LEGISLATIVE COUNCIL

Tuesday 5 July 2005

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

ASSENT TO BILLS

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

Recreational Services (Limitation of Liability) (Miscellaneous) Amendment,

Statutes Amendment (Budget 2005).

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 177 to 182 and No. 196.

SPEED CAMERAS

177. **The Hon. J.M.A. LENSINK:**

1. Can the Minister for Police advise how many times speed cameras have been in operation in:
(a) 2002;
(b) 2003; and
(c) 2004;
for the following locations:
Festival Drive, Adelaide;
Braund Road, Prospect;
Braund Road, Fitzroy;
Jeffcott Street, North Adelaide;
Park Terrace, Bowden;
Park Terrace, Medindie;
Park Terrace, Ovingham;
Port Road, Adelaide;
Port Road, Bowden;
Port Road, Brompton;
Port Road, Thebarton;
East Terrace, Mile End;
Bartels Road, Adelaide;
Peacock Road, Adelaide;
King William Street, Adelaide;
King William Street, North Adelaide;
Hutt Road, Adelaide;
Hutt Street, Adelaide; and
Melbourne Street, North Adelaide?

2. What was the total value of expiation fees issued for each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

3. How many serious and fatal accidents have occurred at each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

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

The Commissioner of Police has advised the following:

1. How many times speed cameras have been in operation.

Speed camera deployment Road	Suburb	2004	2003	2002
Festival Drive	Adelaide	0	0	0
Braund Road	Prospect	18	18	4
Braund Road	Fitzroy	0	0	0
Jeffcott Street	North Adelaide	65	26	2
Park Terrace	Bowden	27	33	49
Park Terrace	Medindie	0	27	12
Park Terrace	Ovingham	0	0	1
Park Road	North Adelaide	20	0	0
Park Terrace	North Adelaide	8	3	15
Port Road	Adelaide	34	37	139
Port Road	Bowden	0	0	0
Port Road	Brompton	0	0	0
Port Road	Thebarton	49	43	99
East Terrace	Mile End	0	0	0
Bartels Road	Adelaide	32	20	22
Peacock Road	North Adelaide	64	27	42
King William Street	Adelaide	0	0	0
King William Street	North Adelaide	0	0	0
Hutt Road	Adelaide	30	31	19
Hutt Street	Adelaide	0	0	0
Melbourne Street	North Adelaide	0	0	0

2. Total value of the expiation fees issued.

	2004	2003	2002
EXPIATION FEES	$3 045 822	$2 559 320	$1 393 135

3. Serious and fatal accidents that have occurred.

		2004		2003		2002	
Road	Suburb	Casualty	Fatal	Casualty	Fatal	Casualty	Fatal
Festival Drive	Adelaide	0	0	1	0	1	0
Braund Road	Prospect	0	0	2	0	5	0
Braund Road	Fitzroy	0	0	0	0	0	0
Jeffcott Street	North Adelaide	1	0	5	0	5	0
Park Terrace	Bowden	1	0	4	0	4	0
Park Terrace	Medindie	2	0	1	0	0	0
Park Terrace	Ovingham	0	0	3	0	3	0
Park Road	North Adelaide	0	0	0	0	0	0
Park Terrace	North Adelaide	2	0	1	0	1	0
Port Road	Adelaide	4	0	4	0	2	0
Port Road	Bowden	3	0	2	0	0	0
Port Road	Brompton	2	0	2	0	2	0
Port Road	Thebarton	9	0	11	0	15	0
East Terrace	Mile End	1	1	1	0	1	0
Bartels Road	Adelaide	3	0	3	0	5	0
Peacock Road	North Adelaide	0	0	2	0	0	0
King William Street	Adelaide	11	0	12	0	6	0
King William Street	North Adelaide	32	1	23	0	49	0
Hutt Road	Adelaide	4	0	1	0	0	0
Hutt Street	Adelaide	5	0	11	0	14	0
Melbourne Street	North Adelaide	12	1	6	0	14	0

All speed camera locations are established by SAPOL's Traffic Intelligence Section.

Speed cameras are only deployed at locations assessed by Traffic Intelligence as having a road safety risk for that location or contributing to a road safety risk at another location.

In assessing the 'road safety risk' for a location Traffic Intelligence will consider any or all of the following factors:

- whether the location has a crash history;
- whether the location contributes to crashes in other nearby locations;
- whether the location has been identified by SAPOL Road Safety audits as having a road safety risk;
- where intelligence reports provide information of dangerous driving practices associated with speeding especially speed dangerous;
- whether the physical condition of a location creates a road safety risk. A hill is not regarded as a physical condition.

178. **The Hon. J.M.A. LENSINK:**

1. Can the Minister for Police advise how many times speed cameras have been in operation in:

(a) 2002;
(b) 2003; and
(c) 2004;

for the following locations—

Churchill Road, Kilburn;
Churchill Road, Dry Creek;
Churchill Road, Prospect;
Churchill Road, Ovingham;
Churchill Road, Cavan;
Chief Street, Brompton;
Crittenden Road, Findon;
Torrens Road, Alberton;
Torrens Road, Brompton;
Torrens Road, Cheltenham;
Torrens Road, Croydon;
Torrens Road, Croydon Park;
Torrens Road, Kilkenny;
Torrens Road, Ovingham;
Torrens Road, Pennington;
Torrens Road, Renown Park;
Torrens Road, Rosewater;
Torrens Road, West Croydon;
Torrens Road, Woodville;
Torrens Road, Woodville North;
Torrens Road, Woodville Park;
Military Road, Largs Bay;
Military Road, Largs North;
Military Road, North Haven;
Military Road, Osborne;
Military Road, Taperoo;
Days Road, Croydon Park;
Days Road, Ferryden Park; and
Days Road, Regency Park?

2. What was the total value of expiation fees issued for each of the above-listed locations in:

(a) 2002;
(b) 2003; and
(c) 2004?

3. How many serious and fatal accidents have occurred at each of the above-listed locations in:

(a) 2002;
(b) 2003; and
(c) 2004?

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

The Commissioner of Police has advised the following:

1. How many times speed cameras have been in operation.

ROAD	SUBURB	2004	2003	2002
CHURCHILL RD	KILBURN	35	21	43
CHURCHILL RD	DRY CREEK	26	19	15
CHURCHILL RD	PROSPECT	26	22	14
CHURCHILL RD	OVINGHAM	0	0	4
CHURCHILL RD	CAVAN	2	1	2

CHIEF ST	BROMPTON	41	32	61
CRITTENDEN RD	FINDON	27	33	22
TORRENS RD	ALBERTON	1	0	0
TORRENS RD	BROMPTON	3	14	18
TORRENS RD	CHELTENHAM	7	0	7
TORRENS RD	CROYDON	0	0	0
TORRENS RD	CROYDON PARK	0	1	3
TORRENS RD	KILKENNY	31	18	5
TORRENS RD	OVINGHAM	0	0	1
TORRENS RD	PENNINGTON	0	4	3
TORRENS RD	RENOWN PARK	1	11	18
TORRENS RD	ROSEWATER	0	0	0
TORRENS RD	WEST CROYDON	0	0	7
TORRENS RD	WOODVILLE	6	1	3
TORRENS RD	WOODVILLE NORTH	0	0	11
TORRENS RD	WOODVILLE PARK	0	0	0
MILITARY RD	LARGS BAY	13	9	8
MILITARY RD	LARGS NORTH	13	1	8
MILITARY RD	NORTH HAVEN	0	0	0
MILITARY RD	OSBORNE	0	0	0
MILITARY RD	TAPEROO	0	0	2
DAYS RD	CROYDON PARK	12	1	11
DAYS RD	FERRYDON PARK	1	5	10
DAYS RD	REGENCY PARK	1	0	4

2. Total value of the expiation fees issued.

	2004	2003	2002
EXPIATION FEES	$433 106	$555 487	$825 393

3. Serious and fatal accidents that have occurred.

		2004		2003		2002	
ROAD	SUBURB	Casualty	Fatals	Casualty	Fatals	Casualty	Fatals
CHURCHILL RD	KILBURN	10	0	7	1	9	0
CHURCHILL RD	DRY CREEK	2	0	5	0	5	0
CHURCHILL RD	PROSPECT	7	0	5	0	12	0
CHURCHILL RD	OVINGHAM	0	0	0	0	0	0
CHURCHILL RD	CAVAN	0	0	2	0	2	0
CHIEF ST	BROMPTON	1	0	3	0	1	0
CRITTENDEN RD	FINDON	5	0	7	0	7	0
TORRENS RD	ALBERTON	0	0	1	0	0	0
TORRENS RD	BROMPTON	2	0	2	0	6	0
TORRENS RD	CHELTENHAM	2	0	3	0	2	0
TORRENS RD	CROYDON	2	0	0	0	4	0
TORRENS RD	CROYDON PARK	5	0	2	0	2	0
TORRENS RD	KILKENNY	14	0	13	0	4	1
TORRENS RD	OVINGHAM	2	0	0	0	6	0
TORRENS RD	PENNINGTON	1	0	1	0	1	0
TORRENS RD	RENOWN PARK	8	0	4	0	7	0
TORRENS RD	ROSEWATER	2	0	1	0	0	0
TORRENS RD	WEST CROYDON	4	0	3	0	7	0
TORRENS RD	WOODVILLE	2	**1**	3	0	1	0
TORRENS RD	WOODVILLE NORTH	3	0	0	0	6	0
TORRENS RD	WOODVILLE PARK	0	0	2	0	1	0
MILITARY RD	LARGS BAY	2	0	7	0	6	0
MILITARY RD	LARGS NORTH	0	0	2	0	2	0
MILITARY RD	OSBORNE	0	0	0	0	0	0
MILITARY RD	TAPEROO	0	0	1	0	4	0
DAYS RD	CROYDON PARK	0	0	2	0	4	0
DAYS RD	FERRYDEN PARK	1	0	3	**2**	3	0
DAYS RD	REGENCY PARK	3	0	9	0	2	0

All speed camera locations are established by SAPOL's Traffic Intelligence Section.

Speed cameras are only deployed at locations assessed by Traffic Intelligence as having a road safety risk for that location or contributing to a road safety risk at another location.

In assessing the 'road safety risk' for a location Traffic Intelligence will consider any or all of the following factors:

- whether the location has a crash history;
- whether the location contributes to crashes in other nearby locations;
- whether the location has been identified by SAPOL Road Safety audits as having a road safety risk;
- where intelligence reports provide information of dangerous driving practices associated with speeding especially speed dangerous;
- whether the physical condition of a location creates a road safety risk. A hill is not regarded as a physical condition.

179. The **Hon. J.M.A. LENSINK:**

1. Can the Minister for Police advise how many times speed cameras have been in operation in:
(a) 2002;
(b) 2003; and
(c) 2004;
for the following locations:
Bridgwater-Carey Gully Road, Bridgewater;
Bridgwater-Carey Gully Road, Carey Gully;
Victor Harbor-Goolwa Road, Middleton;
Victor Harbor-Goolwa Road, Goolwa;
Victor Harbor-Goolwa Road, Port Elliot;
Kangarilla Road, McLaren Vale;
Kangarilla Road, McLaren Flat; and
Kangarilla Road, Kangarilla?

2. What was the total value of expiation fees issued for each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

3. How many serious and fatal accidents have occurred at each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

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

The Commissioner of Police advised the following:

1. How many times speed cameras have been in operation.

ROAD	SUBURB	2004	2003	2002
BRIDGEWATER-CAREY GULLY RD	BRIDGEWATER	4	5	8
BRIDGEWATER-CAREY GULLY RD	CAREY GULLY	0	0	0
VICTOR HARBOR-GOOLWA RD	MIDDLETON	3	1	1
VICTOR HARBOR-GOOLWA RD	GOOLWA	4	0	2
VICTOR HARBOR-GOOLWA RD	PORT ELLIOTT	1	1	0
KANGARILLA RD	MCLAREN VALE	16	13	7
KANGARILLA RD	MCLAREN FLAT	4	0	1
KANGARILLA RD	KANGARILLA	1	1	1

2. Total value of the expiation fees issued.

	2004	2003	2002
EXPIATION FEES	$97 474	$84 291	$93 112

3. Serious and fatal accidents that have occurred.

		2004		2003		2002	
Road	Suburb	Casualty	Fatal	Casualty	Fatal	Casualty	Fatal
BRIDGEWATER-CAREY GULLY RD	BRIDGEWATER	4	0	1	0	3	0
BRIDGEWATER-CAREY GULLY RD	CAREY GULLY	0	0	0	0	0	0
VICTOR HARBOR-GOOLWA RD	MIDDLETON	1	0	3	2	3	0
VICTOR HARBOR-GOOLWA RD	GOOLWA	2	0	2	0	0	0
VICTOR HARBOR-GOOLWA RD	PORT ELLIOTT	1	0	0	0	0	0
KANGARILLA RD	MCLAREN VALE	1	0	3	0	1	0
KANGARILLA RD	MCLAREN FLAT	1	0	0	0	2	0
KANGARILLA RD	KANGARILLA	0	0	2	1	1	0

All speed camera locations are established by SAPOL's Traffic Intelligence Section.

Speed cameras are only deployed at locations assessed by Traffic Intelligence as having a road safety risk for that location or contributing to a road safety risk at another location.

In assessing the 'road safety risk' for a location Traffic Intelligence will consider any or all of the following factors:

- whether the location has a crash history;
- whether the location contributes to crashes in other nearby locations;
- whether the location has been identified by SAPOL Road Safety audits as having a road safety risk;
- where intelligence reports provide information of dangerous driving practices associated with speeding especially speed dangerous;
- whether the physical condition of a location creates a road safety risk. A hill is not regarded as a physical condition.

180. **The Hon. J.M.A. LENSINK:**

1. Can the Minister for Police advise how many times speed cameras have been in operation in:
(a) 2002;
(b) 2003; and
(c) 2004;
for the following locations—
Springbank Road, Clapham;
Springbank Road, Torrens Park;
Springbank Road, Colonel Light Gardens;
Fiveash Drive, Pasadena;
Ayliffes Road, St. Marys;

Goodwood Road, Pasadena;
Goodwood Road, Panorama;
Goodwood Road, Daw Park;
Goodwood Road, Colonel Light Gardens;
Daws Road, Daw Park; and
Daws Road, Melrose Park?

2. What was the total value of expiation fees issued for each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

3. How many serious and fatal accidents have occurred at each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

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

The Commissioner of Police has advised the following:

1. How many times speed cameras have been in operation.

ROAD	SUBURB	2004	2003	2002
SPRINGBANK RD	CLAPHAM	0	3	15
SPRINGBANK RD	TORRENS PARK	0	0	0
SPRINGBANK RD	COLONEL LIGHT GARDENS	0	1	4
FIVEASH DR	PASADENA	23	26	30
AYLIFFES RD	ST MARYS	3	0	2
GOODWOOD RD	PASADENA	5	2	8
GOODWOOD RD	PANORAMA	0	0	3
GOODWOOD RD	DAW PARK	7	0	6
GOODWOOD RD	COLONEL LIGHT GARDENS	15	23	20
DAWS RD	DAW PARK	0	12	20
DAWS RD	MELROSE PARK	0	0	0

2. Total value of the expiation fees issued.

	2004	2003	2002
EXPIATION FEES	$129 550	$164 527	$260 407

3. Serious and fatal accidents that have occurred

		2004		2003		2002	
Road	Suburb	Casualty	Fatal	Casualty	Fatal	Casualty	Fatal
SPRINGBANK RD	CLAPHAM	2	0	0	0	3	0
SPRINGBANK RD	TORRENS PARK	3	0	0	0	1	0
SPRINGBANK RD	COLONEL LIGHT GARDENS	3	0	1	0	2	0
FIVEASH DR	PASADENA	3	0	4	0	4	0
AYLIFFES RD	ST MARYS	5	0	2	0	2	0
GOODWOOD RD	PASADENA		0	4	0	2	0
GOODWOOD RD	PANORAMA	2	0	5	0	4	0
GOODWOOD RD	DAW PARK	9	1	15	1	13	0
GOODWOOD RD	COLONEL LIGHT GARDENS	6	0	1	0	9	0
DAWS RD	DAW PARK	2	0	1	0	6	0
DAWS RD	MELROSE PARK	2	0	1	0	6	0

All speed camera locations are established by SAPOL's Traffic Intelligence Section.

Speed cameras are only deployed at locations assessed by Traffic Intelligence as having a road safety risk for that location or contributing to a road safety risk at another location.

In assessing the 'road safety risk' for a location Traffic Intelligence will consider any or all of the following factors:

- whether the location has a crash history;
- whether the location contributes to crashes in other nearby locations;
- whether the location has been identified by SAPOL Road Safety audits as having a road safety risk;
- where intelligence reports provide information of dangerous driving practices associated with speeding especially speed dangerous;
- whether the physical condition of a location creates a road safety risk. A hill is not regarded as a physical condition.

181. **The Hon. J.M.A. LENSINK:**

1. Can the Minister for Police advise how many times speed cameras have been in operation in:
(a) 2002;
(b) 2003; and
(c) 2004;
for the following locations:
OG Road, Felixstow;
OG Road, Klemzig;
OG Road, Marden;
Payneham Road, Glynde;
Payneham Road, Felixstow;
Montacute Road, Athelstone;
Montacute Road, Campbelltown;
Montacute Road, Hectorville;
Montacute Road, Newton;
Montacute Road, Rostrevor;

Grand Junction Road, Hope Valley;
Grand Junction Road, Holden Hill;
Grand Junction Road, Clearview;
Grand Junction Road, Enfield;
Grand Junction Road, Northfield;
Main North Road, Mawson Lakes; and
Main North Road, Blair Athol?

