not have anyone participating in those discussions? I do know that under the previous government one staff member in the former premier's office spent a sum significantly more than that in one year on a credit card.

If the opposition wants to get into the detail of who spent what in relation to governments, I suggest the honourable

member find out what they do. The implication seems to be that my colleague should forego attending those conferences. As I said, I understand a lot of that money was in relation to travel costs for the minister and his staff in relation to a number of meetings to deal with gun buy-backs and other very important matters. I hope all South Australians would expect our minister to be there representing the state's interests.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

Adjourned debate on second reading.
(Continued from 27 June. Page 2168.)

The Hon. NICK XENOPHON: I support the second reading. When I last spoke on the bill several months ago, the key issue of debate was whether it should be referred to the Social Development Committee. I note that the government and the Democrats opposed the bill's referral to the committee; however, together with the opposition and the Hons Andrew Evans and Terry Cameron, I supported it. When I spoke I made it very clear that I believed that discrimination against same-sex couples was in need of reform and that I

supported the general principle. However, I also took heed of the concern of my colleagues, particularly the Hon. Andrew Evans, that the bill should be referred to the Social Development Committee. I do not regret my decision because, as a consequence of the committee's deliberations, a very comprehensive report has been produced. I note that a minority report was issued by the member for Hartley (Joe Scalzi) and the Hon. Michelle Lensink which sets out their views on the bill. I note that, in some respects, the government's bill is slightly different from that previously presented to us.

I believe that there is some considerable merit in the issue of domestic co-dependence. I note that Tasmania seems to have gone further than other states in acknowledging, on an opt-in basis, a domestic co-dependent relationship that could not in any way be categorised as a de facto relationship. I believe that there is considerable merit in looking at the Tasmanian scheme. Indeed, I indicate that I have instructed parliamentary counsel to draft amendments based on the Tasmanian legislation. They will be in initial draft form, and I would like to circulate them to my colleagues as soon as possible. The exercise of having a comprehensive report by the Social Development Committee, I believe, has been a good one. There is some considerable debate, and I note that I have received many faxes from those who oppose the bill and, indeed, quite a few emails from those who support the bill.

One of the key points made by those who oppose the bill is that it somehow weakens the institution of marriage. With the greatest respect to those who put that proposition, I cannot support it, given that marriage is a matter for federal law, and given that this bill is confined appropriately to issues of state law. I think it would be more appropriate for me to comment on some of the specific issues raised in the committee stage when we deal with this bill on a clause by clause basis.

In relation to the issue of domestic co-dependents, I know that the member for Hartley, Joe Scalzi, has been a great proponent of this concept, and I commend him for raising the issue. I acknowledge that the issue is not as simple as it seems in that there may be many circumstances where people live together in what appears to be a co-dependent domestic relationship where there is simply no intent for it to be anything other than people sharing a house together because of their economic circumstances. Or, you have a situation where there is a paid carer, or someone who is receiving some consideration, such as free board and accommodation, for looking after a person, and it appears to be a co-dependent domestic relationship. That is why I think it is important that the criteria are set out clearly, and the Tasmanian model of an opt in situation appears to be one that is of merit.

I look forward to the committee stage of this bill. I know that it is a contentious bill. My understanding—and this is a question that I will put on notice to the government—is that all other states and the two territories have similar legislation. I would be grateful if the minister could acknowledge in some detail the significant differences between this proposed legislation and the legislation in other jurisdictions, and when those pieces of legislation were enacted. I think that it is important to understand the context and to see what is happening in other jurisdictions, and whether there have been any implementation problems or issues of litigation with respect to the legislation.

My understanding is that this legislation is broadly in line with what has been passed in other jurisdictions in Australia. The fears that some people have about the consequences of

this legislation, to my understanding, have not been borne out. Out of respect for organisations that have approached me, including the Festival of Light, I do propose to meet with them at short notice before we go into committee. I believe that the exercise that this parliament engaged in by referring this bill to the Social Development Committee was a good one. I believe that only good has come out of it in that we have a much clearer understanding of some of the issues in the debate. The research carried out by the committee and the evidence heard by the committee on the issue of domestic co-dependence is very useful in the context of this debate. This is a case where the parliamentary committee system has yet again worked well. It has shed some light on a contentious issue for this parliament—

The Hon. T.G. Cameron: The jury is still out on that.

The Hon. NICK XENOPHON: Even if the Hon. Mr Cameron looks at the minority report of that committee, it is still useful that the arguments for and against this bill have been elaborated. It gives some legislative context in respect of other states and also raises the issue of domestic co-dependence and puts it in a more detailed context for the purpose of any debate at the committee stage. It would be fair to say—and this is not a criticism—that both the protagonists for and against this bill feel very strongly, and I appreciate and respect that. I am sensitive to how contentious this bill is for some sections of the community, but I believe that it ought to be read a second time so that it can be further debated and amendments considered at the committee stage. I support the second reading of the bill.

The Hon. T.G. CAMERON secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on second reading.
(Continued from 30 June. Page 2254.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to speak on behalf of Liberal members and indicate, as is the convention, our support for the second reading of the Appropriation Bill. In the last moments of last Thursday afternoon, I took the opportunity to commence my remarks by putting on notice some questions to which we are seeking answers before the passage of the legislation at the end of the week. I indicated then that I would make some more general comments on the Appropriation Bill this afternoon.

The first issue I want to address relates to the overall position of the budget bottom line. This has been an issue of quite some contention and debate for some time. We saw it again today when the Leader of the Government made an allegation that was untrue in relation to the state of the budget finances in March 2002 when the government changed hands. As I have highlighted on a number of occasions before, and will briefly do so again today, the budget position for 2001-02, which was the last budget brought down by the former Liberal government, was a cash surplus budget and also an accrual surplus budget.

What occurred in early 2002 with the assistance of Treasury was a decision to defer payment of some \$300 million from SAFA and the Asset Management Corporation, which had been included in the 2001-02 budget papers. That was deferred until the following financial year—2002-03—and that magically turned a fiscal surplus in

2001-02 into a fiscal deficit in 2001-02. That \$300 million accounting fiddle, as it was referred to by former New South Wales Auditor-General Tony Harris writing in the *Financial Review*, was the only way this government has been able to construct a set of circumstances where there was this claimed deficit in 2001-02. So the former government not only sorted out the State Bank debt problems facing South Australia but also had managed to turn a cash deficit into a cash surplus and, after a lot of hard work, managed to turn an accrual deficit into an accrual surplus. So this government in 2002 inherited a budget in cash surplus and accrual surplus, with the State Bank debt problem for the state having been resolved.

For the past three years the government on many occasions—and I will not list the precise statement of claims made in *Hansard*, but everyone will be aware of statements made by the Treasurer, the Premier and Leader of the Government in this house—has indicated that it had moved to a new net lending fiscal measurement. In essence, to paraphrase the claims of the government, the one true measurement of the accrual position of a state budget and this net lending position would be the one that would be used by the government. For the first three years the government has been able to report cash surpluses and accrual surpluses, but this year prior to the budget the Treasurer was advised by Treasury that if he stayed with the one true measure of the accrual position of the budget he would have to report a deficit for three of the four coming financial years. There would also be a deficit on the cash measure, that is, in cash terms there would be cash deficits for most of the forward estimate period as well.

So in this budget the government changed the fiscal goal posts. Instead of saying that the one true measure of an accrual surplus in a state budget is the net lending measurement, the government said it would throw the net lending measurement out the window and that we will now have a new measurement called 'net operating surplus' and that is now the one true measure of whether or not there is a surplus. So the claims that we see in the budget speech, in the budget documentation and in subsequent claims that the Labor government has been delivering surpluses for the last four years is only true if one takes into account the changed definition of the accrual surplus in the state budget. In particular, if one looks to the forward estimate periods, there is a \$141 million projected deficit on the net lending measure in 2006-07, an \$88 million deficit in 2007-08 and a \$50 million deficit in 2008-09. So, in rough approximate terms, there is almost \$300 million in deficits over those three particular financial years under what the Rann government has said is the one true measure of the health of the state budget.