2. What was the total value of expiation fees issued for each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

3. How many serious and fatal accidents have occurred at each of the above-listed locations in:
(a) 2002;
(b) 2003; and
(c) 2004?

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

The Commissioner Police has advised the following:

1. How many times speed cameras have been in operation.

Speed camera deployment

Road	Suburb	2004	2003	2002
OG RD	FELIXSTOW	2	3	4
OG RD	KLEMZIG	15	21	19
OG RD	MARDEN	16	21	18
PAYNEHAM RD	GLYNDE	14	22	33
PAYNEHAM RD	FELIXSTOW	15	14	13
MONTACUTE RD	ATHELSTONE	0	0	2
MONTACUTE RD	CAMPBELLTOWN	0	2	3
MONTACUTE RD	HECTORVILLE	0	0	8
MONTACUTE RD	NEWTON	18	18	17
MONTACUTE RD	ROSTREVOR	0	4	8
GRAND JUNCTION RD	HOPE VALLEY	16	23	14
GRAND JUNCTION RD	HOLDEN HILL	5	9	12
GRAND JUNCTION RD	CLEARVIEW	0	0	0
GRAND JUNCTION RD	ENFIELD	6	0	1
GRAND JUNCTION RD	NORTHFIELD	0	2	0
MAIN NORTH RD	MAWSON LAKES	16	10	14
MAIN NORTH RD	BLAIR ATHOL	53	53	96

	2004	2003	2002
EXPIATION FEES	$260 407	$480 137	$806 834

3. Serious and fatal accidents that have occurred.

		2004		2003		2002	
Road	Suburb	Casualty	Fatal	Casualty	Fatal	Casualty	Fatal
O G RD	FELIXSTOW	0	0	0	0	1	0
O G RD	KLEMZIG	9	0	6	0	4	0
O G RD	MARDEN	0	0	2	0	0	0
PAYNEHAM RD	GLYNDE	9	0	10	0	12	0
PAYNEHAM RD	FELIXSTOW	5	0	5	0	9	0
MONTACUTE RD	ATHELSTONE	1	0	3	0	0	0
MONTACUTE RD	CAMPBELLTOWN	6	0	1	0	1	0
MONTACUTE RD	HECTORVILLE	5	0	3	0	6	0
MONTACUTE RD	NEWTON	0	0	4	1	4	0
MONTACUTE RD	ROSTREVOR	0	0	3	0	3	0
GRAND JUNCTION RD	HOPE VALLEY	14	0	11	0	11	0
GRAND JUNCTION RD	HOLDEN HILL	6	0	1	0	8	0
GRAND JUNCTION RD	CLEARVIEW	2	0	1	0	0	0
GRAND JUNCTION RD	ENFIELD	5	0	4	0	3	0
GRAND JUNCTION RD	NORTHFIELD	7	0	9	0	14	0
MAIN NORTH RD	MAWSON LAKES	4	0	0	0	0	0
MAIN NORTH RD	BLAIR ATHOL	14	0	14	0	9	0

All speed camera locations are established by SAPOL's Traffic Intelligence Section.

Speed cameras are only deployed at locations assessed by Traffic Intelligence as having a road safety risk for that location or contributing to a road safety risk at another location.

In assessing the 'road safety risk' for a location Traffic Intelligence will consider any or all of the following factors:

- whether the location has a crash history;
- whether the location contributes to crashes in other nearby locations;
- whether the location has been identified by SAPOL Road Safety audits as having a road safety risk;

- where intelligence reports provide information of dangerous driving practices associated with speeding especially speed dangerous;
- whether the physical condition of a location creates a road safety risk. A hill is not regarded as a physical condition.

182. **The Hon. J.M.A. LENSINK:**

1. Can the Minister for Police advise how many times speed cameras have been in operation in:

(a) 2002;

(b) 2003; and

(c) 2004;

for the following locations—

North East Road, Valley View;
North East Road, Holden Hill;
North East Road, Modbury;
Lower North East Road, Highbury;
Lower North East Road, Dernancourt;
Lower North East Road, Hope Valley;
The Golden Way, Golden Grove;
The Golden Way, Greenwith;
The Golden Way, Modbury Heights;
The Golden Way, Wynn Vale;
Target Hill Road, Greenwith;
Target Hill Road, Salisbury Heights;
Grenfell Road, Banksia Park;
Grenfell Road, Fairview Heights;
Grenfell Road, Modbury Heights;
Grenfell Road, Redwood Park;
Grenfell Road, Surrey Downs;
Grenfell Road, Wynn Vale;
Golden Grove Road, Golden Grove;
Golden Grove Road, Surrey Downs;
Golden Grove Road, Greenwith;
Golden Grove Road, Ridgehaven; and
Golden Grove Road, Modbury North?

2. What was the total value of expiation fees issued for each of the above-listed locations in:

(a) 2002;

(b) 2003; and

(c) 2004?

3. How many serious and fatal accidents have occurred at each of the above-listed locations in—

(a) 2002;

(b) 2003; and

(c) 2004?

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

The Commissioner of Police has advised the following:

1. How many times speed cameras have been in operation.

ROAD	SUBURB	2004	2003	2002
NORTH EAST RD	VALLEY VIEW	1	15	6
NORTH EAST RD	HOLDEN HILL	8	8	9
NORTH EAST RD	MODBURY	5	13	8
LOWER NORTH EAST RD	HIGHBURY	3	2	3
LOWER NORTH EAST RD	DERNACOURT	8	13	27
LOWER NORTH EAST RD	HOPE VALLEY	0	0	0
THE GOLDEN WAY	GOLDEN GROVE	0	3	0
THE GOLDEN WAY	GREEENWITH	0	0	0
THE GOLDEN WAY	MODBURY HEIGHTS	0	1	0
THE GOLDEN WAY	WYNN VALE	1	1	1
TARGET HILL RD	GREEENWITH	0	0	0
TARGET HILL RD	SALISBURY HEIGHTS	1	2	5
GRENFELL RD	BANKSIA PARK	7	1	1
GRENFELL RD	FAIRVIEW HEIGHTS	0	0	0
GRENFELL RD	MODBURY HEIGHTS	0	0	0
GRENFELL RD	REDWOOD PARK	0	0	4
GRENFELL RD	SURREY DOWNS	10	13	19
GRENFELL RD	WYNN VALE	0	0	0
GOLDEN GROVE RD	GOLDEN GROVE	1	3	2
GOLDEN GROVE RD	SURREY DOWNS	0	0	2
GOLDEN GROVE RD	GREEENWITH	0	0	0
GOLDEN GROVE RD	RIDGEHAVEN	0	0	0
GOLDEN GROVE RD	MODBURY NORTH	0	0	0

2. Total value of the expiation fees issued.

	2004	2003	2002
EXPIATION FEES	$96 612	$200 791	$278 948

3. Serious and fatal accidents that have occurred.

		2004		2003		2002	
Road	Suburb	Casualty	Fatal	Casualty	Fatal	Casualty	Fatal
NORTH EAST RD	VALLEY VIEW	0	0	0	0	0	0
NORTH EAST RD	HOLDEN HILL	1	0	0	0	0	0
NORTH EAST RD	MODBURY	1	0	0	0	0	0
LOWER NORTH EAST RD	HIGHBURY	1	0	0	0	0	0

LOWER NORTH EAST RD	DERNACOURT	1	0	0	0	0	0
LOWER NORTH EAST RD	HOPE VALLEY	0	0	0	0	0	0
THE GOLDEN WAY	GOLDEN GROVE	22	0	20	0	24	0
THE GOLDEN WAY	GREEENWITH	0	0	0	0	2	0
THE GOLDEN WAY	MODBURY HEIGHTS	2	0	2	0	5	0
THE GOLDEN WAY	WYNN VALE	6	0	11	0	7	0
TARGET HILL RD	GREEENWITH	3	0	1	0	2	0
TARGET HILL RD	SALISBURY HEIGHTS	2	0	1	0	4	0
GRENFELL RD	BANKSIA PARK	1	0	0	0	0	0
GRENFELL RD	FAIRVIEW HEIGHTS	0	0	1	0	1	0
GRENFELL RD	MODBURY HEIGHTS	1	0	1	0	1	0
GRENFELL RD	REDWOOD PARK	2	0	2	0	2	0
GRENFELL RD	SURREY DOWNS	1	0	5	0	2	0
GRENFELL RD	WYNN VALE	6	0	1	0	1	0
GOLDEN GROVE RD	GOLDEN GROVE	6	0	4	0	3	0
GOLDEN GROVE RD	SURREY DOWNS	3	0	3	0	2	0
GOLDEN GROVE RD	GREEENWITH	2	0	2	0	0	0
GOLDEN GROVE RD	RIDGEHAVEN	9	0	5	0	1	0
GOLDEN GROVE RD	MODBURY NORTH	3	0	4	0	3	0

All speed camera locations are established by SAPOL's Traffic Intelligence Section.

Speed cameras are only deployed at locations assessed by Traffic Intelligence as having a road safety risk for that location or contributing to a road safety risk at another location.

In assessing the 'road safety risk' for a location Traffic Intelligence will consider any or all of the following factors:

- whether the location has a crash history;
- whether the location contributes to crashes in other nearby locations;
- whether the location has been identified by SAPOL Road Safety audits as having a road safety risk;
- where intelligence reports provide information of dangerous driving practices associated with speeding especially speed dangerous;
- whether the physical condition of a location creates a road safety risk. A hill is not regarded as a physical condition.

SEAFORD MEADOWS

196. **The Hon. SANDRA KANCK:**

1. In the Land Management Corporation's release of land at Seaford Meadows for residential development, has any land been set aside for a dedicated transport corridor?

2. If not, why not?

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

Land has been provided along the eastern boundary of the Seaford Meadows residential land, to accommodate a future transport corridor. It is currently identified on the Structure Plan for the area contained within the City of Onkaparinga's Development Plan.

PAPERS TABLED

The following papers were laid on the table:

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

Super SA—Insurance Review—Report
Regulations under the following Acts—
Australian Energy Market Commission Establishment Act 2004—Annual Reports
Emergency Services Funding Act 1998—Land Remissions
Security and Investigation Agents Act 1995—Additional Fee Increases
Rules of Court—
Supreme Court—Supreme Court Act 1935—E-filing
Emergency Services Act 1998—Emergency Services Funding (Declaration of Levy and Area and Land use Factors) Notice 2005
Emergency Services Act 1998—Emergency Services Funding (Declaration of Levy for Vehicles and Vessels) Notice 2005

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Regulation under the following Act—
Petroleum (Submerged lands) Act 1982—General

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

Regulation under the following Act—
Development Act 1993—Osborne Maritime Policy Area

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

Aboriginal Lands Trust—Report, 2003-04
Independent Gambling Authority—
Inquiry into Effectiveness of Gambling Rehabilitation Programs Report
Inquiry into Smartcard Technology Report
Regulations under the following Acts—
Daylight Saving Act 1971—Summer Time
Liquor Licensing Act 1997—Port Pirie Dry Zone
Natural Resources Land Management Act 2004—
Financial Provisions
General
Statutes—Various—Variation and Revocation (Natural Resources Management)

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

Gene Technology Activities in 2004—Report.

DIRECTOR OF PUBLIC PROSECUTIONS

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

SMARTCARD TECHNOLOGY AND GAMBLING REHABILITATION PROGRAMS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement in relation to the Inquiry into Smartcard Technology and the Inquiry into Effectiveness of Gambling Rehabilitation Programs made earlier today in another place by the Minister for Gambling (Hon. M.J. Wright).

SOCIAL DEVELOPMENT COMMITTEE

The Hon. G.E. GAGO: I bring up the report of the committee on an inquiry into multiple chemical sensitivity.

Report received and ordered to be published.

QUESTION TIME

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

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

Leave granted.

The Hon. R.I. LUCAS: Last Friday the Leader of the Government gave an interview to morning ABC Radio, and in the transcript of the interview provided by the government's own media monitors the leader was asked a question by Mr Bevan in the following terms:

> But hang on, you don't know that. How can you know that. . . if you haven't had Nick Alexandrides' explanation?. . . if you haven't had a chance to question him about this?

The leader is quoted as follows:

> As I said, I'm waiting. . . as soon as the parliament rises, and it's up today—

so this was last Friday—

> I'm waiting for the first opportunity where I can get his explanation. At this stage all I've had is one side of the story. I'll get the other side of the story officially. I've had the unofficial version. I want the official version. . . then I'll respond.

My questions are:

1. Has he had that opportunity, as he outlined to ABC Radio, to meet with Mr Alexandrides and get the official version?

2. Who provided the unofficial version to the Leader of the Government in relation to this particular issue?

3. What has been the Leader of the Government's response, which he promised ABC Radio last Friday?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): As I indicated yesterday, I had spoken to Mr Alexandrides—

The Hon. R.I. Lucas: On Friday?

The Hon. P. HOLLOWAY: No; I spoke to him earlier than that; it would have been after the Premier's return. I spoke to the DPP I think on 22 June. I spoke to the Premier on his return on Friday 24, so it would have been the weekend, 25 and 26 June, to inform him that I would be discussing the matters with him and would be formally writing to him later that week requesting his response to the matters that had been raised within the submission, and that was subsequently put to him. I have had a conversation with Mr Alexandrides, but I wanted a more formal response to the matter that was raised.

Since that time, to the full extent, the request from the DPP has been overtaken by events. Subsequently the DPP himself made a press statement after that morning interview, and the Premier has announced that in future all contact with the DPP's office will be in writing. So, to that extent the matter raised by the DPP, the essential issue of which was the point of contact between the Office of the Director of Public Prosecutions and the Office of the Premier, has essentially been resolved. However, I will wait for the formal response from Mr Alexandrides. He is entitled to make one, as a point of natural justice.

In due course I will respond to the DPP, but essentially the matter has already been overtaken by events, because the action he requested has been addressed fully and properly by the decision of the Premier that in the future all communication will be undertaken in writing. So, that effectively addresses the request that was made of me by the DPP. I wish the Leader of the Opposition would cease making the accusations he is making against me. It is totally unparliamentary and wrong. Why can't this man listen in silence? Why does he have to try to misrepresent people and put words in their mouth? If he asks these questions, why can't he listen in silence?

The Hon. R.I. Lucas: Pinocchio!

The Hon. P. HOLLOWAY: On a point of order, Mr President; I want that comment withdrawn.

The PRESIDENT: Which comment and from whom?

The Hon. P. HOLLOWAY: I am not going to repeat it; you withdraw it.

The Hon. R.I. Lucas: I'm not withdrawing anything.

The Hon. P. HOLLOWAY: We have seen in the past where *The Advertiser* seems to be able to get all these comments made by the opposition, even though they do not appear in *Hansard*. I am sick of this disgusting behaviour where people make allegations which get picked up, yet they do not appear in *Hansard*. I presume that, if these comments do not appear in *Hansard*, they are actionable. Perhaps I should pursue my concerns in that way.

The PRESIDENT: I have observed myself that a number of interjections have been made, some of which have been in quite unparliamentary terms, and they have not been reported in *Hansard* but have appeared on a regular basis in the local media. The point that the leader makes is that, if people want to pursue those matters in another forum, that is up to them. All honourable members know the level of decorum that is required in the council and, just because I do not hear it, it does not make it any less unparliamentary. However, I cannot rule on something I did not hear. I did not hear the comments made by the Leader of the Opposition so, while there may be a point of order, it is not enforceable.

The Hon. R.I. Lucas: I think he might have been expressing concern about my referring to him earlier as a certain wooden little boy.

The PRESIDENT: The honourable member should put his supplementary question if he has one.

The Hon. P. HOLLOWAY: I rise on a point of order, sir. The Leader of the Opposition has again been offensive in his

comment, and I ask that he withdraw. This is intolerable behaviour by these people. There are either standards in this council or there are not, and they should be the same for everyone.

The Hon. R.I. LUCAS: I will not withdraw a comparison of the leader with a certain wooden little boy. I have a supplementary question, Mr President.

The PRESIDENT: No, there is no supplementary question—I am sitting you down. Standing order 193 provides:

> Use of objectionable or offensive words shall be considered highly disorderly. No injurious reflection shall be permitted upon any member of the parliament.

The Hon. R.I. LUCAS: On a point of order, sir, what are you ruling unparliamentary?

The PRESIDENT: Under standing order 193, 'objectionable or offensive words' and 'injurious reflections' are not permitted unless by specific charge or substantive motion.

The Hon. R.I. LUCAS: Yes, but which words are you ruling unparliamentary?

The PRESIDENT: They are objectionable and offensive—

The Hon. R.I. LUCAS: Which words, Mr President?

The PRESIDENT: The words you used.

The Hon. R.I. LUCAS: Which words?

The PRESIDENT: Don't play games.

The Hon. R.I. LUCAS: On a point of order, I am seeking from you, Mr President, your ruling. Which words have you ruled to be unparliamentary?

The PRESIDENT: The words you used.

The Hon. R.I. LUCAS: Wooden little boy?

The PRESIDENT: That will do.

The Hon. R.I. LUCAS: That is outrageous.

The PRESIDENT: Resume your seat. The deputy leader has the call.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question on the subject of communications from the DPP.

Leave granted.

The Hon. R.D. LAWSON: The minister said yesterday, in response to a question from the Leader of the Opposition in this place, that on 9 June, when she received an envelope from the Director of Public Prosecutions, that 'it had been opened in accordance with office instructions for correspondence'. My questions are:

1. To which office instructions was she referring?
2. Has the minister herself seen these office instructions?
3. If she was relying on some other person in making that statement, who told her that the envelope had been opened in accordance with office instructions?
4. In connection with her duties as delegate minister for minister Holloway in connection with the Ashbourne trial, to which department did she look for administrative or other support?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thought I had adequately responded to that question yesterday. The protocol was obviously that of the Attorney-General's Department. As former ministers, both of you—the person who asked the question yesterday and yourself—should know that there are protocols in place. They are probably in place for the reason that security issues are to be considered. A lot of correspondence delivered to ministers' offices is private and confidential and is marked that way, and there are protocols in place in different offices. What else were you asking?

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: I don't have to answer to you—you're sitting down.

The Hon. R.D. LAWSON: The letter related to the office instructions to which the minister herself was referring yesterday. Is she now confirming that these are the protocols of the Attorney-General's Department? I also sought information relating to the minister being the delegate minister and, in that regard, to which department or ministerial office did she look for support?

The Hon. CARMEL ZOLLO: Again, I explained that yesterday. Clearly you have not looked at the response. I looked to the CE of Justice.

FISHERIES, LICENCES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question on fishing licences.

Leave granted.

The Hon. CAROLINE SCHAEFER: During the budget process, the minister announced an extension of over double the original amount offered to $12 million to buy back marine scale licences, and he also announced that, as a result of the number of applicants to take advantage of that buy-back, he was unable to give us any details as to which bays would be closed to commercial fishing, which bays would be closed to net fishing and in what order or whether they would all be closed on the one day.

This is causing a great deal of concern to both recreational and professional fishers. The remaining professional fishers are unable to plan their future, while the recreational fishers are anecdotally reporting a plethora of net fishing in the bays which, it is assumed, will not be closed. Therefore, as I predicted in a grievance debate in this place, what is happening is that the effort is shifting and being concentrated in small areas. I have been approached by the member for Flinders (Liz Penfold) with regard to the Franklin Harbor area where, anecdotally at least, there is more net fishing proceeding than perhaps ever before. My questions are:

1. When will the minister announce the location of and the time frame for the closure of bays?
2. Is the minister considering zoning the remaining marine scale fishery licence holders to specific areas; and, if so, when will he make a statement on this matter?

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

COUNTRY FIRE SERVICE

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the redevelopment of the CFS Australasian Incident Reporting System (AIRS).

Leave granted.

The Hon. G.E. GAGO: I am aware that the CFS has a requirement to provide reports regarding emergency incidents to state stakeholders and also to report to the National

Productivity Council. Will the minister advise what redevelopment of the CFS AIRS database has been implemented to enhance CFS operational requirements to meet state and federal reporting requirements?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): The CFS Australasian Incident Reporting System (AIRS) database is an access system which has been operational since 1997. The database is limited in its reporting capability and its portability for CFS operational use and does not have appropriate system security and data integrity to ensure the validity of the data. The current CFS database has grown and changed in an ad hoc manner over a number of years. The CFS now has a requirement to provide reports regarding emergency incidents to state stakeholders such as Justice and myself as the Minister for Emergency Services. In addition, there is a requirement for all emergency service organisations to provide reporting to the National Productivity Commission. Other major stakeholders include AFAC, which provides input into the national AIRS database.

The redevelopment project has the following objectives: transfer of the existing access database into the structured query language (SQL) database to ensure appropriate security, portability and reporting of data within the system; increased functionality within the system to include additional fields as identified through CFS consultation; and interface with the CFS training system (TAS) to source volunteer data. Business benefits of the redevelopment will include: increased functionality within the system to allow greater efficiency in the collection of data based on significant consultation with CFS management regarding business need; scalability of the system to allow further improvements and enhancements as required by the business; availability of the system and data to all CFS regions and volunteers; the first practical example of integral information management with the interface to the CFS training scheme (TAS) and the future interface to the CFS asset management system and online operational forms; and alignment in AIRS database infrastructure for CFS and SAMFS which will allow future opportunity for more consistent reporting within the sector.

The current systems development work now scoped and agreed between the CFS and the Information Management Services Branch (IMS) of ESAU commenced in the week beginning 4 April 2005. On 1 July 2005 the CFS commenced using the redeveloped database designed in collaboration with IMS (ESAU). However, the volunteers will continue to use the current forms. This means that the new data fields will not be populated. However, these fields will be populated when the appropriate training manuals, user guides and training sessions can be developed and delivered to all volunteers across the state. Populating these fields will then commence on 1 October 2005, which will mean that the complete redeveloped AIRS system will be utilised as of 1 October 2005.

SEXUAL ASSAULT

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Police, a question about sexual assaults.

Leave granted.

The Hon. SANDRA KANCK: It has been reported in the media that there has been an increased number of sexual assaults on women concentrated in the Le Fevre Peninsula and Salisbury areas in recent months. This is of particular concern when it appears that there may be common factors in the crimes being committed. My questions are:

1. Has a specific police operation been launched to bring the perpetrators of these crimes to justice, and what additional police resources have been put into patrols in the areas concerned as a consequence?

2. Have police questioned people loitering alone or in groups in parks near public transport points or other places where such attacks have occurred?

3. Have police directed public awareness campaigns at women who are alone or in groups in parks near public transport points or other places where such attacks have occurred?

4. Can the minister assure members of the public that sufficient resources have been brought in and that all that can be done is being done to bring those who have committed these offences to justice?

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

GAMING MACHINES, ADVERTISING CAMPAIGN

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Gambling, questions in relation to the government's advertising campaign and related matters with respect to the reduction in poker machines and poker machine losses.

Leave granted.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: Is the member working with the government now? In recent days a press advertising campaign has been conducted with respect to the reduction in the number of poker machines. The advertisement headed 'Over 2 000 poker machines have just played their last hand' states in part:

> From July 1 there will be 2 195 fewer gaming machines for use in South Australia. This is the result of legislation passed earlier in the year and it's the first time in the state's history that gambling activity has been reduced. We wanted to address the issue of problem gambling without restricting the rights of those who gamble responsibility.

Budget Paper 3 for the 2005-06 budget states at page 3.16, table 3.13, that taxes from gaming machines are budgeted for this financial year at $307.4 million, with taxes for the 2006-07 year estimated to jump to $328.2 million. The budget papers also state:

> Estimates at the time of the 2004-05 budget assumed growth in net gambling revenue (NGR) from gaming machines of 6.0 per cent in 2004-05. NGR growth in 2004-05 is now expected to be around 5 per cent. This lower than expected growth appears to be at least partially influenced by a reduction in patronage following the introduction on 6 December 2004 of the first stage of smoking bans in hospitality venues (across both bars and gaming rooms) and possibly from unseasonally mild weather conditions.

The budget papers further state:

> In 2005-06, gaming machine NGR is forecast to grow by 3.0 per cent reflecting the lower growth experienced in the latter months of 2004-05, an expected softening in consumer spending and the impact of harm minimisation measures such as changes to industry codes of practice and progress to build community awareness of problem gambling.

The budget papers go on to state that the total smoking bans in gambling venues, which are to come into force on 31 October 2007, will lead in a full year to a 15 per cent reduction in gaming machine NGR. My questions are:

1. On what basis does the government assert, in its advertising campaign, that there will be a reduction in gambling activity? Given that the budget papers appear to contradict that, does the government have any further information that would shed further light in respect of the difference between that assertion and what is contained in the budget papers?

2. How much is being spent on this particular campaign? How does that compare with money being spent to advertise the government's family protection orders legislation, which I strongly supported because it is a worthy initiative? What is the difference in expenditure between those two campaigns, given that the family protection orders are an initiative that is supposed to help families, but it appears that very few families are aware of them?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to my colleagues. I think that one is probably in the province of the Treasurer and the other is probably in the province of the Minister for Gambling. Whoever is responsible, I will seek a response and bring it back to the parliament.

The Hon. A.J. REDFORD: I have a supplementary question. Will the government refer the advertising to the appropriate federal watchdog to ensure that this advertising campaign is neither misleading nor deceptive?

The Hon. P. HOLLOWAY: No, Mr President.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. The tagline to the commercial says something like 'together, we will build a better South Australia'. Can the minister outline whether or not there is an edict which requires all government advertising to use this particular tagline between now and the next election?

The Hon. P. HOLLOWAY: I will take that question on notice and bring back a reply.

INDUSTRIAL RELATIONS

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Emergency Services questions about industrial protests.

Leave granted.

The Hon. A.J. REDFORD: Last Thursday, a number of workers took part in protests against proposed federal government legislation relating to industrial relations. That is a right which I support—to take part in protests or, indeed, industrial action—however, not in this case. No doubt, Mr President, you took part in similar industrial action and, no doubt, when you took time off work, you lost pay for the period you took off from work, just as is happening today with our school teachers. Alas, the edict in George Orwell's *Animal Farm* that all animals are equal, but some are more equal than others, is alive and well in South Australia in that some public servants—

The Hon. P. HOLLOWAY: On a point of order: that is clearly unparliamentary. It is clearly not a question. What George Orwell wrote in *Animal Farm* really has nothing to do with any question. It could not possibly be in any way parliamentary.

The PRESIDENT: It is argument, opinion and hypothetical. Please continue, the Hon. Mr Redford, but you should take cognisance of standing order 109.

The Hon. A.J. REDFORD: We don't all want to be as colourless as he is. That is because—

The PRESIDENT: I will withdraw leave if you keep it up.

The Hon. A.J. REDFORD: That is because some public servants—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Redford has the call.

The Hon. A.J. REDFORD: —were given time off on full pay, unlike the teachers, to attend such a rally, according to my information. I have also been informed that two fire appliances took part in the rally outside the offices of Senator Vanstone, presumably driven by fire service personnel. Schedule 2 of the South Australian Metropolitan Fire Service Act, clause (i) states:

> An officer or a fire fighter—
> (i) must not, without proper excuse, use property belonging to the Corporation for an unauthorised purpose;

A breach of that clause may lead to a charge of misconduct for a breach of the code, leading to a potential range of offences and sanctions including dismissal. I remember, before being elected here, prosecuting SAMFS officers who used a truck and crew to clean out stalls where an officer's cattle were kept at the Royal Show, and the ruling was that the diversion of the scarce resource of a fire appliance put property and lives at risk. In that case, the officers were severely disciplined, even though the single appliance could have attended an incident quickly, unlike the hemmed in appliances at the protest meeting. Yesterday the Minister for Industrial Relations in another place said that public servants attending the rally 'did so in their own time.' My questions are:

1. Did the officers who operated the appliances attend the protest rally in their own time or on the public pay?

2. Was the minister aware that fire appliances were used at the rally, and was prior permission granted for that use?

3. If permission was granted, who granted it and was the minister informed of that approval either before or after it was granted?

4. If permission was not granted to use the appliances, will disciplinary action be taken; if not, why not?

5. If permission was granted, was public safety compromised by such approval?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. We live in a democracy and individuals are able to attend any rallies—

The Hon. A.J. Redford: Don't forget the rule of law.

The Hon. CARMEL ZOLLO: And the rule of law. They are able to attend rallies on their own time, in lunch breaks or using flexitime. However, I am advised that on this occasion no authorised paid leave was granted to attend the rally. All I can say to the honourable member is that, if any unauthorised use of time or taxpayer-funded equipment has occurred, I will ask the agency involved to look into it. It is an operational matter and I am sure that it will be dealt with in an appropriate manner.

The Hon. A.J. REDFORD: I have a supplementary question. If no leave was granted to attend the rally, can I assume that the use of those fire appliances was in breach of the code of conduct?

Members interjecting:

The PRESIDENT: It is not out of order.

The Hon. CARMEL ZOLLO: As I said, it is really an operational matter and I have complete faith in the Chief

Officer of the South Australian Metropolitan Fire Service to deal with it in the appropriate way.

The Hon. A.J. REDFORD: I do have a supplementary question. Is the minister refusing to answer? What is she doing?

The Hon. CARMEL ZOLLO: You asked a question. I will go to the Chief Officer of the South Australian Metropolitan Fire Service to get a briefing and to ensure that the matter is appropriately handled.

The Hon. A.J. REDFORD: I have a further supplementary question. Given the minister's answer, can I assume that she had no prior knowledge of the use of fire appliances at the protest rally?

The Hon. CARMEL ZOLLO: I did not go to the rally at all, so I am not aware of who was or was not there.

HOUSING, AFFORDABILITY

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question regarding home affordability.

Leave granted.

The Hon. J.M.A. LENSINK: In the *Sunday Mail* of 19 June an article entitled 'Only 5 take up Cheap Home Loans' reported on the government's relatively lauded program the Family Assistance Scheme, which is run by HomeStart Finance and which allows parents to take out a loan to put towards property bought by their children.

The article states:

> A state government scheme to provide cheap home loans for first home buyers has signed up just five customers since its launch almost six months ago. The multi-million dollar scheme remains virtually unknown among welfare agency financial counsellors and the real estate industry. Even brokers who sell the state government funded loan admit it is more expensive than similar commercial bank loans. 'It sounds like a good scheme to help first home buyers get into the increasingly expensive real estate market but I hadn't heard of it before', Real Estate Institute of SA president Robin Turner said. Financial counsellors with welfare groups, Anglicare and Uniting Care Wesley, also had not heard of Family Assist. 'I think many other people are not aware of it', Anglicare spokesman Peter Bleby said.

In the state housing plan, I note that the government has set a target of 10 per cent affordable housing. My questions for the minister are:

1. How is this program contributing to improving home affordability when these organisations in the market do not even know about it?

2. What has the government done to promote it among these organisations, and what is it planning to do?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to my colleague the Minister for Families and Communities and also to the Minister for Housing and bring back a reply.

PLAN AMENDMENT REPORTS

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding Plan Amendment Report processes, or PARs as they are referred to.

Leave granted.

The Hon. J. GAZZOLA: I understand that PARs are an area of joint responsibility between local government and state government and are sometimes the subject of strong criticism relating to the time it takes for these processes to be completed. While it is recognised that PARs are often complex in nature and require several statutory steps to be undertaken, including a two-month public consultation period, it would seem that there is still room for improving time frames. My question is: can the minister advise members what results the government has been able to achieve with respect to reducing time frames for Plan Amendment Processes?

The Hon. P. HOLLOWAY (Minister for Urban development and Planning): I thank the honourable member for his question. I am pleased to report that both state and local government have been working collaboratively in recent times to reduce the PAR time frames. The two key areas of improvement have been the establishment of better communication practices, especially between councils and Planning SA, as well as the establishment of better monitoring and process management systems.

There has also been a focus on improving the work practices of Planning SA and the other state government agencies that have a role in commenting on PARs. Planning SA's monitoring system is showing a medium time frame improvement of five months for all council PARs. That is down from 26 months in the 2002-03 and the 2003-04 financial years to 21 months in the 2004-05 period. Not only does this mean that we achieved a five-month improvement in the median frame for PARs but at the same time the total number of council PARs that have been approved increased from 25 in 2003-04 to 43 in 2004-05.

While a five-month time saving combined with an almost doubled workload is commendable, the government wants to see further improvement. The goal is to achieve an 18-month median for PARs with no PAR duration, regardless of complexity, exceeding two years. Planning SA has advised that an analysis of 30 council PAR preparation and processing timelines for three years indicates that in this time these PARs were on average 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. It is intended that the emphasis for PAR time improvements in the 2005-06 financial year will be to work with councils to ensure that PAR processes are better managed and time delays are avoided.

At this point, I would like to mention the contribution made by my predecessor the Hon. Trish White as the initiator of some of the practices that are already resulting in improved time frames. I know that my colleague the Hon. Trish White personally took responsibility to write to all mayors and chairpersons to clarify with them the status of all council PAR processes and offer any assistance to deal with unresolved issues. I understand that this action alone resolved several outstanding issues and meant that a number of PARs were either finalised as a priority or others that had been in limbo for some time were actually withdrawn from the system by councils.

I am advised that one of the lessons demonstrated through this exercise was that in many cases it is often a third party, usually a consultant, who is responsible for delays in the process. In such cases, it would seem that the elected members and even council staff are often under the impression that a PAR is 'with the minister' when, in fact, it is still being finalised by the consultant and has not yet reached the minister. In order to address some of these simple communication issues, Planning SA is working on improving systems

to ensure that it monitors PARs at every step in the process with a system in place to follow up the status of overdue PARs with councils. Planning SA is also working with councils to assist in clarifying the status of old PAR processes that have not had any significant progress, with the aim of either withdrawing or finalising the PAR.

Not only is Planning SA improving its work practices in relation to PAR processing and monitoring but, also, at the same time, it is working with other government agencies responsible for commenting on PAR processes to ensure timely responses. It is also working to assist councils and government agencies to come together to resolve policy issues early in the PAR process. This effort to improve PAR time frames will continue and will be supported by initiatives such as the Sustainable Development Bill. That is, of course, assuming that it can pass in either its original form—

The Hon. Kate Reynolds interjecting:

The Hon. P. HOLLOWAY: I would have thought the Hon. Kate Reynolds would be the last person to complain about the length of questions—the very last person. Fair go—after some of the explanations that she has put. She might not be interested in the PAR process, but there are many people in the state who are interested. This is one of the reasons that it is so important to ensure that debate on the bill will result in a carefully considered package of legislative changes that can make our planning and development system the best in the nation. Other non-legislative initiatives specifically aimed at improving the quality and timing of PARs—

Members interjecting:

The Hon. P. HOLLOWAY: Are you quite finished? Can I move on now? Have you totally finished? Those initiatives include the better development plan programs and introduction of an electronic web-based approach for the preparation and lodgment of plan amendment reports are currently being investigated and developed within Planning SA. I hope to be able to update the member and other members of the council on this work in progress at a later date.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am very grateful for the honourable member's comments and I am pleased that people such as the Leader of the Opposition and the Hon. Angus Redford are really keen. This is the man who told us during debate the other day that he wanted the world's best planning system but, of course, he wanted the Liberal candidate for Norwood, I think, to preside over it. Mr President, can you see the two being compatible? On the one hand is the political interests of the Liberal member for Unley, then he talks about a world's best planning system. He is such a joke that you would die laughing. The Liberal opposition is a complete joke.