So that is the first point, that when one looks at claims of this government keeping the budget in surplus, and keeping it in surplus for the forward estimate periods, that is only true if one ignores that the Rann government has moved the fiscal goal posts. Because it was no longer able to claim a surplus in terms of the net lending measure, it has now changed it to a net operating balance measure. Again, without going into detail, the cash measurement of the budget demonstrates some worrying signs, as well. That is, on a cash measurement basis, the state budget that has been brought down is in deficit for much of the forward estimate period. So, on the old traditional measure, before the former government indicated that it was probably more appropriate to report not only the cash position but also the accrual position of the budget, this

government has now brought down cash deficits in this particular budget document. That is something that has escaped media attention, most sections of which gave the budget generally benign treatment, but that particular detail has been ignored when, as I said, it has been a very significant issue for quite a considerable period of time.

The other overall issue in relation to the health of our state's finances, as I have said on a number of previous occasions, has been substantially generated on the back of two key decisions that were taken by the former government. The first was the significant reduction in the State Bank debt—the State Bank and other Labor calamities—to the stage where our debt levels now are more than manageable for a budget of the size of \$10 billion a year or more. I think, without going into the details, that Standard and Poor's and the other rating agencies have previously acknowledged that we would not be with a AAA credit rating, or a AA+ credit rating before it, had it not been for the significant reduction in the size of our state's debt.

The second principal factor in the improvement in the state's finances, however, was the GST deal that was negotiated by the former Liberal government. I again pay tribute to former premier John Olsen, because it was he and he alone who managed to negotiate, in particular, a very productive working relationship with the other Liberal premiers and in particular, and importantly, premier Kennett from Victoria, because Victoria and New South Wales working together have the capacity to cause grief to smaller states in terms of the allocation of the GST moneys between the states.

It was the good working relationship which former premier Olsen established with former premier Kennett which meant that premier Kennett was prepared to support the position that South Australia and the smaller states put; that is, for horizontal fiscal equalisation or the spreading of more than per capita lumps of money to small states like South Australia, which the big states are bellyaching about today. Whether it be premier Carr or whether it be premier Bracks, they continue to criticise and to oppose.

That is not one of the acknowledged public achievements of former premier Olsen and the former government but, in terms of this state's future financial flexibility and health, it is one of the more critical achievements of former premier Olsen and his government that that deal in 2001 for the GST was negotiated in the way that it was. The simple fact is that, even with the Costello forced reductions in stamp duties that are incorporated in this particular budget, the state of South Australia will still be at least \$200 million a year better off by the end of the forward estimates period, which is a good indication of the strength of the GST deal for state finances.

Both of those key factors in the return to the state's financial health—that is, the debt reduction due to privatisation and the GST deal—were negotiated by the former government. They were strongly opposed by now Premier Rann and Treasurer Foley, and they continue to be opposed whenever we discuss privatisation or the GST, but the brutal reality is that, without those deals, we would not have achieved a AAA credit rating and we would not have returned the state to the financial health that it now has.

I will now compare the healthiness of the current state budget with the period in the mid to late 1990s. In the financial year 2005-06, the Rann government will be collecting \$2 200 million more in revenue than in the last year of the Liberal government—and that was only four years ago. The Rann government is collecting \$10 700 million in

revenue in this financial year whereas in the last year of the Liberal government we collected \$8 500 million. I think it is useful to debate in this place where we should get the money for disability funding. The Leader of the Government ungraciously responded to the Hon. Kate Reynolds' question on this issue today, but I suggest that the reality is that it goes back to the Rann government.

What on earth has the Rann government done with the extra \$2 200 million a year that it is collecting in revenue? Over a four-year period that is almost \$9 000 million or \$10 000 million a year extra. Depending on how you define what the education sector has spent, \$2 200 million is probably almost as much as has been spent in that sector and in the health sector. That is how big a flow in terms of additional revenue we have seen in this state of South Australia in a short period of four years. It has come significantly from the GST deal, to which I referred earlier, but it has also come on the back of massive broken promises from the Rann government.

I will not go through all the detail but, put simply, the Rann government promised no new taxes, no increases in taxes, and no increases in state government charges. It got the trifecta: it broke each and every one of those promises, starting with its first budget. As you well know, Mr President, Treasurer Foley had the arrogance to say in the lower house: 'You don't have the moral fibre to break your promises; I do.' That is his badge of honour. It is a fair indication of the moral foundation of not only Treasurer Foley but the Rann government that they see as a badge of honour that they were prepared to break their election promises when Rob Kerin was not prepared to do so.

So, that is the other aspect of the additional flows. The third aspect of the additional revenue flows relates to the revival in the state's economy which we have seen over a period of time. I note that some economic commentators have referred to the past two or three years and have said that the revival we have seen in the state's economy has been going for the past five years. Under the former Liberal government, after a lot of hard work, this state's economy was lifted by its economic bootstraps and had reached a situation where it was starting to motor along pretty healthily in the two years prior to the 2002 state election. And, consistent with the national economy, we have seen the economy motoring along at a relatively healthy rate compared to the mid-1990s, but certainly not at as healthy a rate as the average of virtually all the other states and territories. That is something we will address on another occasion. The national economy is doing well, but the opposition's position is that South Australia is not getting its share of the growth on most of those measures. As a result of the healthy state economy, we have seen huge revenue boosts in property taxation, with land tax, stamp duties, property conveyances and a range of other areas, and that has been another aspect of that huge increase of \$220 million per year in revenue.

The next point I want to make is to refer to the errors of which the Treasurer and Treasury have consistently been guilty or which they have factored into their budget numbering. One can look back over the past three years. If you look at what Treasurer Foley said at the start of the 2002-03 financial year would be the total revenue for that year and compare that with what was actually collected at the end of the year, you find that the error factor was \$528 million. If you do the same calculation for 2003-04, you find that the error was \$794 million. If you do the same calculation for 2004-05, the error factor is \$461 million. So, there is an

average error factor of about \$600 million a year in the budget revenue estimates.

I have referred to this on another occasion. If you go back over the last three years of the Liberal government, you see that the error figures were at a much lower level. I do not have those figures with me, but I have put them on the record before, and I want to make clear that they were certainly significantly lower than the \$600 million average per year by this Treasurer and Treasury. As we look at the next four-year period, I have hinted at this before and I indicate now that, if there is a Liberal government after March next year, we will be having a good, hard look at what the Treasurer has done over the past three years to try to understand how he can keep making \$600 million mistakes each year.

Whilst we accept that these estimates can never be perfect, we believe that we can and should do better in estimating our revenue inflows in a particular financial year. So, there will be a review of what this Treasurer has done and, hopefully, we can learn from his errors. We will need to look at best practice in the other states to see whether or not there are other mechanisms for providing more accurate estimates for total revenue. I have flagged the experiences I saw in some of the states of America, where there are independent revenue estimate officers attached to the legislature.

I do not see that as a replacement for better estimating by Treasury, because, clearly, that needs to occur anyway, but it may be a better informed legislature on some of these revenue and expenditure estimates of budget. With more professional expertise available to members of parliament, it may provide greater pressure on future treasurers to minimise the extent of estimated errors in the budget documents. It should be unacceptable that we have an error factor of \$600 million on average and, as I said, in one year it was almost \$800 million. We will be putting down as a policy position a complete review of the estimating function of Treasury to see whether or not we can learn from best practice—as it might exist in other states, or, indeed, other countries—and we will also consider some of the innovations that I saw in some of the legislatures in some states of America.