Members interjecting:

The Hon. J.M.A. LENSINK: I rise on a point of order, Mr President. The Leader of the Government called our leader a joke. I ask him to withdraw the comment.

The Hon. P. HOLLOWAY: Mr President, I will withdraw it because what he is doing to this state is really not very funny—it is not funny at all.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Given the statements the leader has just made in answer to that question, can he indicate why he has now pulled the sustainable development bill and is refusing to progress any consideration of the legislation by the Legislative Council this week, when he indicated at the start of this week that it was one of the priorities for the government this week?

The Hon. P. HOLLOWAY: If it is in order under the standing orders, I would be happy to do so. The Leader of the Opposition obviously was not listening—

The PRESIDENT: It was not relevant to your first answer but it was relevant to your addendum.

The Hon. P. HOLLOWAY: He was not listening yesterday, but he should know that a number of amendments were tabled at the last minute by the opposition and other parties, on top of the 17 pages that they had previously. Of course, those opposition amendments, if carried, will totally destroy the whole purpose of the bill. I indicated yesterday that I would be happy, rather than have the debate on the planning bill in the current environment (and we have seen what it is like today), to have some sensible negotiations during the break so that we can come up with a bill that this state deserves, because planning is very important. A good development act is crucial to the development of this state. On the one hand, it has to balance all the issues in relation to heritage and protecting the neighbourhood character that makes our city so attractive.

At the same time we have to speed up processes so that development can take place. It took a long time, largely thanks to my predecessors for developing a bill that did that. I introduced that two months ago. It had first been put out for discussion over two years ago. I had it out there for at least the two or three months it took for the opposition to find its view. It finally dropped the amendments on the government, along with a lot of others, on Monday of this week—yesterday. That is no time to consider them. If it took the opposition two or three months to consider its view on the bill then I think I need a little more than two or three days to respond properly to amendments which would wreck the bill. I would hope that members of the opposition—

The Hon. CAROLINE SCHAEFER: I rise on a point of order, sir. The minister has accused me of putting amendments on the *Notice Paper* yesterday. The last of my amendments went in on Thursday, and I ask him to withdraw.

The PRESIDENT: There is no point of order.

The Hon. P. HOLLOWAY: I first saw them on this table yesterday. What time the honourable member delivered them is a matter for her, but I did not see them until they were here. They were delivered yesterday. I do not know whose fault it was, but it certainly was not mine. This debate—what is happening here now—shows how serious members opposite are about considering any sensible piece of government legislation. This state deserves better. The only way we will improve conditions in this state is by getting better laws, and they will not come with the sort of political tactics we have seen opposite.

That bill was out nearly two years ago; the opposition had it for months, and then it dropped these pages of amendments at the last moment. There are a number of other conflicting amendments. It will be up to the opposition. Members opposite might not like this, but ultimately they will be held accountable to the community of South Australia for their position on these matters, and I will make sure they are held accountable for their views. They can either be involved in some sensible negotiations to try to get better planning laws in this state or else they can play politics with it at their peril.

The PRESIDENT: With respect to the point of order raised by the Hon. Mrs Schaefer, there was no point of order. Dissent has never been a point of order.

BIKE LANES

The Hon. IAN GILFILLAN: I seek leave to ask the Minister for Emergency Services, representing the Minister for Local Government, a question about the enforcement of bicycle lanes on major roads.

Leave granted.

The Hon. IAN GILFILLAN: Since my last question on this subject I have received an email from the President of the Bicycle Institute of South Australia, Mr Sam Powrie. He shares my concerns about the non-enforcement of bicycle lanes and offers the following case study:

> On the south side of Bower Road, Semaphore, there is a bicycle lane that runs from the intersection with Causeway Road all the way down to the Esplanade—a distance of approx. 1.5 kilometres. It is a particularly important stretch of road due to:
> · the 60 km/h speed limit on this busy single-lane main road;
> · the several side roads and many domestic driveways along this length;
> · the fact that drivers proceeding home (and westwards) at the time this lane operates (4-6 p.m.) are driving directly into the sun, making keeping lookout for cyclists particularly difficult.
>
> Over the last 3 months I have kept a record of the number of cars parked in this cycling lane between the hours of 4 and 6 when I have passed. The average number illegally parked is four. I have encountered up to 7! A consistent offender is a 'Kwik-Kerb' flat-bed truck (often with a trailer) which parks in the last westward 100 metres of the bicycle lane from about 4 p.m. onwards. This is a particularly dangerous location for cyclists as it is on the hill approach to the roundabout on the Esplanade and any cyclist passing has to pull right out into the traffic lane while struggling up what is a fairly steep, short hill at (inevitably) slower speed than the following traffic. It's a deadly situation! I have never seen evidence of any enforcement of this bicycle lane at these times by the Council. Car drivers appear to park in the lane at any time with impunity.

I am quite conscious that this example takes place on a road controlled by local government and that Mr Powrie is taking this further with the two councils responsible for this stretch of road. This issue of cyclist safety is surely in the minds of members of this place, particularly at the time of the McGee royal commission into a rather horrific cycling accident. The responsibility for enforcing these bike lanes is not just that of the government and state departments. My question to the minister is: what steps is he taking or prepared to take to ensure that bicycle lanes are adequately policed in local government areas during peak hours, and what extra funding, if required, will the minister allocate to local government to ensure that this policing is thorough and efficient?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the honourable member for his ongoing interest in relation to bicycle safety. It is an important question and I will ensure that my colleague responds to the important matters he has raised.

Members interjecting:

The Hon. P. HOLLOWAY: I think it probably was the only question we have had from that side of the council today that was a genuine question.

SOUTHERN SUBURBS, INFRASTRUCTURE

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question regarding southern suburbs infrastructure.

Leave granted.

The Hon. T.J. STEPHENS: In an answer to a question that I recently received from the minister, he said:

> If we were to allow the urban sprawl to continue, that will put significant pressure on existing infrastructure.

Also in response to an interjection recorded in *Hansard* about there being nothing for the south, the minister replied that there is plenty for the south. My questions are:

1. Given the minister's comments regarding urban sprawl, does the minister now intend to not allow further land releases in the southern suburbs, particularly in Seaford and other sequence 1 areas, where the draft southern metropolitan PAR acknowledges that there are significant infrastructure pressures?

2. In relation to his comments indicating that the south receives 'plenty', can he provide to the council a list of all infrastructure projects and funding that has been provided to the area covered by the Office of the Southern Suburbs?

3. Given that I asked these questions last Monday, and given that the minister was in somewhat of a fragile state at the time and invited me to re-ask the question, today will he answer the question?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): There was nothing fragile about my state; I was simply upholding the conventions of the Legislative Council that probably members like the honourable member may not have been here long enough to appreciate.

Members interjecting:

The Hon. P. HOLLOWAY: The honourable member has probably never seen before the opposition parties in this place suspending standing orders for almost two hours to have an urgency motion and then expecting a question time—it was unprecedented. I will defend the action that I took because what occurred has never been part of the history of this place. If it becomes the history of this place, the entire time of the parliament would be given over to private member's business and there would be no time at all for government business. There is precious little time now spent on government business, let alone—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not doing private members' bills. The opposition is using its numbers to totally wreck the legislative agenda of the government. These are the tactics for the election: try to make this state ungovernable, try to raise every distraction you can, oppose every bill, adjourn everything you can, do anything you can, because the opposition has no policies, it is totally irrelevant, so that is its tactic. Everyone knows about it.

The Hon. R.I. Lucas: You are doing private members' bills because you don't have enough business.

The Hon. P. HOLLOWAY: That is not the reason why we are seeking to do private members' bills—it is because we know that in the last two days of this session we will have a number of other debates.

The Hon. R.I. Lucas: You haven't got any.

The Hon. P. HOLLOWAY: No, we have had the Statutes Amendment (Relationships) Bill, which has been to a select committee. They will not even debate it now even though it has been around for well over a year. It was introduced at the end of last year and it has been to a select committee. A couple of minor amendments have been suggested, but we still cannot get anybody opposite to speak on it. If these people want to talk about the legislative program, I am happy to do so.

The honourable member asked a question about southern suburbs infrastructure. Of course, that infrastructure will be provided through a number of departments, and all that information in relation to the southern suburbs will have to be collated. Given that most of that infrastructure is in a range

of departments that are not under my direct responsibility, I will have to take that part of the question on notice.

In relation to planning issues in the southern suburbs and the release of land, I have indicated in the past that under the urban growth boundaries of this state this government believes it has sufficient land to provide up to 10 to 15 years worth of housing supply. A significant proportion of that land is held under the Land Management Corporation, and the release of that land needs to be done in such a way that it will provide for the growth of the city but at the same time keep it within urban growth boundaries.

Clearly, matters of infrastructure are relevant to decisions about the release of land. As I have indicated in the past, for the first time this government has put out a state infrastructure plan, unlike members opposite who do not have any policy on anything. A significant amount of land is to be released in relation to the southern suburbs. I am happy to provide the honourable member with a map of those landholdings within the southern area. I do not have those maps with me, but I am happy to provide him with a briefing if he is genuinely interested in areas of the southern suburbs where growth will occur.

The Hon. T.J. STEPHENS: I ask a supplementary question arising from the answer, or the lack thereof. Given that this is the second time in a week that I have asked this question and given that the minister said some time ago that there is plenty of infrastructure in the southern suburbs that this government has initiated, is there any chance in the interim that he could name just one thing for me that the government has initiated in the southern suburbs?

The Hon. R.K. Sneath interjecting:

The Hon. T.J. STEPHENS: Given that he said there is plenty, I would be happy to take just that back to the people of the southern suburbs.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Regarding the release of land in the southern suburbs, a meeting was held recently regarding the Aldinga-Sellicks project, and infrastructure is being provided in relation to that.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Yes, exactly; that is what infrastructure is—roads and electricity, etc. It is also health centres, and all of this has been negotiated by the government with the developers in relation to that area. So, the infrastructure will accompany those developments.

YOUTH DEBT

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Children's Services a question about youth debt.

Leave granted.

The Hon. A.L. EVANS: A recent youth survey conducted by *The Advertiser* revealed that children as young as 12 are creating debts as high as $10 000 on mobile phones and credit cards. Almost 30 per cent of 12 to 15-year-olds have some level of debt, with more than one in 10 owing between $1 000 and $5 000. Our culture has become dominated by instant gratification which is greatly assisted by the misuse of debt. Our consumer society has led us to a culture of spending more than we earn. When I ask a young person how much a mobile phone costs, the standard reply is $33 a month or $15 a month and so on. In reality, the costs blow out to much more than the monthly rental for many young people.

Recent research indicates that while most Australians have a general understanding of financial principles young people stand out as lacking in certain key financial skills. This is of significant concern considering that the expenses of young people in certain areas are not much behind those of adults. It is suggested that education in these areas would assist in making young people aware of the traps that debt can create. In New South Wales, the Office of Fair Trading has created a financial literacy program for young people called the Money Stuff Program. This program is an educational resource designed to assist young people to deal with consumer responsibilities and personal financial management. My questions are:

1. What program has the minister implemented at secondary education level to teach young people about the principles of money and, in particular, debt?

2. Is the minister aware of the Money Stuff Program, and can it be implemented at secondary education level to teach young people the principles of financial management?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that important question to the minister in another place and bring back a response.

SOUTHERN SUBURBS, INFRASTRUCTURE

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I have some details in answer to the Hon. Terry Stephens' question about infrastructure projects. The following is a list of projects under way and planned for the next few years in the southern suburbs: Christies Downs school, $3.14 million over the next two years; Pasadena High School, $1.75 million in 2004-05; Reynella East High School, $370 000 in 2004-05; Willunga Primary School, $5.47 million over the next two years; and a rebuild of the Port Noarlunga Primary School after the fire, $2 million.

In relation to health projects, I refer to the following: Flinders Medical Centre new car park, $7.2 million in 2004-05 and 2005-06; the Margaret Tobin Mental Health Unit, $20.546 million in 2004-05 and 2005-06; the Centre for Innovation in Cancer, $14.5 million in 2006-07; the Noarlunga Hospital Mental Health Unit, $6.5 million over the next three years; and for the Eleanora Hostel for Homeless Youth upgrade, $800 000 has been committed. With respect to the Christies Beach police complex, we will spend $4.3 million in 2006-07 to 2008-09.

In relation to sport and recreation, $800 000 has been committed for the redevelopment of the Christies Beach Surf Life Saving clubrooms. With respect to the Onkaparinga river corridor the amount is $265 000, and that is under way; similarly, there is $600 000 for cliff stability projects in the City of Onkaparinga, and that is under way.

In relation to transport, access to and from the southern suburbs is enhanced by the proposals to upgrade the South Road corridor, including the underpass at Anzac Highway and the tunnel under the Grange and Port Adelaide rail line. That project will benefit residents in the southern suburbs, in particular, because that is where they gain access, and the amount is $84.37 million in 2005-06 to 2008-09. With respect to Commercial Road, Port Noarlunga and Maslin Beach transport, the amount is $23.781 million, and that is under way. In addition, in transport there is the investigation into extending the passenger rail line to Seaford, and that is also under way. There are also the upgrades to the Noarlunga line.

For the Hallett Cove beach bridge the amount is $1.6 million, and that is under way. For improvements to rail cuttings on that rail line, the amount is $700 000, and that is underway. For re-sleepering, fencing, computer upgrades and lighting at stations, the amount is $850 000, and that also is under way. In relation to reinforcement of the distribution and transmission network—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens has sought information. He is now receiving it.

The Hon. P. HOLLOWAY: ETSA Utilities and Electra-Net are undertaking work to reinforce the electricity grid to all southern suburbs through additional lines and upgrades to substations and new substations. In relation to economic development generally, the region will also benefit from the establishment by the state and federal governments of the $45 million fund to attract new investment and jobs, known as the Structural Adjustment Fund for South Australia. This fund is being marketed nationally and internationally.

During the past year, the government has developed a strategic infrastructure plan for South Australia that has set out many key priorities and initiatives for the state and, of course, that is a first for South Australia. No previous government has been prepared to invest the effort and make the commitments that such a plan requires. Of the many initiatives identified in the plan, one of the key priorities has clearly been the development of the port of Outer Harbor as a vibrant, world competitive and viable import—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, of course, for economic development. Where does the member think products from the south are exported from?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Yes; I know full well that it is, and I also know where the Leader of the Opposition is headed—that is, into extinction. This is the person—

An honourable member: Sit down and shut up.

The Hon. P. HOLLOWAY: Well, I am sorry, Mr President. Members opposite—

Members interjecting:

The Hon. CARMEL ZOLLO: I rise on a point of order. I think that the honourable member should withdraw that.

The Hon. J.S.L. Dawkins: The minister tells people to sit down and shut up.

The PRESIDENT: Order! Standards of parliamentary debate are being breached. When they are made from the chair, they are normally not recorded, but, now that it is, having sought the information from the minister, the Hon. Mr Stephens really should listen. I am sure that he would want to get all the details so that he can circulate them to all his constituents in the southern suburbs. Minister, have you concluded?

The Hon. P. HOLLOWAY: I was pointing out to the council that not all of the infrastructure work in relation to Port Adelaide is for the benefit of the residents of Port Adelaide. I am sure that they would rather the activity were somewhere else. It will be to the benefit of all South Australians, including many of those in the rural areas, represented by members opposite. It will also be of benefit to the southern suburbs, because it will reduce the costs of—

An honourable member interjecting:

The Hon. P. HOLLOWAY: It will actually do that—reduce the costs for our exports going overseas, which is of significant benefit to industries wherever they are in this state, whether within the southern or northern suburbs. Finally, given the interjection that was just heard, I have only suggested that people should be quiet when I am on my feet and have the call, unlike members opposite.

REPLIES TO QUESTIONS

FAMILY IMPACT POLICY

In reply to **Hon. A.L. EVANS** (10 November 2004).

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

1. It has been a long standing practice in South Australia to include a family impact statement in Cabinet submissions, notably those containing proposals for new legislation or policies.

The practice has continued by this Government.

2. Revised guidelines for the preparation of family impact assessments were issued by the Department of the Premier and Cabinet in July 2003. These guidelines require that if a proposal to be brought to Cabinet meets any of the following criteria an assessment of its impact on families in South Australia should be made:

- The proposal will have significant economic consequences for families, individuals, particular communities or cultural groups (for example, the Aboriginal community) with an emphasis in the analysis on those who are most disadvantaged.
- The proposal is likely to impact significantly in housing, education, health, community services, recreation or on the safety and security of the population of South Australia or particular communities.
- The proposal will affect cultural or religious beliefs or practices.
- The proposal has significant implications for family relationships, autonomy or structure; or the rights or functions of individual family members especially within disadvantaged families.

3. Due to the obligation to maintain the confidentiality of Cabinet deliberations it is inappropriate to divulge any of the specific details of the Cabinet submissions relating to the Bills mentioned by the honourable member.

However it is well known that the Government introduced legislation into Parliament to give effect to the recommendations of the Independent Gambling Authority's Inquiry into the Management of Gaming Machine Numbers. This report came about following extensive public consultation, including detailed consideration of the many written and verbal submissions received.

The IGA's recommendations, in particular the recommendation to remove 3000 gaming machines from licensed premises, were directed at addressing problem gambling. The IGA's report found that 70 percent of problem gambling relates to pokies. It noted that the problem gambling not only caused misery to the individuals concerned but also to the families of those affected. Cabinet considered these and other matters in deciding to adopt the IGA's recommendations.

The potential impact on families arising from changes to the shop trading hours was a critical consideration in the Government's decision to amend the Shop Trading Hours Act. The legislative package recognised the need for balance, providing for 51 days of Sunday trading each year, and shopping until 9.00pm during the week. Whilst responding to the demands of consumers, the Bill also considered the families of shop owners and their employees. The Government is satisfied that the process allowed for the proper consideration of the impact on families and that was achieved.

DROUGHT RELIEF

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

The Hon. CARMEL ZOLLO: The Minister for Agriculture, Food and Fisheries has provided the following information:

In recent years South Australia has not experienced the severity of drought that has impacted on agriculture in the eastern States. For the year in question, 2003/04, only a small number of farmers were experiencing severe drought conditions with government assistance neither being sought by farmers or necessary. Consequently it is unrealistic to compare South Australia's drought related expenditure to the funds spent by other States.

In 2002-03 the Government provided assistance to the drought affected North East pastoral and mallee areas with a $5 million program spread over 2002-03, 2003-04 and 2004-05.

South Australia has four areas currently declared Exceptional Circumstance (EC) affected areas by the Commonwealth. The State is meeting its obligations to this agreement and in 2003-04 the contribution to interest rate subsidies was $548,419. PIRSA has been active in working with communities affected by dry conditions in assessing the severity of the conditions, the likelihood of achieving EC and then assisting them to prepare an application.

SA farmers have demonstrated their good management skills and ability to handle poor seasons through such investments as Farm Management Deposits, with nearly 20 per cent of national Farm Management Deposits held by South Australian Farmers. This is an indication that the recent seasonal conditions have not been severe, as they have not found it necessary to draw them down.

It is Minister McEwen's intention to seek the best result for South Australia and our farmers within the context of the agreed national drought policy.

EMERGENCY SERVICES LEVY

In reply to **Hon. T.G. CAMERON** (11 October 2004).

The Hon. CARMEL ZOLLO: I have been advised as follows by the Treasurer and the Community Emergency Services Fund:

1. The breakdown of moneys collected each year is as follows:

1999-00	2000-01	2001-02	2002-03	2003-04
$135.8m	$150.0m	$145.2m	$155.2m	$165.2m

The key areas in which the funds have been spent:

- SA Metropolitan Fire Service
- SA Country Fire Service
- State Emergency Service
- Emergency Services Administrative Unit
- Surf Life Saving SA
- Volunteer Marine Rescue Organisations
- SA Police
- SA Ambulance Service
- Department for Environment and Heritage
- Revenue SA ESL Collection Costs
- Transport SA ESL Collection Costs
- Fund Administration
- Other

The total collected until June 2004 was $751.4m.

2. Under the *Emergency Services Funding Act 1998* money received in payment of the emergency services levy must be paid into the Community Emergency Services Fund (CESF). None of the funds paid into the CESF have been transferred into the Consolidated Account (general revenue).

The reverse has in fact applied. The Consolidated Account supports close to half of the funds going into the CESF, in the form of remissions, pensioner concessions and the Government's own ESL liability on property it owns.

3. Tax policies generally are reviewed each year as part of the annual budget process.

LAND MANAGEMENT CORPORATION

In reply to **Hon. J.F. STEFANI** (11 April).

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

The following tables provide details of:

- Purchases of key LMC sites
- Method of sale
- Date of sale

LMC Key Sales 2001-02

Vendor	Site	Purchaser	Method of Sale	Date of Sale
LMC	Northgate Stage 2	A V Jennings	Private Treaty	January 2002
LMC	Seaford	Land SA	Public Tender	December 2001
LMC	Aldinga	Aldinga Eco Arts Village	Private Treaty	November 2001

LMC Key Sales 2002-03

Vendor	Site	Purchaser	Method of Sale	Date of Sale
LMC	Northgate Stage 2	A V Jennings	Private Treaty	July 2002
LMC	School Site at Northfield	Oakden Baptist Church	Private Treaty	December 2002
LMC	Transport Corridor Sites at Seaford and Noarlunga	Passenger Transport Board	Private Treaty	July 2002”

BRUNKUNGA MINE

In reply to **Hon. CAROLINE SCHAEFER** (30 May).

The Hon. P. HOLLOWAY: The underspend of around $1M last financial year was achieved by taking the concept proposals and applying good engineering procedures to their implementation. The concept studies indicated there was a need to double the pollution treatment capacity of the current water treatment plant at a budget cost of $2.5M.

Before works began, a Process Design specialist was engaged to determine the efficiency of the current treatment process and to assess options for achieving a thicker end product. The work performed in 2004 determined that by making minor changes to the plant process it was possible to achieve the desired outcomes without duplicating the large and expensive dewatering thickener and without installing expensive sludge filters.

Work to install the additional plant commenced late last year and has been successfully completed this financial year. The new plant is currently being commissioned, the cost of which has again provided significant cost saving from that originally budgeted.

The third and last stage of the concepts for capital new initiatives at Brukunga involved the relocation of some 8 million tonnes of mine rock. Again there is need to study the technical requirements and to revisit the scientific basis for undertaking this proposed earthmoving exercise. The budgeted cost of this large-scale program was originally distributed over a seven-year period as a measure to distribute the annual budget cost. After more technical work to assess the project is undertaken it is likely that a range of alternatives may develop and in accordance with good engineering practice a selection will be made to develop the most cost effective option for implementation.

There will be an ongoing need to intercept seepage from the mine site and to treat the polluted waters before releasing them back to the watercourse.

FOX BAITING

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

The Hon. CARMEL ZOLLO: The Minister for Agriculture, Food and Fisheries provides the following information:

The misuse of 1080 fox baits in the Mount Crawford area has been investigated. The report of this investigation has been distributed to the Department of Health, Department of Water, Land and Biodiversity Conservation and the Barossa Ranges Animal and Plant Control Board. It is not usual practice to make such reports public. A summary of findings has recently been provided to the complainant. In the last 12 months two other incidents of possible misuse of 1080 baits have been reported to PIRSA of which one required investigation.

ZIRCON MINING

In reply to **Hon. CAROLINE SCHAEFER** (26 May).

In reply to **Hon. J.S.L. DAWKINS** (26 May).

The Hon. P. HOLLOWAY: The original applications for Australian Zircon's mining leases were lodged with PIRSA in September 2002. In late 2002 and early 2003, PIRSA carried out a full consultative process with stakeholders, as part of the comprehensive environmental impact assessment of the Mining Lease applications. This included seeking submissions from relevant Government agencies (including the Department for Water Land and Biodiversity Conservation), as well as members of the public. These are normal consultative and assessment processes that PIRSA conducts for any application for a Mining Lease or similar tenement.

The Department for Water Land and Biodiversity Conservation confirmed with PIRSA that some of the areas of the Mining Leases fall within the Mallee Prescribed Wells Area. The formal response provided by that Department detailed conditions relating to groundwater protection to be inserted as conditions of approval of the Mining Leases.

In response to PIRSA's consultative efforts, DWLBC provided PIRSA with detailed draft conditions to be placed on the Mining Leases, relating to managing the company's extraction of groundwater and potential impact on the resource. These conditions were duly incorporated into the Mining Lease conditions.

The conditions that were incorporated into the Mining Lease conditions were exactly the conditions under which the Minister for Environment and Conservation (who was also Minister for the River Murray at the time) advised me in early June 2003 that he would be prepared to issue an authorisation, under Section 11 of the Water Resources Act, to Australian Zircon for the purpose of extracting groundwater from the Mallee Prescribed Wells area in order to conduct its mining process for heavy mineral sands.

The amendments to the River Murray Act did not take effect until July 2003. As a result the mining leases were not considered in the context of the River Murray Act.

I am advised that other applications (such as Mining lease applications and Miscellaneous Purpose Licences) lodged since the River Murray Act became effective have been assessed with full adherence to the requirements of the River Murray Act and the requirements of the amendments to the Mining Act that relate to the River Murray Act.

In the unlikely event that the existing users are adversely affected, the conditions of the mining lease specify strategies that Australian Zircon must implement at their own expense.

These are:

- Lowering of pump intakes in existing users' wells if sufficient well depth is available
- Deepening of existing users' wells affected by draw down of the aquifer
- Provision of supply from the main Australian Zircon well field or other existing wells.

In addition to the consultative processes discussed above, PIRSA and Australian Zircon have formed a consultative committee involving a range of community representatives to ensure that all important issues are widely discussed and that the concerns of the community are fully aired and addressed.

All applications received to date from Australian Zircon for mining leases and other mineral production tenements have related to areas within the Murray-Darling Basin area. In considering any applications within the Murray-Darling Basin area, the *Mining Act* 1971 requires that I take into account the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act. The Mining Act does not require me to refer the application to the Minister for the River Murray or consult with that Minister in relation to the matter, as would be the case if the application lay within the more sensitive River Murray Protection Area.

In answer to a supplementary question from the Honourable John Dawkins in relation to proposed mineral sandmining near Loxton, I indicated that the Minister for the River Murray is required to be consulted on this project under the amendments made to the River Murray Act and that I understood that this has occurred.

With reference to the activities of Australian Zircon in the Loxton area, the Government has not received to date any applications for mining production tenements. The company simply has a number of Exploration Licences in the area. Within those licence areas, and about 15 km to the south east of Loxton, Australian Zircon has announced the discovery of some promising intersections of heavy mineral sands in a strand-line named Derrick.

The Derrick deposit is similarly located entirely within the Murray-Darling Basin area, and as such, should the Government receive an application for a mineral production tenement, it would be incumbent upon me, as part of my decision making under the Mining Act, to take into account the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act.

I note that the deposit at Derrick is different to the deposits at Mindarie in that it is partly located below the local water table, whereas those at Mindarie are located entirely above the water table. Any new mining proposal is the subject of a comprehensive environmental impact assessment, which PIRSA undertakes on my behalf. As part of this assessment, full consultation is undertaken with the public at large and with relevant Government agencies, including DWLBC, DEH, DAARE, Planning SA and Transport SA.

Given the potential for interconnection between groundwater systems and the River Murray, in the event that a formal application is received from Australian Zircon for a mineral production tenement in the area, it may be appropriate to specifically consult with the River Murray Act Team within DWLBC, in order to ensure that full account is taken of the objects and objectives of the River Murray Act.

CITY CENTRAL

In reply to **Hon. R.I. LUCAS** (14 April).

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

1. On 19 July 2004, the Minister for Infrastructure made a Ministerial statement on the $600 million City Central project and announced the State Government's commitment to lease office space in Stage 1 of the project.

I refer also the Opposition's media release dated 27 April 2005 titled *Treasury Opposes $7M Subsidy to Developer*.

Despite the best efforts of the Opposition to confuse the facts, there is no Government subsidy for this project. There is no handout, tax relief or other financial assistance package or grant to anyone involved in the project.

The Government has not entered into an arrangement where it has underwritten the full income stream for the total project for 15 years, nor has it taken out the head lease over the whole project, as with the former Liberal Government's EDS deal. This Government has not removed or negated the developer's risk.

The Government has simply agreed to lease 10,000m^2 of floor space (one third of the total building) for Government office accommodation at the current market rate. Construction is currently underway, with the building available for lease in late 2006. The basis of this commercial deal is as follows:

- The Government is only paying the market rate for the part of the building to be leased. The other two thirds of the building is at the risk of the developer.
- The Government introduced a simple measure to ensure we only pay the market rate for the floor space to be leased. As part of the deal, the remaining two thirds of floor space in the building cannot be leased to any other party at a lower rate than what the Government is paying. The market must pay at least the same as Government, or the deal is renegotiated.
- As publicly stated, the Government will pay a gross rent of $375/$m^2$, escalated annually at 4 per cent for a period of 10 years with a right of renewal. While this is above the rate currently paid by the Government to house its public servants in 30-year-old buildings around the city, it is the market rate for new five star green/energy rated accommodation in the CBD.

  In support of the Government's approach:

  - The recently released *Market Indicators for the Adelaide CBD* prepared by Colliers International, states the average gross office rent for premium accommodation in the first quarter of 2005 is between $330 and $400/$m^2$.

Therefore the high end of the market is already paying more than the Government will pay for City Central, some 18 months prior to commencement of the lease.

- Colonial Property, an independent national investment company, has taken ownership of the City Central building. In making this investment, Colonial Property assessed the financial viability of the project. Colonial Property's investment is a statement of confidence for Adelaide and for the South Australian economy.

It is also important to note the developer must provide a bond to Government to undertake the entire city block redevelopment.

Through this market based deal, the Government has helped to kick-start this important city block redevelopment for Adelaide.

2. Section 1.7 of the Treasurer's Instructions states that:

Where a Chief Executive of a public authority is of the opinion that:

- The cost of compliance with the instructions will exceed the benefits;
- An equivalent procedure or policy is already applied by that authority; or
- There are justifiable reasons why a matter required by the Treasurer's Instructions should not apply or should be varied

he or she may seek written approval from the Treasurer to vary the effect of that instruction.

If the case of the City Central project, it was believed a competitive tender process would be too prescriptive and not yield the desired economic outcomes for South Australia.

A submission was made to Cabinet (including the Treasurer) seeking exemption from Treasurer's Instruction 17 – Guidelines for the Evaluation of Public Sector Initiatives.

Cabinet subsequently approved this exemption, having regard for the significant economic, social and environmental benefits of the City Central project for South Australia.

Therefore, the Government was clearly not in any breach of the Treasurer's Instructions or the Guidelines for the Evaluation of Public Sector Initiatives.

ONESTEEL

In reply to **Hon SANDRA KANCK** (26 October 2004).

The Hon. P. HOLLOWAY: The Minister for Urban Development and Planning has provided the following information regarding the question about whether the proposed water pipe would be declared a Major Development under the Development Act:

1. One of the questions dealt with whether the proposed water pipe would be declared a Major Development under the Development Act. I am advised that the Act contains two tests for a declaration.

Firstly, the Act requires a project to be of major social, economic or environmental importance. There is no doubt that the project is of major economic importance to the State. The project will provide continued employment in the Whyalla area and will generate much valued export growth for South Australia. In addition, the project is of undoubted social importance to the future of Whyalla. The project secures the future of Whyalla for a number of years and will provide ongoing employment for its people. As a result the project clearly meets the first test.

The second test is that a declaration must be "appropriate or necessary for proper assessment".

The proposal is currently being assessed as a mining tenement and miscellaneous purpose licence under the Mining Act. As part of that assessment, One Steel has prepared an Environment Management Plan. This Plan has been considered within Primary Industries and Resources SA (PIRSA), by the Environment Protection Authority and by the Native Vegetation Branch within the Department of Water Land and Biodiversity Conservation. Any clearance of vegetation is subject to approval under the Native Vegetation Management Act.

I am advised that the Minister for Urban Development and Planning has concluded that the Mining Act assessment process will adequately consider the impacts and as a result a declaration is not required to achieve a proper assessment.

In addition to the above I provide the following information:

2. The Native Vegetation Regulations, which came into operation on 25 August 2003, require that any clearance of native vegetation may only be undertaken in accordance with a vegetation management plan approved by the Native Vegetation Council. PIRSA has delegation to administer the legislation as it applies to exploration and mining, and applies Native Vegetation Council policies on clearance and revegetation through the use of vegetation management plans incorporated into a Mining and Rehabilitation Plan (required under the Mining Act). PIRSA is currently in the process of assessing OneSteel's application for a Miscellaneous Purposes Licence for the construction and operation of the pipelines and is liaising with the Native Vegetation Council and other Agencies to determine the conditions under which approval will be given.

3. Water can only be taken from the River Murray via a water license granted under the *Water Resources Act 1997*. The only way that industries can obtain a water allocation from the River Murray is to purchase or lease water from an existing water license holder who has a water allocation available to sell or lease. There are mechanisms by which a water allocation can be bought from Victoria or New South Wales and transferred into South Australia.

Applications for the transfer and use of water are assessed by the Department of Water, Land and Biodiversity Conservation against the provisions of the River Murray Water Allocation Plan. The Water Allocation Plan has special provisions for the use of water outside of the River Murray Catchment Water Management Board's boundary, which includes Whyalla.

OneSteel is connected to the Morgan Whyalla Pipeline and water used by OneSteel is taken via SA Water's water licence. The slurry pipeline will transport the magnetite concentrate to the Whyalla Steelworks where it will be dewatered for use as feed for the blast furnace. As much water as physically possible will be recycled and sent back along the return water pipeline for reuse at the concentrator site. On average, Project Magnet will require make-up water of between 4.5 and 5.5 million litres per day, and will be sourced from SA Water's current licenced allocation.