The budget also incorporates a claimed tax relief in the budget, and we have passed some of the tax relief measures already in the attached bill. The government keeps talking about \$1.5 billion in tax relief. I note that the Premier at the Bank SA function last Friday talked about \$1.5 billion in tax relief, but he did not refer—conveniently—to the time frame. The uninitiated might assume that the \$1.5 billion in tax relief was happening as we speak in short time. It is important to place on the public record that the \$1.5 billion tax relief extends out to the year 2011. The state government has added up all the various measures of tax relief from 2005 to 2011 and come up with the \$1.5 billion figure. As one cynic said to me a couple of weeks ago, the Premier could have claimed \$3 billion in tax relief if he extended the period out to 2017; or one could increase that number to whatever number one wanted to get it sufficiently big enough to be impressed. It is misleading to be referring to \$1.5 billion in tax relief without indicating that the bulk of that does not occur until the last two years prior to 2011. The majority of the \$1.5 billion starts factoring in from about 2008-09 through to 2011.

Most of the claimed tax relief, anyway, was forced on the state government by Peter Costello when he pointed the GST gun at the state premiers' and treasurers' heads and said, 'If you do not provide this tax relief, we might do something about taking away the GST or reducing the GST collections

to the states.' It was only as a result of that threat that the treasurers of the states—and our Treasurer—responded by bringing down claimed tax relief, as if it was a state government initiative.

We will have a debate on Wednesday in terms of property taxes and land taxes, so I will not add too much by way of additional comment here, other than to say that even with the promised relief in land tax the state government intends to collect more land tax this year than last year. Similarly, even with the supposed massive cut in gaming machines in South Australia, the government is predicting increased gaming tax collections this year when compared with previous years. Within all this, one of the key factors in the lead-up to the coming election will be this government's being the highest taxing government, the highest taxing Premier and the highest taxing Treasurer in South Australia's history—all on the back of massive broken promises from the last state election.

There are other aspects of the budget papers that ought to be of concern to people. The unfunded superannuation liability issue has blown out from \$3.2 billion to \$6.5 billion—plus in the period under this government. A percentage of that is due, supposedly, to changed accounting classification treatments of unfunded superannuation, but a significant proportion of that blowout is not due to the accounting change. We have asked this government, through the estimates committees, questions in relation to the unfunded superannuation. Perhaps, if it was not estimates, it was on Thursday last week, but at some stage we have asked questions about the reasons for the massive increase in unfunded superannuation liabilities.

On a number of occasions the government has talked about the difficult issues for governments and where the money would come from. The government is drowning in GST money and revenue—\$2 200 million more than the last year of the Liberal government. One of the messages that people will put to voters prior to the election will be: what has this government done with the \$2 200 million a year? We can see plenty of examples where the money has been wasted, and we will be highlighting Rann government waste in a number of areas where savings can be made through better management. What on earth has it done with the \$2 200 million extra a year? Our hospital system is worse off than in 2002. There is no evidence of better student performance within our school system. Certainly, there is no evidence of any improvement in important infrastructure needs of the state, such as roads and transport generally.

When one looks right across the portfolios, it is hard to see what this government has done with the extra \$2 200 million a year. As I said, it will be an important question in the lead-up to the March election period next year. When we look at some of the examples of this government's waste, the most stunning is its waste of taxpayers' money on the opening bridges at Port Adelaide. Depending on how one does the calculation, the estimated waste is somewhere between \$74 million and \$100 million over the life of the project. So, we are not talking about just a small sum of money; we are talking about a lump of money which, I understand from the RAA, if spent on the maintenance of our roads, would fix up 50 per cent of the backlog.

Why would this government waste \$74 million to \$100 million on opening bridges? The answer is that Premier Mike Rann and Treasurer Kevin Foley want opening bridges. It does not appear that anybody else wants these bridges, other than Rod Sawford and a few others. In the corridors of Parliament House, government backbenchers are openly

critical of Premier Rann and Treasurer Foley for this decision. However, none of them has the courage to stand up to those two members of the leadership group. When the Minister for Infrastructure (who, as I have said on a number of other occasions, frankly should not be a minister, but that is an issue for another day) joins with Premier Rann and Treasurer Foley, of course the brave boys and girls on the Labor back bench cover into frightened silence. One immediately thinks of the Hon. Mr Sneath and others who talk big in the corridors, but one rarely sees any action when it is needed—other than trying to knife the President in his preselection and now, I understand, the Attorney-General.

So, that is \$70 million to \$100 million of waste in just one area, but there are a number of other such capital works projects—for example, the Sturt Street Primary School, the cost of which was meant to be \$2 million but has now blown out to over \$7 million. My colleague the shadow minister for health tells me that, in a short space of time, the cost of the Margaret Tobin Mental Health Unit at the Flinders Medical Centre has blown out from \$10 million to \$17 million. There has also been considerable waste in a number of other capital projects. Putting aside the issue of whether the bridges should be opening or closing, in 12 months the cost of the opening bridges has already blown out by \$42 million. In just the 12 months from last year's estimates to this year's estimates, the cost has gone from \$136 million to \$178 million, and Treasurer Foley could not give any indication that the cost would not blow out even further.

Of course, we have only to look at the massive blow-out in the number of ministerial staff. On the basis that there were not enough competent Labor backbenchers to fill these ministerial offices, ministers McEwen and Maywald were appointed. The cost of these two extra ministers has been estimated to be an extra \$1 million to \$2 million a year, or \$4 million to \$8 million over a four-year period. The increased cost in the number of ministerial staff—that is, ministerial spin doctors and staff—amounts to more than \$16 million over four years.

Today, the Hon. Kate Reynolds referred to what have been affectionately known as 'Bottrallisms', that is, examples of offences caused by Ms Bottrall in the Premier's office. The Hon. Kate Reynolds referred to another extraordinary example of which the stashed cash committee is also aware, that is, the Leader of the Government was mightily embarrassed because he signed off on a Bottrallism—a press release written for him that included a Bottrallism. I think that the Hon. Kate Reynolds would chuckle at that, given the issue she raised in question time today in relation to the Premier's media adviser. As I said, the Leader of the Government perhaps unwittingly, foolishly, or both, signed off on a Bottrallism in a press release that included a number of untrue statements, which proved to be true by evidence I presented in the council and public statements made in relation to the supposed background to costs incurred by public servants in a hotel in Queensland.

We have still not got to the bottom of the issue of the total number of full-time equivalent public servants. At the start of last financial year, the state government predicted the number of full-time equivalent public servants but, by the end of that year, it was out by 1 800. In statements made to the estimates committees, the government indicated a partial explanation for some of the increases, but it did not explain why they were not incorporated in the original estimates. A number of claims it made were known at the time of budget preparation and, therefore, any estimate of the number of

public servants should have included some of those issues and decisions. I issued the invitation to the Leader of the Government and his advisers to provide more detail on the claimed extra public servants, that is, when those decisions were taken and the reasons why they could not be incorporated in the original budget documentation. I will be surprised if I get a response to that particular question.

There are a number of other examples. One can only give the Thinkers in Residence program as an example where, certainly, some savings can be made. No-one opposes having people with lateral thinking skills. I can give an example where a prominent thinker in the water area was put on the Thinkers in Residence program when that particular person had been to South Australia on a number of occasions and had spoken at a number of conferences—

The Hon. Caroline Schaefer: He spoke gratis.

The Hon. R.I. LUCAS: As my colleague the Hon. Caroline Schaefer said, he had spoken without being paid to be part of the Thinkers in Residence program. There are a number of examples where that has occurred. Certainly, there is the capacity to make savings there. In terms of the green building subsidy of \$7 million, as I indicated in another contribution, when I spoke to the World Green Building Council recently, I asked whether or not there were any examples that it was aware of where state governments have had to underwrite the cost of the green building initiatives. The council did not say that there were not, but it certainly was not aware of any examples of where a state government had to massively underwrite the costs of the green building development.

Again, it is interesting to note that my very senior sources within Treasury have on this occasion told me that Treasury strongly advised against the government wasting \$7 million on this green building subsidy. Treasury's very strong advice was that this building will go ahead without the subsidy, that they are having a lend of the government, that the government does not have to provide \$7 million of taxpayers' money. That is where this section of the property market is heading, and they like to refer to it as 'a flight to quality'. Green building developments are the vogue at the moment, and they do not need taxpayer-funded subsidies. That is why I always chuckle at the claim from the Leader of the Government in this chamber and this government generally that the government is not providing specific assistance to particular companies.