4. There have been no water dams constructed at the Iron Duke minesite for this proposal. Construction of a tailings dam to contain tailings from the Ore Beneficiation Plant has commenced on site. The Ore Beneficiation Plant project was approved under the Mining Act in December 2003 after a comprehensive assessment process including consultation with environmental agencies and approval of native vegetation clearance management plans. The EPA has been made fully aware of proposals, both present and in the past, and independently decides what aspects require EPA licences or works approvals.

The Project Magnet proposal includes an additional tailings storage facility to contain tailings produced by the magnetite concentrator. This proposal is currently being assessed under the Mining Act. As part of these assessments, the proposals are widely advertised to provide the opportunity for public input. PIRSA also consults with DWLBC, DEH, DTUPA and other government agencies. All issues raised are carefully considered, further information is sought from the proponent and, where appropriate, issues are addressed by means of specific conditions attached to the approvals. These processes are followed in relation to all mining production tenements, and are being followed for the assessments of the OneSteel Project Magnet tenement applications.

5. Object 6(1)(c) of the *River Murray Act 2003* provides 'that development and activities that are unacceptable in view of the adverse impact to the River Murray are prevented from proceeding'. Any water used by Onesteel must be accounted for under the cap and assessed under the water allocation plan. As Project Magnet is to take place in Whyalla, which is outside of the Murray-Darling Basin, and the water is to be taken from SA Water's existing allocation, there is no requirement to assess or refer under the River Murray Act.

6. The Minister for the River Murray can request the Minister for Urban Development and Planning to call in a development application for consideration if it may have a 'significant impact on an aspect of the River Murray'. As Project Magnet is to take place in the Whyalla region, which is outside of the Murray-Darling Basin and the increase in consumption represents a very small percentage of SA Water's total extraction from the River Murray, the project is unlikely to have a perceptible adverse impact on the River Murray.

COURTS, REGIONAL

In reply to **Hon. R.D. LAWSON** (16 February).

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

1. The State Government will enter into a service contract, not a building contract, with a private sector partner to deliver the regional police stations and courts PPP. Contractual negotiations to finalise the service contract are currently underway with the preferred bidder.

The project is progressing through the required approval processes for service contracts, which does not include submission to the Public Works Committee.

2. The $40 million referred to in recent media releases is the capital cost of the facilities. Funding for the PPP unitary charge is reflected in the forward estimates within SAPOL and Courts Administration Authority operating expense lines.

3. The State Government will not be entering into any building contracts for this project. Building contracts will be tendered and managed by the private sector partner.

4. An outline construction program has been provided, listing the indicative key milestones for the procurement of services.

5. The PPP contract is for the provision of services within a fixed program and at a fixed price, subject to standard contractual cost adjustments. The private sector partner will bear the risk of cost and time variations.

PRIVATE PUBLIC PARTNERSHIPS

In reply to **Hon. R.I. LUCAS** (14 February).

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

1. The risk adjusted cost (public sector comparator) of undertaking the project by the State Government under a traditional procurement model is currently being refined through the preferred bidder negotiation process. Financial or contractual information cannot be released at this time as it could jeopardise negotiations with the preferred bidder.

Similarly, the total lease payments over 25 years to the consortium cannot be released at this time as preferred bidder contractual negotiations are underway.

The accounting treatment of this project is currently being determined by the Government Account Reporting Branch in the Department of Treasury and Finance.

2. The Government will sell the land to the consortium upon contract execution. The land is currently being valued and will be sold to the consortium at the unimproved market value.

3. The contract for the project will be publicly released in accordance with Treasurer's Instruction 27, Disclosure of Government Contracts.

BAKHTIARYI FAMILY

In reply to **Hon. KATE REYNOLDS** (10 November 2003).

In reply to **Hon. J.F. STEFANI** (10 November 2003).

The Hon. P. HOLLOWAY: The Premier has been advised by the Attorney-General the following information:

1. The submissions of the Solicitor-General were confined to constitutional issues, specifically the interpretation of those sections of the Migration Act that purported to limit review of the Minister's decisions by the Courts. The extent to which the legislature can validly limit the scope for judicial review of administrative decisions by enacting such clauses is of importance to all governments.

The Solicitor-General's submissions were consistent with some of the propositions put by the Commonwealth as part of its argument. However, the Solicitor-General did not support any particular result in the cases before the court. The cases were not concerned with the validity of detention generally, but dealt with the scope for judicial review of decisions as to the refugee status of asylum seekers. The intervention was not inconsistent with the Premier's Ministerial Statement of 14 August, 2002, to which the Honourable Member refers to in her question.

2. As indicated in 1 above, the Solicitor General's submissions were not made in support of denying Mrs Bakhtiaryi or her children visas. The Premier was not aware on 14 August, 2002, of the submissions that the Solicitor-General was to later make in the case before the High Court. Written submissions were filed on about 21 August, 2002, and the matter was heard in September, 2002. Decisions to intervene are made by the Attorney-General and are not submitted to either Cabinet, or the Premier.

3. A copy of the written submission will be tabled as part of this response.

4. Refer 1 and 2 above.

5. The State cannot interfere or act inconsistently with the lawful exercise by the Commonwealth of its constitutional power. The State can however intervene as a party in legal proceedings arising under the Federal Constitution.

6. The State Government has worked very hard to improve the situation of children living in Commonwealth Immigration detention. In particular, while realising that it is still a lesser form of detention, the Government has cooperated with the Commonwealth to establish a residential housing project in Port Augusta for women and children asylum seekers because it provides for better living conditions than do the confines of the Baxter Detention Centre. The State Government also succeeded in ensuring that detainee children are able to attend school in Port Augusta. The opportunity to mix with other children in schools and to access all the advantages of a South Australian education cannot be underestimated.

Furthermore, the Department for Families and Communities continues to act on behalf of children in detention whenever it can.

The Member can be assured that the State Government is doing everything in its power to improve living conditions for detainee children.

In response to the supplementary question the Department of Human Services advises that the 'Memorandum of Understanding Relating to Child Protection Notifications and Child Welfare Issues pertaining to Minors in Immigration Detention in South Australia' was tabled in Parliament on Tuesday 2 December 2003.

CITRUS INDUSTRY BILL

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

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

That this bill be now read a second time.

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

Leave granted.

The 2001 National Competition Policy review of the *Citrus Industry Act 1991* revealed that this Act has a number of anti competitive elements and requires reform.

To assist in reform of legislation, the Government established the *Citrus Industry Implementation Committee* in November 2003. The Citrus Industry Implementation Committee comprised representatives of all growing, packing, processing, wholesaling and retailing sectors of the SA Citrus Industry. This Committee has guided the process to produce draft citrus industry legislation, and supporting documentation about the proposed changes for consideration and comment by industry and the general public.

Originally it was intended to amend the *Citrus Industry Act 1991* by removing anti competitive marketing elements, and ultimately repealing the Act in July 2005.

In March 2004, a draft Bill to make these amendments and sunset the Citrus Industry Act was presented to industry for comment via a public consultation process. Overall, industry indicated that it wanted to retain some basic legislation and not repeal the Citrus Industry Act.

In response to this feedback, a further review of the citrus industry's legislative requirements was undertaken. Through numerous industry consultation processes and meetings, a complete rewrite of the Act has occurred.

The process of reviewing industry legislative requirements was undertaken in parallel to a business planning approach for the new SA Citrus Industry Development Board. This business planning was undertaken to ensure that the proposed new legislation could be effectively translated to appropriate service and delivery mechanisms.

The main emphasis of the changes to the citrus legislation is to move it from a marketing control focus to an industry development focus.

The proposed new Bill:

- Establishes a new Board, the *South Australian Citrus Industry Development Board*, to administer the new Act, with membership streamlined to 7 members to reduce costs. This "whole of industry" structure will foster a better understanding by each sector of the business conditions affecting the SA citrus supply chain.
- Specifies functions of the Board including:
  - Administration of the Citrus Industry Fund
  - Promoting the citrus industry and its products.
  - Planning, funding and facilitating research.
  - Collecting and analysing citrus industry data.
  - Disseminating technical, scientific, economic and market information.
  - Providing advice and services to the industry
  - Providing advice to the Minister relating to citrus food safety, plant health and other matters.

- Provides for the establishment of the Citrus Industry Fund to manage funds collected under the Bill, and how these can be used for industry development purposes. The processes for planning, managing and reporting on this fund are based on those used under the Primary Industries Funding Schemes Act.
- Requires growers, packers, processors and wholesalers to notify the Board that they are participating in the industry. This enables the Board to maintain a register of growers, packers, processors and wholesalers to facilitate information distribution and product traceability processes.
- Enables the Board to gather information associated with citrus plantings, volumes of trade, food safety, and pest and disease issues, and to use this industry information generated in strategic planning and communication processes.
- Requires a major review of the Act, with reporting to Parliament, within 6 years (2010).
- Repeals the Citrus Industry Act 1991.
- Includes transitional arrangements including:
  - Transfer of Citrus Board of SA funds to the new Citrus Industry Fund
  - Arrangements for the final audit and annual report of the Citrus Board of SA under the *Citrus Industry Act 1991* to be undertaken in conjunction with the first audit and annual report under the new measure.
  - Initial appointment of a new Board.

It is intended that regulations made under the measure will contain:

- Ongoing arrangements for appointment of Citrus Board members.
- The process for fixing and notifying industry of contributions to be made to the Citrus Industry Fund.
- Flexible processes for fixed or variable funds collection mechanisms to be used. The vast majority of funds collection will be based on variable tonnage throughput of businesses that are very similar to that currently used by the Citrus Board of SA. This new fund collection process is based on voluntary fund collection mechanisms used in the Primary Industries Funding Schemes Act.

The Bill and Regulations will enable the SA Citrus Industry Development Board to deliver the following:

- Management and input to whole of industry issues and industry development opportunities for the SA citrus industry.
- A range of cost-effective industry services to SA citrus industry participants and other stakeholders based on proven demand, including information products, product promotion and training services.
- A new biosecurity function empowering the Board to provide advice to the responsible Minister on the application and administration of the *Fruit and Plant Protection Act 1992* to the citrus industry.
- In cooperation with national and interstate citrus bodies, collection, analysis and distribution of information relating to the citrus industry and its future development.
- Influence in industry research, development, promotion and other development programs that are managed at a national level.

The Bill contains provisions for facilitating the establishment of a Citrus Industry Food Safety Scheme under the *Primary Produce (Food Safety Schemes) Act 2004* and administration of the scheme by the Board. A scheme will be put in place that requires industry to have basic food safety provisions. The Board will provide further advice on future amendments to this scheme.

Through these changes, the following marketing elements of the current *Citrus Industry Act 1991* are removed in the proposed new legislation:

- The compulsory control of flow of citrus product in the SA marketing chain from grower to packer to wholesaler to retailer.
- Grade standards and linkages to the Export Control Orders, enabling market forces to determine quality, size and other product specifications, as occurs with all other horticulture commodities.
- Registration or licensing conditions for packers and wholesalers that constrain access to the industry.
- Fund collection services where payment for citrus sold by wholesalers is currently collected by the Citrus Board of SA and forwarded to packers.

As a result of these changes, growers and packers will have greater marketing flexibility and may choose to sell direct to retail outlets rather than be forced to market through a wholesaler. In turn wholesalers will lose the protection of the trade in citrus on the Adelaide market being forced to go through their businesses. These changes will provide citrus with the same marketing arrangements that apply to all other produce.

Packers will also need to arrange collection of their funds from Adelaide market wholesalers (as occurs with all other produce) rather than have the Citrus Board do this and provide a credit management service.

Overall these changes to the citrus legislation update it, and move it away from a marketing control focus so that it complies with National Competition Policy. The new Bill provides a fresh emphasis on citrus industry development to enhance growth of this important horticulture industry.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause provides definitions necessary for the purposes of the measure. The definition of citrus industry participant sets the scope for notifications and contributions under the measure. It covers citrus growers, citrus packers, citrus processors and citrus wholesalers.

Part 2—Citrus Industry Board of South Australia

4—Establishment of Board

The South Australian Citrus Industry Development Board is established. It is the same body corporate as the Citrus Board of South Australia established under the *Citrus Industry Act 1991*.

5—Functions of Board

The Board is given a number of functions relating to the citrus industry, including administration of an industry fund, gathering and dissemination of information relevant to the industry and promotion of the citrus industry.

The Board is to provide advice to Ministers about the establishment of a citrus industry food safety scheme under the *Primary Produce (Food Safety Schemes) Act* and about the bio-security measures of the *Fruit and Plant Protection Act*.

6—General directions by Minister

The Board is subject to direction of the Minister given in the public interest. The Minister is required to consult the Board before giving a direction and a copy of a direction must be laid before each House of Parliament.

7—Membership of Board

There are to be 7 members appointed by the Governor. The presiding member is to be nominated by the Minister and 6 others are to be appointed in accordance with the regulations. It is proposed to continue the current selection committee process.

8—Terms and conditions of membership

This clause governs the terms and conditions of membership of the Board.

9—Remuneration

The Governor is to determine entitlements of members to remuneration, allowances and expenses.

10—Conflict of interest under Public Sector Management Act

For the purposes of the conflict of interest provisions in the *Public Sector Management Act*, a member of the Board will not be taken to have a direct or indirect interest in a matter by reason only of the fact that the member has an interest in the matter that is shared in common with the citrus industry or a substantial section of the citrus industry.

11—Procedures of Board

This clause governs the procedures to be followed by the Board.

12—Committees

The Board may establish committees.

13—Delegation

The Board may delegate a function or power to a member or a committee.

14—Validity of acts of Board

The usual provision for saving acts or proceedings despite a vacancy in membership is included.

Part 3—Citrus Industry Fund

15—Establishment of Fund

Citrus industry participants are to contribute to a Citrus Industry Fund as provided for in the regulations.

It is proposed that the contribution system involve an annual flat amount and a variable amount for each different class of citrus industry participant and to continue the procedure of packers and processors making contributions on behalf of growers on a monthly basis.

16—Application of Fund

The Fund is to be applied by the Board for the purposes of its functions.

17—Management plan for Fund

There are to be 5 year rolling management plans for the Fund presented on an annual basis at a public meeting.

18—Audit of Fund

The Fund is to be audited on an annual basis by the Auditor-General.

19—Annual report for Fund

An annual report on the Fund is to be submitted to the Minister and laid before each House of Parliament.

Part 4—Information about citrus industry

20—Notification of participation in citrus industry

A citrus industry participant must notify the Board of entrance into the industry. The information provided to the Board must be kept up to date. See clause 3 for the definition of citrus industry participant.

21—Powers of Board to gather information

The Board may require citrus industry participants to provide periodic returns. The Board may also inspect records relevant to the information in a periodic return.

Part 5—Miscellaneous

22—False or misleading information

It is an offence to make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) in information provided under the measure.

23—Service

This clause provides arrangements for the service or giving of notices.

24—Liability of members of bodies corporate

The usual provision for liability of members of bodies corporate is included.

25—General defence

A general defence is provided that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

26—Regulations

General regulation making power is provided.

27—Review of Act

The Act is to be reviewed within 6 years and a report laid before each House of Parliament.

Schedule 1—Repeal, transitional and temporary provisions

Part 1—Repeal of *Citrus Industry Act 1991*

1—Repeal

The *Citrus Industry Act 1991* is repealed.

Part 2—Transitional provisions—general

2—Funds

The funds of the current Board are to be paid into the Citrus Industry Fund.

3—Audit and annual report

The first audit and annual report is to cover the period of transition from the current arrangements to the new arrangements.

4—Regulations

Regulation making power for savings or transitional matters is provided.

Part 3—Transitional provisions—Board

5—Selection of members of first Board

The first members of the Board are to be appointed through the selection committee process set out in this Part.

3 are to be citrus growers with extensive knowledge of and experience in the production of citrus fruit and 3 are to be other persons with extensive knowledge of and experience in the marketing of citrus fruit or citrus fruit products or any other foodstuffs.

6—Establishment and membership of selection committee

The committee is to consist of 5 members appointed by the Minister. These members are to be selected from a panel of 10 persons nominated by organisations or other bodies that are, in the opinion of the Minister, representative of citrus industry participants and substantially involved in the citrus industry.

7—Term and conditions of membership of selection committee

The first selection committee is disbanded once the relevant selections have been made.

8—Remuneration

The Minister is to determine allowances and expenses for members of the selection committee and these are to be paid out of the funds of the current Board or to be reimbursed out of the Citrus Industry Fund.

9—Procedures of selection committee

The procedures are similar to those that apply to a selection committee for the current Board.

10—Conflict of interest over appointments

Members are to disclose close associations with a person under consideration for nomination to the Board and members with close associations may not take part in relevant deliberations.

11—Validity of acts of selection committee

The usual provision for saving acts or proceedings despite a vacancy in membership is included.

12—When appointments to first Board take effect

The selection committee is to nominate members for appointment as set out in this Part. The appointments are to be made under the *Acts Interpretation Act* in anticipation of the commencement of section 7. The new Board is to take effect on the commencement of section 7.

13—Expiry of Part

This Part is to expire when section 7 commences.

Part 4—Temporary provisions

14—Conflict of interest

15—Immunity of persons engaged in administration of Act

16—Expiry of Part

This Part includes usual conflict of interest provisions and is designed to apply until relevant provisions of the *Public Sector Management Act* come into operation.