When one looks at this, when one looks at \$40 million or \$50 million for Mitsubishi, when one looks back in many years at \$140 million for the ASC development, even though the government will claim that many other companies will benefit, mark my words, it will be seen to have been almost exclusively for the benefit of the ASC. There are many other areas and it is not going to be an overly difficult task to take the scalpel to examples of the Rann government's waste right across the board so that money can be spent on real priorities for the state of South Australia, such as tax relief, as the opposition leader has promised, and increased spending on priorities which we believe are going to be more important to the people of South Australia than whether or not we will have an opening bridge at Port Adelaide so that the Treasurer can be happy in his own electorate with that extra \$70 million to \$100 million in taxpayer-funded expenditure.

With that, I will conclude my remarks. I was going to make a personal explanation earlier on, but I will do it as part of my speech on the Appropriation Bill. Earlier today in question time (I do not have the *Hansard*), I might have

stated that the Leader of the Government had indicated that he had referred the memorandum to Mr Nick Alexandrides, and that he had made that statement in *Hansard* or in parliament. I think it may well be that he made that statement on the Bevan and Abraham interview last Friday morning. He may well have made it in the *Hansard* as well, but, for the sake of complete accuracy, I want to indicate that, at the very least, the statement about referring the memorandum to Mr Alexandrides in the interest of natural justice was made on the Bevan and Abraham program. With that, I indicate the opposition's support for the second reading of the Appropriation Bill.

The Hon. T.J. STEPHENS: I rise to speak on the Appropriation Bill for 2005-06. It is my belief that this is a budget of missed opportunities and bitter disappointments. Never has a government had the potential to deliver so much and yet fail so spectacularly to deliver. Through the years of the previous Liberal government, the Labor Party's crippling State Bank debt hung over all of the decisions that had to be made. Sadly, the current Labor regime does not have the grace or gratitude to acknowledge the years of dedicated and diligent work of the previous Liberal government to restore South Australia's economy to ensure that it did not become an IMF case after the Hon. Mike Rann's previous attempts around the cabinet table.

This budget had an income of \$2 200 million more than the last Liberal budget. That equates to more than \$6 million a day, and that is without the burden of the State Bank. Yet, can South Australians really say that their lives are better now than when we left office? When the Liberal Party entered office, we were in the midst of a terrible recession with a huge debt, massive unemployment, little business confidence or investment. By the time we left office, in fact, by the beginning of the second term, many of those crises had been reversed. Employment trended upward, business confidence grew, employment and exports grew, and the debt was well on the way to its current low levels.

The standard of living tangibly improved during our term in government. After nearly four years of Labor, can people say that their lives are better now than then? I think the answer is: definitely not. Despite this extra money, the promises of Premier Rann and Treasurer Foley and the glib remarks of minister Conlon, the hospital waiting lists are longer than ever, there are no extra police, electricity is more expensive thanks to the government's botching of the entry to NEM and tax revenues are at their highest levels ever. The good economic conditions that this government inherited have been whittled away. The true extent of this is yet to be fully revealed because the federal government has managed the national economy superbly, but, if members compare South Australia's figures to the national figures across almost any sector, we lag behind.

At the moment, South Australia is not a driver of national economic growth; it is a passenger. Members only need to look at the economic judgment of Premier Rann and Treasurer Foley to determine what value it is. Both of them have vehemently opposed the GST agreements, which have delivered rivers of gold to this state government—and they both opposed the sale of ETSA. The ETSA sale was required to restore our financial standing and has been cited by international rating agencies as one of the key reasons why we have a AAA credit rating. It required the kind of courage that this government frequently fails to exhibit. Instead of attacking the problems they have created such as the State

Bank debt, crime rates or falling exports, they puff out their chests and attack the DPP, the head of the Parole Board, public servants, lawyers and anyone else it deems fit to intimidate.

They are afraid of taking unpopular stands for the sake of good policy. Nothing is more sacred to this Premier than his beloved approval rating. As discussed in the book *Yes Premier*, even his own supposed mentor Don Dunstan did not think enough of him to mention him in his last interview as he cursed poll-driven leaders. It must have cut deep for the Premier who seeks so desperately to wrap himself in the Dunstan aura and who was held in such high regard by many people to be rejected so obviously. It will truly pain Premier Rann to know that he will never be compared to Dunstan favourably. The best he can hope for is to be described as 'Dunstan-lite'—like the yoghurt. The tax cuts of this budget are phantoms: you can hear about them, you can see them, but, whenever you try to touch them, they evaporate into the ether of Treasury coffers.

If not for the GST agreement and Peter Costello's enforcement of it, there would not be any cuts at all. Revenue from tax take is expected to rise, even though there are supposed cuts. More importantly, the most significant parts of the tax cuts will not come into effect until 2009, 2010. Given the government's history of going back on its word, I would not start booking any holidays with that money just yet. I now want to discuss the fact that this Treasurer cannot do his sums. In October 2003 he said to the parliament: 'Geography was never a strong point of mine at school, and you should have seen what my maths results were like.' He was right. In the 2002-03 year, he underestimated revenue by \$528 million; in 2003-04, he underestimated revenue by \$794 million; and in 2004-05, he underestimated revenue by \$461 million. That is a cool \$1.8 billion.

Do not worry too much about that, because the expenditure side of things is not much better. The Sturt Street school has blown out from \$2 million to \$7 million. Ministerial staff are costing \$16 million more than budget over four years. Two ministers have been bought off to shore up this government, and that is at the expense of \$2 million each per year—that is another \$16 million over four years. The Margaret Tobin health unit has blown out from \$10 million to \$17 million. Also, there are now 400 public servants on \$100 000—or, as Mike Rann calls them, 'fat cats'. In fact, there are an extra 1 842 more public servants, most of whom the government does not know about. The cost of these extra unknown public servants was \$140 million, nearly enough to fix up the backlog of road maintenance.

I finish with this final observation. The Treasurer has access to \$2.2 billion extra. Health was one of the government's supposed key commitments to fix. The increase for the health budget was 1.07 per cent. The Treasurer's own budget papers show inflation of 2.75 per cent, and it has been estimated that inflation within the health sector could be as much as 5 or 6 per cent. The Treasurer has fixed the health system in much the same way as you get your dog or cat fixed.

The Hon. J.S.L. DAWKINS: In supporting the passage of this bill, I recognise its importance in providing finance to the various programs incorporated in the 2005-06 budget. Today I wish to focus on the agency budget for the South Australian Metropolitan Fire Service within the justice portfolio. I note that the objectives of the agency are to ensure excellence in the provision of emergency services to the

South Australian community; to protect life, property and the environment from the effects of fire and other emergencies; and to assist the community to prevent, prepare for and recover from the impact and effects of emergencies.

Budget Paper 4, Volume 1, page 4.147 highlights the targets for the 2005-06 year, and I refer to a few because I think they are worth noting. They include: complete the issue of a new set of protective clothing for all SAMFS firefighters; complete the tender and supply of new breathing-apparatus sets to replace existing units; complete delivery of four general purpose pump appliances and re-chassis of two Skyjets, and a plan for aerial appliance replacement; continue active participation in the South Australian computer-aided dispatch (SACAD) project for emergency services; complete evaluation of a new tactical radio system to improve fire ground communications; train 60 personnel as category II urban search and rescue (USAR) technicians; develop the state USAR equipment cache to enhance the capability of emergency services in urban disasters; participate in the signing of a three-year enterprise agreement with the United Firefighters Union; and progress the successful trial of the road accident and awareness prevention program (RAAP) as a permanent initiative to reduce the youth road toll in South Australia.

In the highlights listed on the same page, I note the completion of new fire stations at Elizabeth and Golden Grove. I will always welcome the new facilities of that ilk for those who work very hard to protect the community. Having gone through those points, some of which I will come back to, I am a strong supporter of the work of the Metropolitan Fire Service (or SAMFS as its sometimes known in the community) and the commitment of its personnel to the various communities they serve, whether in metropolitan Adelaide or something like 17 communities in the country.

I have, however, expressed a number of concerns about the management of the Metropolitan Fire Service in recent months and have raised those concerns in a series of questions in this place. I place on record that the minister has provided some responses, and I will come to them later. However, I wish to take the opportunity of this debate to encapsulate the concerns I have had expressed to me by long serving personnel within the Metropolitan Fire Service. These concerns have related to the forced secondment of station officers to the MFS training department, the blow out in fees for the MFS wellness program, the classification of MFS personnel who have been appointed as regional officers and the delay in the MFS responding to the UFU log of claims, which was mentioned in the targets for 2005-06.

To go through them in some detail, one of the things I have had raised with me is the lack of officers willing to serve in the MFS training department for well over the past 12 months. This has resulted in the forced secondment to the training department of long-term officers, many close to retirement. The most recent example of that of which I am aware occurred on the second to last working day of last year, 2004. The employees concerned have all had vast experience in fire fighting, but they consider that their strengths are not as instructors but are much better placed in the field. They resisted the forced secondment, but those attempts were overruled and those officers were forced to remain in the training department for many weeks against their wishes.

I have a concern that the MFS training department has been forced to rely on people who do not want to be there and, on their own admission, have little faith in their ability as instructors, which is a concern. The Budget Paper talks

about training and large numbers of personnel in a range of areas, and it concerns me if the people carrying out that training are not wanting to be involved in doing that. It is something the agency needs to address quickly.

There are a number of concerns in relation to that forced secondment, and one is to induce or encourage those officers to take that secondment and not leave the service. They were advised that 12 months service in that department would result in their being credited with 24 months service, which is extraordinary for management to do. I have not heard of it. You, Mr Acting President, in your service as a union official may have, but I have not come across it. Another area in relation to this forced secondment I would like to highlight is the way in which the standard administrative procedures or SAPs within the MFS seem to have been manoeuvred around or bent. In relation to the secondment of these officers, certainly standard administrative procedures are there to make sure there is a safe and effective procedure for appointments and secondments, and the advice I have from MFS personnel is that certainly those procedures were not followed on 30 December 2004.

The other matter related to that, which concerns me deeply, is the fact that the 11 station officers who were seconded on that day were classified as having volunteered for the position, despite the fact that a number of them expressly indicated that they did not volunteer for that position. This forced secondment issue is one that I have received a lot of information about, and I know that the minister has taken note of that. I am genuinely concerned that it would seem that the procedures have not been followed here. Apparently, MFS Service Administrative Procedure 6 states:

A selection committee must be formed to select officers for the training department if insufficient station officers have volunteered for secondment.

I have asked questions in relation to this and I look forward to the answers, but there seems to be a query about whether there was actually a selection committee and whether it was only a senior MFS management officer who made the selection. So I have requested from the minister detail of any selection committee that did meet in relation to this particular secondment.

A further matter that has been brought to my attention relates to the employment of managers in regional areas of the state for the MFS, and I think in the past these positions have been based in the Limestone Coast and Riverland regions and also at either Port Lincoln or Whyalla. The question that was raised with me is whether these regionally-based managers have been, in recent times, given the rank of district officer rather than station officer. District officer is a higher level and usually would only be given to managers who have successfully completed the examinations that have always been a prerequisite for holding such a position.

Another area that I think warrants considerable examination by the minister in relation to the Metropolitan Fire Service concerns the wellness program that it instituted in 2003. I have told this council in the past that the winning tender for that project came in at \$22 475 and was less than half of the two other definitive tenders. I raised concerns in this house that it would seem that the amount of money that was paid for the following year was more than three times that \$22 475 and that the cost had blown out even further. I do have a response from the minister in relation to that matter, to which I will refer in a moment.

The other matter I would like to comment upon in relation to management of the Metropolitan Fire Service also goes back to the targets in the budget paper, which refers to participation along with the United Firefighters Union. The union's bulletin, called *Word Back*, has indicated on a number of occasions this year that the union was far from happy with the way in which the negotiations have been taking place in relation to the union's log of claims. The minister has responded to my question, which response was brought into this chamber a week ago today on 27 June, and it states:

The South Australian Metropolitan Fire Service (Federal) Enterprise Agreement 2002 nominally expired on 1 January 2005. Representatives of DAIS—Public Sector Workforce Relations and SAMFS first met with the United Firefighters Union (UFU) on 20 January to commence the process of negotiating a new enterprise agreement. The UFU submitted its log of claims on 10 February 2005. It was anticipated at that stage that the parties would meet again in mid-March 2005. The anticipated meeting between the negotiating parties of mid-March was then deferred by mutual agreement between SAMFS and the UFU until after Easter. The approval of the SAMFS costings by the Department of Treasury and Finance coincided with the Budget Bilaterals process which the SAMFS, the Department of Treasury and Finance and other agencies were all undertaking at this time. Submissions were made to the Industrial Claims Coordinating Committee on 15 April 2005, the Expenditure Review and Budget Cabinet Committee on 22 April 2005 and cabinet on 26 April 2005. The SAMFS and DAIS—Public Sector Work Force Relations representatives have since met with the UFU on 29 April 2005, 5 May 2005, 10 May 2005 and 19 May 2005.

I thank the minister for that answer, but feedback that I have received from MFS personnel indicates that all may not be as happy as the answer suggests. A number of union personnel and members feel that the management of SAMFS did not handle that matter at all well. There are members in this chamber at the moment who are far better versed in the relationship between management and unions, but all I know is that some union members are very unhappy with the way in which SAMFS has dealt with the United Firefighters Union.

I would like to acknowledge a further answer that I received on 27 June following questions that I raised about the MFS wellness program. The minister in her reply stated:

The South Australian Metropolitan Fire Service (SAMFS) undertook to implement a pilot wellness program to improve firefighter health and fitness. The need for the program reflects the extreme dangers of structural firefighting and the physical demands placed upon SAMFS firefighters.

The SAMFS went to the marketplace during 2003-04 and sought expressions of interest to deliver a pilot program for the Adelaide station. The winning proposal was costed at \$22 000 for the remainder of the year. The wellness program was introduced on a voluntary basis for all staff and approximately 100 operational personnel from the Adelaide station participated in the pilot wellness testing program.

The program was reviewed at the start of 2004-05 and expanded to include all SAMFS metropolitan web sites, including the Angle Park Training Station, Port Pirie Station, SAMFS recruit courses and support staff. Approximately 500 SAMFS personnel have participated in the expanded wellness program. The scope of the written contract includes equipment audit and reports, recruit fitness testing and rehabilitation assessments. This contract was for the amount of \$69 100 from 13 September 2004 to 30 June 2005.

A review of the program will be undertaken in July 2005 to compare the effectiveness and cost comparison with an in-house provision for future years. A decision has not been made in relation to the 2005-06 program. Indications from WorkCover statistics show a significant reduction in on-site workplace injuries and associated costs as the program develops.

I thank the minister for her response, but there is still significant concern within the firefighting community that this program, when it was rolled out to a broader area, did not

go back to tender. I think there was significant concern about the manner in which the initial program was delivered. One would have thought that, when the program was expanded in financial terms by more than three times, it should have gone back to the industry for tender. The minister's answer indicates that a review will take place this month. It is important that the people who will be the recipients of this wellness program are given a better level of communication about the way in which the tender has gone out to provide the best possible program for their benefit.

I would like to emphasise the support that I give to all those who serve this state in an emergency capacity. The community relies on these people for assistance at times of great stress. Having been a voluntary firefighter, I think I have some small understanding of the stress experienced by professional firefighters when they rush out into the community at all hours and, in many cases, risk their lives trying to weave through the traffic, as many people are unprepared for these appliances as they rush towards an emergency.