The Hon. CAROLINE SCHAEFER: I begin my second reading speech by making the observation that I am doing so as a result of constant requests from the government that we shove this bill through today in spite of the fact that we have just received the message. I am aware that the citrus industry wants this bill passed. It wants the regulations introduced so that it can have the new act underway for the next citrus season. I am therefore prepared to accommodate the government's wishes. However, I found it quite offensive that the minister, during question time, accused us of delaying the business of this council for the week when, in fact, we have six pieces of legislation on the *Notice Paper*, we are prepared to deal with private members' business today, and I am prepared to make my second reading speech for this bill. I think that needs to go into *Hansard*.

The Hon. Ian Gilfillan: It is a very noble gesture, which is appreciated by the Democrats.

The Hon. CAROLINE SCHAEFER: The Hon. Ian Gilfillan has just been gracious enough to thank me for this; hopefully, the minister will be equally as gracious.The background to this bill is that in 2001 the National Competition Policy Review of the Citrus Industry Act revealed that the act had a number of anti-competitive elements and required reform. The original intention was to repeal the act and move to total deregulation of the industry; however, after consultation this was found to be unacceptable to the majority of stakeholders. Consequently, the government established

the Citrus Industry Implementation Committee in November 2003. This committee comprised representatives of all growing, packing, processing, wholesaling and retailing sectors of the South Australian citrus industry.

The main impact of the changes to this legislation is to move the act from a marketing control focus to an industry development focus, and to bring it into line with national competition policy. There are two new elements to the legislation: food safety arrangements and bio-security. The new bill provides the board with the power to inform and advise the minister on bio-security issues impacting on the citrus industry. On the food safety issue, the Minister for Health has requested that there be some mandatory food safety arrangements in place for packers. Packers already fall under food safety arrangements; however, there are small individual growers who operate their own packing businesses. These growers are considered to be primary industries, not food handlers, and therefore they are not covered in the food safety legislation in the same way as larger packers. Approximately 8 per cent of grower-packers fall through this gap.

Consequently, there will be a set of regulations under the primary produce (food safety) legislation to ensure that small packers have some sort of food safety arrangements in place—we have moved similar legislation, for instance, for the meat industry. Operators will be able to choose from where they get their accreditation: HACCP or a commercially available and approved system. The government wants to ensure that when the old act is repealed there is a legislative requirement to maintain safety. In practice this will not change the current operations of the industry because, in fact, all packers currently fall under some system of food safety regulation.

The fund's collection mechanism will also change. The Citrus Board currently collect funds on behalf of the Citrus Growers of South Australia Association; however, this arrangement, which has been a courtesy arrangement, will be difficult, if not impossible, to maintain under the new legislation, and so the new legislation will bring levy collection into line with other primary industries levies—such as the grape industry, etc.—under the Primary Industries Levies Fund. This is an opt out scheme—in other words, it is a voluntary collection but growers must signify on an annual basis, as I understand it, if they do not intend to pay the levy.

The Citrus Act is to be brought into line with national competition policy provisions, so all of the current act's marketing elements are to be removed. These are the compulsory requirements for sale of citrus to flow along the chain from grower to packer to processor to wholesaler to retailer. From now on the grower, if he has a properly registered packing operation, will be able to sell direct to the retailer. For export, AQIS Export Standards will still have to be met. Packers and wholesalers currently have to post bonds for licensing conditions. These arrangements are to be removed. It will still be necessary to notify of participation in the industry, and a fine will be in place for failure to notify. I understand the Hon. Ian Gilfillan is considering an amendment with regard to that particular regulation.

The board will be reduced from seven members to six. Three will be growers, and three will come from the marketing/packaging arm, and there will be an independent chair appointed by the minister. I am yet to be convinced of this, but I am assured that this is meant to result in a reduction of fees to growers. The support staff will be reduced from five to two. The selection process for the board remains unchanged, that is, there is a selection committee. The selection panel is made up of industry representatives nominated from and representing all sectors of the industry, including the CGSA, Women in Horticulture, SAFF, the Packers Association, the Processors Association, the Chamber of Fruit and Vegetable Wholesalers, etc. Currently, 75 per cent of funding comes from growers and 25 per cent from the rest of the chain. Under the new arrangements, this will be a fifty-fifty process. The appointment process is in the bill initially for the transition period but will be in regulations after the transitional three-year term. That is, it is to take three years for the transition to take place between the current board's situation and the new board.

The transitional element of this bill gives the power to move current assets from the old to the new board and for the handover of business elements. There are currently assets of cash reserves of between quarter and a half a million dollars, two vehicles and office equipment. As I said at the beginning of this second reading speech, I have been quite heavily lobbied by elements of the citrus industry to get this bill through as quickly as possible, and I therefore do not seek to delay it in any way. However, since my original briefing, I have been contacted by the Citrus Growers of South Australia, who are concerned that, unlike my briefing that there has been a change, as I understand it, to the food safety requirements by grower-packers, it is considered by that body that the new arrangements will be unsatisfactory for smaller growers. I refer to a letter to the minister, which I received from that group on 3 June, as follows:

> As you were made aware, it came as a major surprise to CGSA that the CIIC—

which is the implementation committee—

> had completely reversed its previous decision on Friday, 27 May teleconference. Unfortunately, the two CGSA grower representatives were unable to be involved to put forward their views. The turnaround from supporting the handful of grower-packers to all growers coming under the Primary Produce Food Safety Scheme is not accepted by the grower sector. CGSA's position remains that we do not wish to become part of the PIRSA program, but continue with the current arrangements and assess the situation in 12 months regarding any growers who may have opted out of approved food safety systems.

In the time between my second reading speech and the committee stage, which I assume will be tomorrow, I seek some reply from the minister as to what has been done with regard to that eleventh hour objection by the citrus growers' association. I stress that, in spite of the growers' concerns when they came to see me and, indeed, when they gave me a copy of that letter, they still want this bill to proceed, so I do not wish to delay it, but I seek some explanation as to why that change was made and whether the association has had its fears allayed since that correspondence at the beginning of June, which was about a month ago.

Similarly, in the last 24 hours, I have had a number of faxes, and I know the minister has also, from another group of people which does not support any form of citrus board. I am slightly surprised by that, given that I do not think this group supports total deregulation, either, so I am somewhat puzzled as to what it does support—except that I know it has sought a poll of all citrus growers and, I assume, has had that request either ignored or refused.

Given that I have had, therefore, two groups that have concerns about the implementation of this bill and given that I have given my assurance that we will process it without delay and I note that there are departmental officers and ministerial advisers here, I seek answers to those concerns

overnight so that we can proceed to the committee stage and put the bill through tomorrow.

The Hon. Kate Reynolds interjecting:

The Hon. CAROLINE SCHAEFER: Yes, I am an extraordinarily cooperative person. However, I note with some concern in another place that minister Maywald, who is the local member for the majority of the citrus growers in the state, has failed to make any speech on or contribution to the passage of this bill. I wonder whether she is, therefore, bound by cabinet solidarity not to express any concerns or whether she is so apathetic that she is not concerned enough to make any contribution. Again, I would be very interested to know whether minister Maywald is, in fact, in favour of a poll of growers or whether she is not, and whether she is in favour of the bill as it stands. It seems quite peculiar to me that, as a local member and Minister for Regional Development—and certainly citrus is one of the most important industries within her electorate—that she has made no comment, and again I would be interested in some input from minister Maywald overnight.

The bill is to be reviewed in six years. I am concerned that, if the people who want a poll are proven to be right, six years is a long time to wait to reverse something if it is a bad decision. I am therefore considering moving an amendment tomorrow to shorten the time. I understand that there is a transition period of three years, which seems to be an inordinately long time to move something from one piece of legislation to another, but I am considering reducing the time for that review of the act and the processes therein to a more practical time, unless I can be convinced otherwise overnight. I support the second reading.

The Hon. IAN GILFILLAN secured the adjournment of the debate.

EDUCATION (EXTENSION) AMENDMENT BILL

The House of Assembly disagreed with the Legislative Council's amendment and made an alternative amendment as indicated in the following schedule in lieu thereof:

No. 1. Clause 3, page 2, lines 10 and 11—
Delete all words after 'Section 106A(16)—' and substitute: delete subsection (16)

The Hon. CAROLINE SCHAEFER: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

CHIROPRACTIC AND OSTEOPATHY PRACTICE BILL

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

LAW REFORM (CONTRIBUTORY NEGLIGENCE AND APPORTIONMENT OF LIABILITY) (PROPORTIONATE LIABILITY) AMENDMENT BILL

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

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS) BILL

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

HERITAGE (HERITAGE DIRECTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 1920.)

The Hon. CAROLINE SCHAEFER: This bill has been dealt with in the other place and the opposition did not oppose it there. Similarly, we will not oppose it in this place. As is the wont of this government, although it is awash with money, it does increase penalties, in many cases by 300 per cent. We will oppose those sections of the bill which increase the maximum penalty—in some cases, from $15 000 to $75 000.

The heritage directions amendment bill was drafted in consultation with the Department for Environment and Heritage and Planning SA and was intended to complement the sustainable development bill. That begs the question as to why we are proceeding with it given that we cannot seem to move forward at all with the sustainable development bill. While the sustainable development bill focuses on local heritage, this bill is aimed at protecting state heritage and institutional arrangements. In August last year the draft bill was released for public consultation and 52 submissions were received.

The bill proposes to reform and strengthen the heritage system in South Australia through a number of mechanisms. It amends the Heritage Act, the Development Act, the History Trust of South Australia Act and the Valuation of Land Act. The proposed key changes are to substitute the long title and insert a series of new objects. The new long title makes provision for the identification, recording and conservation of places and objects of non-Aboriginal heritage significance and establishes the South Australian Heritage Council.

The proposed objects are: to recognise the importance of South Australia's heritage places and related objects in understanding the course of the state's history, including its natural history; to provide for the identification and documentation of places and related objects of state heritage significance; to provide for and promote the conservation of places and related objects of state heritage significance; to promote an understanding and appreciation of the state's heritage; and to encourage the sustainable use and adaptation of heritage places in a manner consistent with high standards of conservation practice, the retention of their heritage significance, and relevant development policies.

A new definition of 'archaeological artefact' or 'geological, palaeontological or speleological specimen' is inserted. That does not include Aboriginal objects, which I understand are covered under a separate act. There is a new definition of 'land' and 'place of heritage significance'. We have received some concerns from people who collect palaeontological and speleological specimens, but I understand that their concerns have been taken into account and that proper clubs will be catered for under this act. I am not positive of that. Again, the minister might like to clear that up in his reply.

The existing State Heritage Authority will be reconstituted to be the South Australian Heritage Council. I understand that the Hon. Sandra Kanck has a huge number of amendments which are not yet on file, but, from what I have seen of them, one of her amendments is to change the word 'Council' back to 'Authority'. I will seek advice on this from the shadow minister (Hon. Iain Evans) who is responsible for these matters. I will also be listening with interest to the Hon. Sandra Kanck's reasons for making that change.

If this bill is successful, the council will be given an advisory role as opposed to primarily an administrative role. It will consist of one extra member: it will go from a membership of eight to nine. Currently, up to eight members are appointed by the Governor, and one member with experience in conservation is chosen by the minister on nomination by the LGA from a panel of three. Experience in urban and regional planning is an added criterion for members of the council. The council must take on a more extensive role in heritage protection. It will have the duty to advise the minister on issues at a local, state and national level and to advise the minister of heritage programs and policy and any other issues considered necessary. It will administer the South Australian Heritage Register and identify places and objects of state heritage significance. It will also be the duty of the council to initiate and support community awareness programs. The State Heritage Fund will be renamed the South Australian Heritage Fund, and the State Heritage Register will become the South Australian Heritage Register.

Movable objects will be included in the register if they are judged to be related to the heritage value of a place. I think many of us were disturbed to read of the removal of objects and stones of archaeological significance from the Flinders Ranges a few months ago. This would place such objects on the South Australian Heritage Register and, hopefully, provide some form of protection for them. Public inspection of the register will be available at a designated office, but the council will be able to exclude from public inspection the details of any location that may be at risk if its location is disclosed.

The term 'heritage value' will be used to assess the criteria for registration of heritage places and will become 'heritage significance' for the purposes of the act. Geological, palaeontological and speleological specimens as well as archaeological artefacts will meet the criteria. However, any other object related to the heritage significance of a state heritage place or area will be included in this definition. Parts of the bill relate to the excavation, disturbance and damage to objects and specimens of significance, and these activities will incur higher penalties—that is, if the clauses are successfully introduced. As I have said, moving a penalty from $15 000 to $75 000 has absolutely nothing to do with normal indexation, and we will be opposing each of those clauses. The new council will have the power to vary or revoke a permit or the conditions of a permit. It will also have the ability to impose fines.

Any heritage agreements will apply not only to the current owner of land, whether or not that owner was the person who made the heritage agreement, but also to the current occupier of the land, if that is the case. There will be penalties for damaging a state heritage place and, again, they are to be hugely increased. In fact, we go to a maximum fine of $120 000, if a person contravenes a stop order. Express powers of entry are proposed for any person authorised by the council to inspect a place, or any object in a place, in relation to compliance and/or contravention of the act. I am very surprised that this clause escaped the Hon. Graham Gunn, and we may have a quick look at that between now and the committee stage.

The bill widens the regulation powers of the Governor, and it assumes the new sustainable development act in as much as a development plan may designate a place as one of heritage value. Development plans will be changed without any formal procedure. Owners of local heritage properties will have the right to reduce devaluations to reduce the practical value of the place. Hopefully, this will get over some of the difficulties faced by people who have heritage listed properties in maintaining them as required.

The aim of the bill is purely to protect things of significance to us in an historical fashion—things that are not necessarily of Aboriginal significance but which are, as I have said, of conservation and heritage value. We will not oppose the bill. I noticed that, in another place, the Hon. Iain Evans raised a number of issues, which have been accommodated. I understand that the government has one amendment on file as a result of discussions between the two houses and, as such, we support that. I support the second reading.

The Hon. SANDRA KANCK: Built heritage in South Australia is, for the most part, Cinderella taking second place to her ugly sisters, urban planning and economic development. However, I am not sure whether this bill will play the role of Prince Charming; in fact, I am somewhat doubtful that it will be able to. Over the years, we have seen landmark structures—such as the Aurora Hotel in Hindmarsh Square more than 20 years ago, The House of Chow in Hutt Street about 15 years ago and Fernilee Lodge two years ago—bulldozed because they lacked heritage protection. Of course, they are not the only examples, but they have certainly been high profile.

I became a member of Aurora Heritage Action back in 1982 as a consequence of the plans to demolish the Aurora Hotel. I spent a number of hours on the picket line, at that time, and a few years later I also spent time on the picket line outside St Paul's in Pulteney Street. St Paul's was able to be saved by the actions that were taken by Aurora Heritage Action and others. Another hotel that Aurora Heritage Action managed to save was the Heritage Hotel on the corner of Light Square and Currie Street. If you look at a hotel like that and think that 15 or 20 years ago it was threatened with destruction, you wonder about some of the thinking.

Last year, we saw the Walkerville council being an active player in destroying its own property on Walkerville Terrace—I refer to 150 year old cottages—against the wishes of its own ratepayers. At that time, I wrote to the then urban planning minister, the Hon. Trish White, asking for her intervention, but she declined to act. Last year, we saw a majority of members of the Environment, Resources and Development Committee of this parliament agree to the removal of the Holden headquarters at Elizabeth from the Playford council local heritage listing, following implied threats from Holden that, as a result of that building being heritage listed, Holden could move its operations away from Adelaide. Some of the members in our committee did not even understand that a building of that nature, even though it was only about 50 years old, was important to the state's history.

There is a wide lack of understanding of what heritage is and how important it is; however, despite the lack of regard for heritage, we have been lucky here in South Australia that a great deal of it has survived. When I have interstate visitors here, I will often take them for a walk around some of the areas like Port Adelaide, for instance, which has some fantastic buildings that have survived because, for so long, it was an area that was neglected. They always say, 'Whatever you do, do not lose it.'

I refer to a letter written by a woman who visited Adelaide last year. My office e-mailed her after her visit, asking her to put something in writing about what she saw, so she put

together something she has called Thoughts on Adelaide, as follows:

> Adelaide was voted by the Economist Intelligence Unit as one of the top 10 places in the world to live in 2002; declared by New Yorker magazine as 'possibly the last well planned and contented metropolis on earth'; and acclaimed by Lonely Planet as civilised and calm in a way that no other Australian state capital can match'. Yet, this city of churches, boutique pubs, fabulous restaurants, the central market and character streetscapes is under siege from a shortsighted, financially driven state government, which is under pressure from a few commercially ambitious urban developers and councils. These parties are looking to radically change Adelaide forever; it is proposed that over the next decade around 50 per cent of dwellings, within a five kilometre radius of Adelaide's city centre, will make way for medium density residences.
>
> Only the most significant of character and heritage properties will be saved, while more and more character streetscapes of bluestone dwellings like those currently common in Unley, Wayville and Goodwood, will disappear from the landscape. . . Even the Brisbane City Council, renowned for its demolish first and ask questions later ethic, now has a schedule of residential dwellings listing those for attention and those for possible demolition; but no demolition or changes can be made to individual dwellings or residential streetscapes without satisfying strict criteria. And the public has ample opportunity to investigate and respond.
>
> Adelaide needs a register of residential properties; Adelaide needs legislative and regulatory mechanisms to ensure its uniqueness isn't sacrificed for the sake of the dollar and commercial and government ambition. Adelaide is a city of history, style and charm and is deserving of protection, preservation and promotion—it's like no other city on earth.

That is written by a Queenslander. As a state, we are only a little over 200 years old, so any built heritage that disappears is to our detriment. Hopefully, this bill will make a little bit of difference in slowing the destruction and demolition of so much of our heritage.