I have the greatest respect for these people, and I strongly support the Metropolitan Fire Service as an agency overall, but I have significant concerns about the management of the agency. Decisions are being taken within the agency that are harming its overall running as it works to assist the community. Only today, I again raised the fact that the training department of the Metropolitan Fire Service has a budget for six vehicles but it has access to only 40 per cent of one of those vehicles and has been forced to go to the private market to hire a vehicle because of the lack of availability of these vehicles.

Those vehicles are being used by people filling executive positions, but those executive positions are actually what is known in the agency as unfunded positions. They are positions that come outside the global personnel content that is budgeted for at the start of the year. I think there are significant concerns within the firefighting community about the management of SAMFS. The minister has not been in her role very long, but I urge her strongly to have a very good look at the management of this body and certainly at the expenditure of funds from the budget within the justice portfolio. I appreciate the opportunity that this debate has afforded me to note the funds appropriated in the budget to the Metropolitan Fire Service. I support the second reading of the bill.

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

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Earlier today when I tabled the McCann report there were a number of other documents, including correspondence from the Auditor-General. I table those. They should have been tabled with the material earlier this morning.

The Hon. P. HOLLOWAY: I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: Last Thursday I was asked a question by the Leader of the Opposition in relation to the transcripts of the Ashbourne trial. I have just received a response from the Director of Public Prosecutions, as follows:

Re: Ashbourne.

Thank you for your letter of 1 July 2005. I have read the extract of *Hansard* provided with that letter. I respond as follows.

This office has not made any representation to the District Court of South Australia that copies of the transcript in the 'Ashbourne' trial be withheld from members of the media or any other party. I have no intention of making any such representation.

This office did make a representation to the Court with respect to the exhibits tendered during the course of the trial. This was in response to a refusal by the Court to return the original exhibits to police. The sequence of events is set out below:

- I am advised that on 28 June the investigating police officer contacted the Court to retrieve the exhibits. He was responding to an earlier request from the Court that he should do so. This is not an unusual request. Where a trial has resulted in an acquittal it is not uncommon for exhibits to be returned to the prosecutor or police on the day of the acquittal. The original exhibits were not returned to him on the grounds that an application had been made by the media for copies of the exhibits. The investigating officer informed this office accordingly and sought advice.
- A letter was sent by this office to the Court asking for the exhibits to be returned to the police in the normal course. That letter also submitted that as the accused had been acquitted, there was no basis upon which the exhibits tendered at trial should be made available to the public.
- An officer of the Court responded to this letter indicating that the exhibits would be returned to the prosecution upon request. It was also indicated that a Judge of the Court had imposed a 'temporary freeze' on anyone having access to transcripts and file documents (for example, copies of statements, subpoenas, rule 9 notices). The DPP was invited to consider if a more permanent order was appropriate.
- On 1 July 2005 a facsimile was sent by this office to the Court confirming that public access to the transcript was not frozen at our request and that we did not envisage making such an application. The Court was also advised that on further consideration of section 54 of the District Court Act we took the view that the question of public access to the exhibits was essentially a matter for the Court.

I hope this response answers your inquiry.

Yours faithfully, Stephen Pallaras QC.

I table that document.

The Hon. P. HOLLOWAY: I seek leave to make a further ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: In relation to the same matter, in answer to a question asked today by the Hon. R.I. Lucas concerning Mr Nick Alexandrides and the receipt of the memorandum from the Office of the Director of Public Prosecutions, I replied that I was aware that the officer concerned strenuously denied that he was given a copy of that report; in other words, he disputed the account given by the DPP. I make it clear that he strenuously denies he was given a copy of that report within the time frame suggested by the DPP in his comments. I am advised that Mr Alexandrides was given a copy of that report some time much later, after minister Zollo had met with the Attorney-General's office. I am advised that he was provided with that copy pursuant to natural justice.

DEVELOPMENT (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 June. Page 2198.)

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank members for their initial contribution to the debate on this bill. As has been said by other members of the Legislative Council, a wide range of groups support the intent of the bill. These groups include the Property Council of

South Australia, the Planning Institute of Australia, the Royal Australian Institute of Architects, the Conservation Council and the People's Environment Protection Association and, I might say, other groups, as well.

As we have been reminded by members in their second reading contributions, the purpose of the bill is to provide greater certainty for the community and applicants and to make improvements to the South Australian system, so that it is clearly seen as world's best practice. The bill requires state and local government, particularly elected members of council, to place greater emphasis on strategic planning and, importantly, on ensuring policies contained in development plans are up to date. The reference to 'plan first and then assess' is the phrase that has been used to highlight that elected members should focus on getting the policies right, rather than trying to make policy on the run during the development assessment stage.

It is of great surprise to me that the opposition has introduced amendments to this bill to remove the role of councils to undertake strategic planning in conjunction with their communities through the preparation of strategic directions reports on a five yearly basis. The purpose of the strategic directions reports is to identify the strengths and weaknesses that exist in each area. In this way councils will be better able to make informed decisions in terms of the allocation of resources to address a range of issues ranging from local infrastructure to the location of social services to the planning policies that may encourage or, conversely, discourage certain forms of development.

Instead, the opposition has introduced amendments to this bill that would require ad hoc infrastructure statements to be prepared for every single development plan amendment commenced each year; that is, 30 to 50 development plan amendments each year. That is encouraging fragmentation rather than strategic planning. It really makes me wonder whether the opposition cares about orderly development within this state; or is it simply playing games in order to undermine this piece of legislation? Then, again, I wonder whether its chief planning adviser—who, according to the Leader of the Opposition, appears to be the Liberal candidate for Norwood—came up with this piece of strategic policy.

Apparently, the 'plan first' principle in order to give the community and applicants certainty about how neighbourhoods are to be either preserved or further developed in an orderly fashion, commensurate with the ability for infrastructure to support such development, has been thrown out the window by the opposition. Instead, it favours a slower DPA process that would require a piecemeal approach to infrastructure reports and, hence, more time, more money and resources added to the DPA process.

During debate on this bill, it is important for members to remember that the changes to the Development Act proposed through this bill relate only to the procedures and processes associated with the formulation of planning policy and the assessment of development applications. The act itself does not—nor should it—contain planning policies. I raise this point in response to an issue that I know the Hon. Sandra Kanck is keen to see addressed in this bill; that is, the impact of development on the ongoing operation of neighbouring solar collectors. The protection of solar panels is a policy matter and, although I agree that it is a very important matter, it is best addressed through development plan policy, not legislation.

As with other issues, such as privacy, overshadowing, amenity and open space, councils already have the ability to

include policies in their development plans. However, the bill seeks to achieve further support for the head powers already in place to address the protection of solar panels through emphasising the need for councils to be more involved in ensuring that their development plan policies are continually being updated to reflect changing practices and standards. Further to the Hon. Sandra Kanck's concern on this issue, I have requested that such model policy be prepared by Planning SA as part of the government's Better Development Program initiative in order to assist councils in delivering through their policies the outcomes the Hon. Sandra Kanck so desires.

A key concern of the Hon. Nick Xenophon in his second reading contribution is that the bill does not do enough to stop development from impacting on heritage and neighbourhood character. His argument is based on the premise that elected members of councils are best placed to do this through their current decision making role in development assessment. I think every member would agree that development decisions can only be as good as the policies on which these decisions are based. Therefore, I would argue that elected members can better serve the communities that they represent by ensuring that the key decision making tool—the development plan—is worth the paper it is written on and can provide clear and concise guidance on where, and in what form, development is appropriate.

In terms of local heritage and neighbourhood character—and I agree that these are two areas of concern, which crop up time and again and which seem to cause most angst among the general community—the bill proposes some important changes. Desired character statements will be required to be included in council development plans. New section 23(4a) makes this abundantly clear. These statements will describe the natural and built characteristics that are desired within neighbourhoods, and they will be used to direct development in the area. It is intended that they are not merely a description of what is there but, rather, a statement about how an area should evolve or, where appropriate, be preserved. Complementary to the bill, the government is working to produce a set of guidelines that will assist councils to establish appropriate desired character statements in consultation with their local communities. I am aware that several councils have taken the opportunity to road test this work in progress.

I also confirm for the Hon. Nick Xenophon that, after a recent meeting with the Friends of the City of Unley Society, I arranged for staff of Planning SA to encourage the Unley council to proceed with reviewing its development plan so that appropriate desired character policies can be drafted. With regard to local heritage, we currently have a situation where the elected members of council vote to allow owners to have properties, proposed for local heritage listing, removed from the PAR process. This is also known as the 'voluntary listing approach' and generally goes against councils' own heritage advice but leaves these properties vulnerable to demolition before the local heritage merit or otherwise can be fully assessed.

Fernilee Lodge is an obvious example. It was not listed years ago on the basis that the council at the time (and I must clarify that it was not the present councillors) had a policy of voluntary listing. We know that the result enraged many sections of the community and is clearly one of the key concerns of residents' groups, such as FOCUS and the North Adelaide Society. I have had a meeting with the Mayor of Burnside and the CEO in relation to that matter, which has

quite a long and complicated history. I have undertaken that, if the matter of Fernilee Lodge is raised, I will respond. I am pleased to say that the Burnside council has changed its policy in relation to the matter, and I congratulate it on that.

In order to address the situation, the bill proposes that councils include all properties recommended for local heritage listing in the public consultation draft of the PAR, which will, at the same time, be granted interim development control. This will ensure that all proposed local heritage places will have the benefit of demolition control until such time as the heritage merits of a property can be fully assessed and consulted on and recommendations forwarded to the minister for a decision. The minister will still have the ability to obtain independent advice from the Development Policy Advisory Committee on such matters prior to making any decision.

I must express my complete surprise at the amendments proposed by the Hon. Sandra Kanck. Given her close ties with the conservation movement, I would have thought that she would favour the government's approach. Her amendments will clearly result in a voluntary listing approach, and that would undermine the government's reforms. As we were reminded in the second reading contribution of the Hon. Sandra Kanck, the purpose of the bill is to provide greater certainty for the community and applicants. It was therefore with great interest that I listened to the Hon. Caroline Schaefer's suggested amendments to the bill relating to the development assessment performance of councils being subject to review by the minister or the ERD Committee of parliament.

As I understand it, this proposal leaves council panels as they are but, because we recognise that their performance can be questionable, we will build into the current system an additional monitoring system, a warning system and a 'three strikes and you're out' system. I must say it sounds to me like a system that would be more bureaucratic and political than ever before, and I fail to see what sort of reassurance or certainty it will provide to the community, the development industry or, indeed, someone who wants to renovate their home.

The opposition's proposal would result in a three-year process in order to deal with the most recalcitrant of councils. In consultation with the ERD Committee of parliament (and I note that this is certainly a new and interesting role for the committee), the minister could make the decision and appoint an independent panel for up to two years. At the expiration of that time, the process would start again—three years plus two. What sort of system improvement is this? Talk about further fragmentation, ongoing conflict and more expense to the taxpayers—estimated to be at least \$1.2 million additionally each year! Talk about more expense for councils and their ratepayers (estimated to be in the order of \$800 000 per year across the sector) and more politicisation of panels! Was this also a suggestion of the Liberal candidate, whom the Leader of the Opposition appears to credit with opposition policies? If it was, I dare say that the opposition is in deep trouble. The government's reforms are serious in terms of making development assessment as objective as possible. They are based on the recommendations of the Economic Development Board. It is not a game of footy, where the coach can change the game plan halfway through a game.

The Hon. Rob Lucas said in his discussion with stakeholders that they all wanted a world-class planning system. What is world class about such reforms as the opposition proposes? From the amendments lodged by the opposition and the

minor parties, it is clear that the government does not have the numbers required to make the reforms the Economic Development Board has recommended. However, with some minor adjustments, the option proposed by the Hon. Sandra Kanck is, I believe, at least a step in the right direction and, I suppose, a compromise between the government's position and the status quo, whereas the opposition's amendments, in my view, will add just more layers of bureaucracy to the system.

I also point out to the members present that I believe that the Hon. Caroline Schaefer has misunderstood the ability of the minister to veto or direct councils on the appointment of panel members. I should clarify that the bill provides the minister with only a concurrence role on a council's nominees for specialist members to be appointed by the council in order to ensure that there is no conflict of interest.

This brings me to the issue of timeliness. It has been stated by the LGA and others that a reduction in the time taken to amend development plans is an important factor in improving the performance of the state's planning and development system. The bill addresses the issue by providing three clear paths for preparing and processing amendments to development plans. It also sets out measures that will make all agencies and councils accountable for the time taken to progress a development plan amendment. Since Planning SA has increased the degree to which it monitors the progress of all plan amendment reports, the median time has reduced from 26 months to 21 months, and the government is looking for further improvement.

An analysis of 30 council development plan amendment preparation and processing time lines for three years indicates that in this time the development plan amendments were with councils for 73 per cent of the time, Planning SA for 23 per cent of the time and the minister for 4 per cent of the time. A key aim of this bill is to improve this performance further. However, as mentioned earlier, the opposition has introduced a set of infrastructure statement provisions that will slow down the development plan amendment process by requiring the government to prepare such statements for a council-initiated development plan amendment.

The proposed amendments seem to require the council to exhibit the government infrastructure statement at the same time as the draft council DPA. The comments on the statement go to the government and the comments on the DPA go to the council. For the uninitiated, this is a lesson on how to delay DPAs and confuse the public. Who in the opposition was responsible for this one? Does it pass the world-class test? I think not. The Development Act makes councils primarily responsible for proposing development plan amendments, and enables the minister to prepare development plan amendments in circumstances specified in the act.

The bill enables the minister to initiate a development plan amendment for a large site in a single council area. This provision would enable a ministerial development plan amendment to be prepared for a large redevelopment site such as the Osborne maritime site. It was fortunate in the case of Osborne that the site straddles the council boundary and this clause was not required. However, if that was the case and the council was uncooperative, which, I must clearly state, was not the case with the City of Port Adelaide Enfield, then the \$6 billion air warfare destroyer contract could have been seriously jeopardised. As I mentioned, unfortunately, the government was able to plan ahead and make the necessary

policy amendments to enable the great success in winning the largest defence contract awarded in this nation's history.

I also point out that such a ministerial development plan amendment cannot be commenced until, pursuant to section 24(9), the minister has consulted the council for six weeks as well as issued a public notice that the land will be subject to a ministerial development plan amendment. These two requirements are in addition to the council and public consultation requirements of section 25 of the bill. The current Development Act encourages councils to form regional development assessment panels in consultation with the minister. The act enables such regional development assessment panels to be made up of specialist and elected members. The bill specifies a mix of specialists and elected members but does not include a maximum membership number as it is recognised that some regional development assessment panels would involve more councils than others.

There have been some suggestions that the formation of regional development assessment panels will result in a transfer of state government costs associated with development assessment commission decisions to councils in the guise of regional development assessment panels. I believe that council net costs will not be increased as council staff or consultants already have to prepare development application reports for council and Development Assessment Commission consideration. In addition, council staff and, often, elected members appear before the Development Assessment Commission to explain the council's position, which is another existing cost.

With the creation of regional development assessment panels, the same council report will be required. The regional development assessment panel, rather than the Development Assessment Commission, will retain application fees and many councils will have less travelling costs. In addition, a number of rural councils will be able to pool resources and hence save staff costs, or will be able to attract more experienced staff to advise regional development assessment panels as opposed to individual councils trying to find resources for such staff.

The budget papers relating to Planning SA include an expenditure line to assist in the initiatives to improve the state's planning and development system, including the Sustainable Development Bill. While the details of the budget expenditure line is dependent on the outcomes of the bill, the proposals include grants on an annual basis to regional groups of councils to assist in the payment of any sitting fees for the regional development assessment panel specialist presiding member and other specialist members, as well as to assist in the operating costs of the regional development assessment panel. It is important that the community and applicants have confidence in the impartiality of council development assessment panels, with decisions being made on the basis of the policies in the relevant development plan.

There is no accountability if elected members favour one group with the full knowledge that the decision will most probably be overturned by the Environment, Resources and Development Court. While the number of appeals varies from council to council, for the last three years, 82 per cent of all appeals have been by applicants with a high applicant success rate at the conference or hearing stage. While setting the size and specialist-member mix, the bill enables each council to determine the mix of appropriate skills for their area. The mix of skills pertinent, for example, in metropolitan councils is likely to be different for country councils. The LGA has indicated that only 5 per cent of decisions are made by

council development assessment panels. This would appear to be an average figure as the LGA's figures for individual councils are as high as 25 per cent.

I would like to point out, though, that even with the seemingly small amount of decisions made by panels, the number of decisions being appealed in the courts has increased from 257 in 2000-01 to 336 in 2003-04. The LGA data also compared court appeals against all applications, including sheds and pergolas decided under delegation. If the data was based on decisions made by the council development assessment panel then the appeal rate would be considerably higher, with one council in 2002-03 having an average of four appeals for each council development assessment panel meeting. That is four appeals per meeting.

The City of Burnside in the 2003-04 financial year had 33 appeals lodged against its decisions, and in terms of size I am advised it has some 20 000 rateable properties, whereas the City of Campbelltown which adjoins the City of Burnside and is of similar size, had only four for the same period. Interestingly enough, the City of Burnside does not have any independent members on its panel, whereas the City of Campbelltown has at least one—the chairperson.

It is considered that accountability of elected members to their constituents should be based on the degree to which they have been involved in setting a clear vision for the area through council strategic planning, implementation of such policies and participating in the drafting of amendments to the development plan. Accountability should not be based on voting patterns of a member of a semi-judicial panel when decisions are required to be based on the statutory policies in the development plan. The bill provides for different circumstances applying in different parts of the state. Thus, small rural councils may decide to have a five-person panel, or they may decide to share resources and form a regional development assessment panel with other councils. In such a case, the councils are not required to form a separate council development assessment panel.

The cost of sitting fees for specialist members has been raised by the LGA and some members here. The Sustainable Development Bill provides each council with the flexibility to determine whether any sitting fees would be paid and what that fee will be. The Adelaide Hills Council recently called for expressions of interest for specialist members (*The Advertiser* 28 May 2005), and indicated that a sitting fee would be paid. Based on the state fee, the cost would be \$13 200 per annum. Before comparing other costs, I point out to members that it was good to see a council be proactive and get its house in order early. I am informed, however, that council staff have advised that the selection process is being delayed given the amendments by the opposition and minor parties. Now how sad is that? From being on the front foot to don't bother all within a space of a few weeks. Why? Because the opposition's game playing is costing this state's planning system dearly.

The LGA in its submission on the bill made assumptions of a higher fee that would result in a sitting fee cost of \$15 600 per annum (although the LGA calculation refers to \$19 200 per annum). However, *The Guardian Messenger* (29 September 2004) indicated that the Holdfast Bay council spent \$209 705 in 2003-04; \$192 901 in 2002-03; and \$153 818 in 2001-02 on legal and consultant fees in defending council decisions in the ERD court. These amounts did not include the time of council staff. While it is acknowledged that not all councils spend such levels on appeals, some 22 councils in 2003-04 had more than five appeals and

seven councils had more than 15 appeals. Thus, if the new council development assessment panel membership results in a reduction in one or two full appeals, this would more than cover the cost of the sitting fees for the specialist members.

Over the past two to three years, a range of councils and councillors have reached the conclusion that it is not appropriate to have all elected members on the council development assessment panel. This is particularly so if elected members want to assist their constituents in understanding development applications and the preparation of submissions. I point out to members that this is an important issue and is of widespread concern to elected members. The dilemma addressed by this bill can be seen in the fact that:

- In June 2005, the Mayor of Unley resigned from the Unley Council Development Assessment Panel. *The Eastern Courier* (8 June 2005) stated 'that the mayor wanted to represent ratepayers on development issues'. He went on to say, 'The existing but blurring division between the legislative (council) and the judicial (DAP) needs to be more stark so that all parties can have more confidence in the process.'
- In October 2004, Councillor Cheryl Lush resigned from the Holdfast Bay Council Development Assessment Panel. *The Guardian Messenger* (27 October 2004) indicated that Councillor Lush said, 'The way it is set up it's very difficult—you can't represent your community.'
- In November 2004, the Mayor of the Port Adelaide Enfield council resigned from the council development assessment panel. *The Portside Messenger* (3 November 2004) indicated that the mayor had stated that, 'I just feel that I work better for the residents if I am not on the DAP.'

Despite the statements by those raising concerns about the provisions relating to council development assessment panels, the bill provides metropolitan and rural councils with a high degree of flexibility. For instance, the bill:

- enables metropolitan councils to establish seven or nine member council development assessment panels and non-metropolitan councils to establish seven, nine or five member council development assessment panels;
- makes each council responsible for choosing the appropriate qualifications or skills for their council development assessment panel specialist members;
- makes each council responsible for selecting and appointing the specialist and elected members;
- emphasises that skills rather than qualifications are matters for consideration to provide flexibility, particularly in rural areas;
- makes each council responsible for determining the level of delegation the council development assessment panel, council staff or regional development assessment panels; and
- makes each council responsible for setting the period of appointment of all council development assessment panel members.

In addition to providing councils with flexibility on council development assessment panels, I note that many of those

who opposed the 2001 amendments to the act (which introduced panels) are now saying that such provisions are appropriate and should be retained.

As mentioned earlier, from the amendments lodged by the opposition and minor parties, it is clear that the government does not have the numbers required to make the reform that the Economic Development Board has recommended with regard to reform of development assessment panels, and it is disappointing to see the opposition play politics with this bill and jeopardise the good development system of this state which still has room for improvement and which both major parties have traditionally approached in a bipartisan manner. Having said that, I make it clear that this government is pragmatic enough to get on with the job and will seek cooperation from all members because, as a responsible government, we want to see progressive changes for the benefit of all—the community, applicants and councils.

In light of receiving a second submission on the introduced sustainable development bill from the Local Government Association and a number of other organisations, I propose to introduce a series of technical amendments during the committee stage. These do not alter the spirit of the bill. In conclusion, given the significant number of further amendments that have been tabled by the opposition and other minor parties in the last few days—as I said, a number of those amendments which have been tabled would significantly move from the spirit of this bill—I believe that, if we were to continue to debate this bill over the last three days of this session before the winter break, it is more likely that we would come up with a bill which could be a dog's breakfast in terms of planning. The government is not prepared to do that, so it is my intention to adjourn debate on this bill.

I will have discussions with all the other parties involved in the bill to see whether we can find some way of coming up with what we have attempted to do all along; that is, a world-class planning system. I believe that the planning laws are far too important to get bogged down in a partisan debate which we might expect in the last days of the session. Over the break, I will be seeking to work with all parties to try to come up with a bill that will advance planning in this state, and I would hope that other members would cooperate. Frankly, the planning system is far too important to get bogged down in partisan politics.

As I said, I will be deferring the committee stage at this time so that we can discuss and thoroughly consider all the amendments that have been made and try to negotiate an acceptable outcome. Otherwise, from the way in which things are shaping now, there is every possibility that this bill could be worse for development. I hope that all members of this council will approach those negotiations with a view to getting a better outcome on this bill, but I commend the second reading stage so that we can proceed to those negotiations.

Bill read a second time.

ADJOURNMENT

At 5.30 p.m. the council adjourned until Tuesday 5 July at 2.15 p.m.