I stress that heritage is not just about bluestone buildings. Earlier, I mentioned Holden's headquarters at Elizabeth as an example. Despite the fact that it was less than 50 years old, Playford council considered that it was worthy of being included on its local list, and I was bitterly disappointed that the Environment, Resources and Development Committee succumbed to pressure from Holden's to remove it from the local list. Heritage SA obviously thinks it is of significance because its *Heritage South Australia Newsletter* of January 2002 contained an article about car culture and ephemera which included a two-page spread with a photo of that building, which it described as follows:

> In 1958 GMH commenced work on a new factory at Elizabeth, a newly established workers' satellite city north of Adelaide. In the 40 years since, the factory has remained one of Australia's largest industrial plants. Most of the manufacturing and assembly buildings have been refitted and rebuilt but the administration building remains much as it was first built. Its materials of concrete, steel and glass and its plain symmetry reflect the transition from the Moderne style of the pre-war years to the simpler geometry characteristic of industrial architecture in the 1960s.

At that stage, in January 2002, the article was correct in saying that 'the factory is not registered under any heritage protection.'

Playford council attempted to put it on its local lists but the Environment, Resources and Development Committee recommended to the Minister for Urban Development and Planning that it not go on the list, that it be removed from the list. The compromise, I guess, is that we have been left with the GM lion at the front with the grille as the only little bit of facade—and such a compromise was not necessary. If one looks at this state's industrial history, at its working-class history, at its economic history, the role that Holden has played has been significant.

There used to be a building out at Birkenhead on the other side of the Birkenhead Bridge that was demolished, I think, about 15 or 20 years ago. It had not been used for quite some time, and it was demolished on the basis that a lot of vagrants and homeless people were sleeping in it and a lot of damage was being done. So, that was knocked down. Then we had what was known for many years as the Repco building, which was also part of that industrial heritage. For a while that was used for other commercial businesses and then there was talk of converting it into housing but, ultimately, the whole thing has been destroyed. The only part of that heritage left that is of any significance is that administration block at Elizabeth, and the one chance it appeared to have to be given heritage protection was removed by the ERD Committee. I think that the majority of the members of the ERD Committee, the five who voted against me, do not fully understand what heritage is.

I now turn to the bill. The current act, quite surprisingly, has no objects set out in it, so it is pleasing to see a set of objects in this bill. I am not very happy about changing the name from the State Heritage Authority to the State Heritage Council, and I will be moving amendments to ensure that we retain the name State Heritage Authority. One only needs to say the two—State Heritage Authority and State Heritage Council—to see which of those two titles has any strength to it—it is clearly State Heritage Authority.

The question we have to ask is whether this bill will bring about greater protection for heritage. The Conservation Council submission to the draft bill stated:

> Our long experience with Planning SA, the plan amendment report system and council development plans has shown the system is ill-equipped to protect built heritage. We are convinced that the protracted PAR process will result in further loss of heritage.

Just before Fernilee Lodge was about to be bulldozed in early April 2003 the Friends of Fernilee emailed most MPs, I think, expressing their concerns about what was going to happen. I will read some of that email, although I assume most members would have been aware of it at the time. They said:

> Fernilee Lodge is soon to be destroyed for two simple reasons. The first is that Burnside council failed to present a final local heritage development plan for approval. A draft heritage PAR was submitted by the council more than three years ago for preliminary consideration, but then progress stalled.
>
> Whilst the council's inept handling of local heritage protection continues to this day,—

and this is dated 4 April 2003—

> it may be little different to the 50 per cent of metropolitan councils that currently do not have local heritage development plans. The second reason for the destruction of Fernilee is that, whilst successive state governments have provided for the creation of such plans, they have failed to ensure that plans have, in fact, been created. Perhaps the parliament assumed that, having passed the legislation permitting their creation, local government would assign a higher priority to their completion. Clearly, as the destruction of Fernilee has now revealed, that has not happened. There appear to be several impediments to the creation of local heritage PARs, not the least of which is their high cost of preparation.

They then go on to make some suggestions about how some of this can be improved in the future, as follows:

> The first is for the creation of a joint state and local government working party to simplify and standardise the local heritage PAR system. This is in order to make heritage PARs more affordable to local government, and with easier implementation for smaller councils and those in rural areas. Secondly, may we suggest that greater transparency is needed of the decisions of Heritage SA. Despite questions in parliament—

and I did ask a number of questions; I had a series of questions on notice some years ago about this—

and letters to the editor in *The Advertiser*, there has been no response as to why state heritage listing was denied for Fernilee despite conforming to all seven criteria for heritage listing under the Heritage Act, when conformance to only one was required. Heritage SA, no more than any other government department, should be allowed to make decisions in secret which appear contrary to the requirements of the act. A full explanation is clearly required for all decisions of Heritage SA for heritage listing, otherwise you and, through you, our community, are being denied the opportunity to scrutinise decisions which appear contrary to the community's long-term interest and the expressed intentions the South Australian parliament.

I want to raise another issue about things that are happening or not happening at the present time. I have received a fax from a heritage consultant who tells me that currently the State Heritage Branch is advising councils that they must list recommended state heritage places as local heritage places, because of an inability of the branch to list identified state heritage places quickly. There is something terribly wrong with the system if that is what is happening when Heritage SA says to councils, 'Quick, list it on your local list because we can't do it'.

I am having some amendments prepared which I hope will address that. The relocation of Heritage SA to Keswick about 18 months ago could well be an indication of how the government really feels about built heritage, although I welcome announcements that the state government has more recently made about funding. This legislation does make improvements. Whether they are enough to make a difference is yet to be seen. I indicate support for the second reading.

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

STATUTES AMENDMENT (RELATIONSHIPS) BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 2264.)

The Hon. J.M.A. LENSINK: I rise to make a second reading speech on my own behalf today because, given that this is a conscience issue for all Liberal members, each of us will present our own views as we see fit. This is quite an extensive bill and it is quite complex, and I think it is fair to say that all members would have been lobbied on this in a way that they have not been lobbied on a number of other things, and certainly my emails, along with a number of other people's, have been filled with people urging me to do one thing or another in the best interests of South Australia.

I think it is also fair to say that it is the sort of issue which evokes a strong amount of passion on either side of the debate and, along with that, which I think is part of the nature of it, perhaps some misinformation has been promulgated in favour of various arguments put forward. I would like to say that I think that we need to do our utmost to be objective about these issues and to look at the facts that are before us.

The bill was first introduced into the House of Assembly on 15 September 2004 by the Attorney-General, and then, curiously, an identical bill was introduced in the Legislative Council on 9 November 2004 while the second reading was in progress in the House of Assembly. Then, on 23 November 2004, the government decided to withdraw the bill from the House of Assembly after only three members had had the opportunity to speak.

The bill in this chamber was referred to the Social Development Committee, and I propose to give a separate speech on that this evening. I would like to say, for the record, that I did want to give those two speeches in close proximity because, in my view, they are intertwined. The bill was referred to the committee and it has reported, and that motion is still before us. So the bill is back in this chamber with some amendments, and 10 new acts have been added to the list. Originally it was 82; and it is now 92. Broadly, the effect of the amendments is to extend to same-sex couples a series of rights and responsibilities which currently apply to married couples and those in heterosexual de facto relationships.

The following areas that will have some impact are largely drawn from chapter 2 of the report. First, there are general property rights (which include stamp duty exemptions); binding agreements about property; property division upon separation; housing-related entitlements; and a new category which is exemption or partial exemption of certain land from land tax. Secondly, we move on to rights as next of kin, which includes: inheritance, property and entitlement rights; rights to contest a will; rights to claim compensation if a partner is wrongfully killed; a right to veto cremation; a right to consent or refuse consent to organ donation and post-mortem examination; guardianship orders; rights if a partner is detained under the Mental Health Act; rights to consent to forensic procedures; problem gambling orders; criminal behaviour; domestic violence orders and common assault; and assumptions regarding principal place of residence.

There are a number of other acts which come under regulation of the professions, and some of those acts we have dealt with recently in this chamber, so the revised acts have been included as well as the old acts. I will not read that particular list. There is also a large number of acts that come under the area of conflict of interest through being considered an associate, a relative, or the like of someone who may need to declare their interest. Further, there are relevant associations for corporate governance provisions; relevant associations for licensing purposes—which includes the Casino Act, gaming machines and so forth, and racing; financial recovery provisions under the Hospitals Act and the Environment Protection Act; and some tidy-up provisions regarding state superannuation. I note that parliamentary counsel has advised me that this bill does not further extend any entitlements to superannuation but is a bit of a tidy-up in relation to use of certain terms to describe types of relationships.

Also included are: rights under the Equal Opportunity Act; other rights relating to care which affect people who may reside in retirement villages or be captured by the Supported Residential Facilities Act; family responsibilities—the ability to take parental leave under the fair work act; and exemption from compulsion to give evidence against a partner. There are also three rights which affect married people and heterosexual de facto couples as well as same-sex couples, and they are: the reduction in the cohabitation period from five years to three years; changes to declaration procedures; and changes to confidentiality provisions regarding declarations.

I also state for the record that I have been somewhat bemused by the government's attitude in relation to this bill. Perhaps it is in some sort of tetchy mood, but I have felt some sort of compulsion to move on this quickly this week, and I would like to state that I believe on this side we have been very cooperative in the last two weeks in trying to get legislation through in a reasonable time. Perhaps the government does not realise that it does not necessarily have a mandate in this chamber and needs to respect the institutions of the parliament.

I have sought parliamentary counsel's assistance in drafting some amendments to the bill which, broadly speaking, would include the issue of co-dependents, which has been completely excluded from the bill. I think it is fair to say that it is generally known that a number of other members also have sought similar amendments. So I think there is some sort of broad agreement that a compromise ought to be able to be reached on this issue. As is often the case, the devil is in the detail. We agree on a number of issues in principle but whether or not it is a simple thing to do remains to be seen, and I am grateful for the advice of parliamentary counsel. I understand that they are under considerable pressure, particularly this week, and they have been extremely cooperative in trying to accommodate all members and have sought to assist us in that way.

I am also not necessarily convinced about the proposed reduction in the cohabitation period, that is, from where it is at the moment under the Family Relationships Act, which is five years continuously or six years aggregated, to three and four years. I say that not from any wowser point of view, but because I think there would be a number of people who would end up being classified as being in de facto relationships when that may not have been their intent. Presently, if a child is produced in the relationship then de facto status applies immediately, but I am not convinced that, without a child having been produced, reducing the period of cohabitation will serve people in any way.

In relation to various models and perhaps some of the history in this state, in 1975 South Australia brought in the Family Relationships Act which gave some recognition to de facto couples, and my understanding is that that was largely to assist in the situation where a child had been produced in that relationship and the child and either dependent member of that couple ought to be provided for financially. In that same year, interestingly enough, we had decriminalisation of homosexuality. I think that, because South Australia led the way in recognition of de factos in that year, perhaps that five-year cohabitation period applied, whereas I note that a number of states have reduced that cohabitation period to three years and some states have reduced it to two years.

There are a couple of different models to be considered. This bill and our current laws provide what is called a 'presumptive model' for de facto relationships; that is, a set of criteria must be met, whether or not that is the intent of the couple. In some other models in other states and overseas, people can also be required to register their relationship or make some statement of intent. That again is the quandary we face with the issue of domestic co-dependents. I do not believe anybody would want to increase the likelihood of fraud, but there are a number of people in this chamber who believe very strongly that the needs of domestic co-dependents should be encapsulated in this bill, and if we can all get our heads together we should be able to reach some form of agreement. I must say I have been disappointed with the attitude of the government towards the issue of co-dependents, because I think we missed an opportunity in the report, but I will speak further to that when I speak on the motion.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 2271.)

The Hon. D.W. RIDGWAY: I rise today to support the Appropriation Bill 2005. It is interesting to note a number of details in this Appropriation Bill, the budget speech and indeed the budget itself. The budget continues to benefit from the tremendous inflow of GST money which, incidentally, this government opposed when in opposition, yet it now basks in the rewards and benefits it brings to South Australia. Also, as was noted by Standard and Poor's, the budget continues to benefit from debt reduction due to the ETSA privatisation, which again was opposed by this government. We all know that privately government members concede that it was the best decision, which the previous government made in the best interests of South Australia. The AAA credit rating that the Treasurer so proudly claims having achieved himself he knows full well he achieved only through the debt reduction measures and fiscal management of the previous government.

In 2005-06 the Rann government will collect $220 million more revenue than did the last Liberal government. That is $10.7 billion compared with $8.5 billion. One has to ask what has happened to the $2.2 billion, and where is the financial dividend for South Australians? It really cannot be believed that we have $2.2 billion more revenue and we still have the disasters in public health and, especially in rural and regional areas, the backlog in road maintenance and a number of other issues that I will cover further in my contribution. The budget numbers can hardly be believed. In the Treasurer's previous three budgets the underestimated revenue windfall has been: in 2002-03, $528 million; in 2003-04, $794 million; and, in 2004-05, $461 million. That is $1 783 million of underestimation. It is really not a particularly impressive statistic.

Some of the other initiatives announced in the budget need to be explored and questioned a little further. The $1.5 billion tax package relief announced extends to the year 2011, and a significant part of that kicks in only from 2009-10. Again, it is a glaring example of this government's ability to spin its way through nearly every issue and every portfolio. All of this except the land tax relief of $380 million (that is, $380 million of $1.5 billion) was forced on the government by the federal Treasurer, Peter Costello, as a result of the GST negotiations with the commonwealth, negotiations which were originally handled by the former Liberal government.

Another interesting thing to note is that this government is the highest taxing government in the state's history. When you look at some of the areas where it is collecting tax, you see that in 2004-05 it will be collecting 24 per cent more conveyancing stamp duties than budgeted—another one of the Premier's broken promises. In land tax, total collections will increase from $261 million in 2004-05 to $292 million in 2005-06, even after the rebate and relief package the government was so proud of. So, it is taking another $30 million out of the pockets of mum and dad investors in South Australia. In the private sector, a doubling of collections has arisen after rebates and relief.

Unfunded superannuation liability has been another significant concern. The unfunded superannuation liability has now blown out from $3.2 billion at 30 June 2001 to $6.5 billion-plus, an incredible figure that is obviously due to the number of fat cats which the Premier promised to cut but which has been increasing. The unfunded liability in WorkCover is another particularly concerning statistic. There were some $70 million of unfunded liability in WorkCover

when this government came to office, and now we are reliably informed it has gone past some $700 million. There are a number of other issues where the government has overspent and spent South Australian taxpayers' money unwisely. The so-called two Independent ministers—although you would have to look at their actions today and wonder whether they are really independent or just puppets of the Labor government—

The Hon. Caroline Schaefer interjecting:

The Hon. D.W. RIDGWAY: My colleague interjects and says that they are probably wholly owned subsidiaries of the Labor government. These Independent ministers' offices each cost $2 million a year, so that is $4 million that South Australian taxpayers have had to pay to fund the offices of ministers McEwen and Maywald. The number of ministerial staff has also increased. Increased costs and numbers amount to more than $16 million over four years, which is $4 million a year.

Another thing that is quite frightening to the opposition is that this government is prepared to push ahead with its opening bridges on the Port River Expressway, and the expected cost of that project will be in excess of $100 million. The previous Liberal government was criticised for projects such as the Wine Centre and the Hindmarsh Soccer Stadium. The Hindmarsh Soccer Stadium came in on budget and before time, and now the Premier even says that it is not big enough and that we need more capacity for the Adelaide United soccer team. This government is prepared to waste $100 million on opening bridges.

The Thinkers in Residence program has cost the South Australian taxpayers an enormous amount of money, and it is probably time the government developed a 'doers in residence' program or gave up and let somebody else have a go. The number of senior public servants—called 'fat cats' by Mr Rann in the lead up to the last election—has increased by nearly 400, rather than a cut of 50 as the Premier promised. There are a number of issues on which the government has let down South Australia.

There are a few other issues I would like to address in a little more detail. I refer to the tram extension to the Adelaide Railway Station and an article in *The Advertiser* by Rex Jory on Thursday 16 June, in which he stated:

> It may be the company I keep, but I have not heard one person, other than a government mouthpiece, say it is a good idea to extend the Glenelg tram line to North Terrace and ultimately to North Adelaide. Plenty have said it is a dopey idea and few could not care a toss either way.

He further says:

> It is of course wrong to be negative and criticise this slice of government initiative. We should feel grateful and embrace the idea of extending the tram. I am not really opposed to the tram, I am not saying it is wrong and I am not averse to change: I'm simply questioning the wisdom of the scheme. I wonder whether it's justified, whether it will be a worthwhile improvement for our public transport network and whether it has been sufficiently researched and whether anyone in the government has bothered to ask the public what we think.

I am reliably informed that, when the Premier announced the extension to Brougham Place, the headline on his press release (although further down in the fine print it did say that there would be a study to determine whether it would be possible), Transport SA knew nothing of it until it received the press release at the same time we did. So, not only does this government not ask the public what it thinks but it does not even ask its own departments what they think. Rex Jory further states:

> But wait a minute, didn't we have a system like this until the late 1950s; didn't we rip it up and replace it with buses to ease the traffic congestion caused by fixed line trams?

I know that Adelaide City Council in a previous study, called the Fielding Report, back in the 1980s was concerned about the trams in King William Street because of traffic congestion. Rex Jory further says:

> I question, though, whether running fixed rail down King William Street will ease congestion, speed up traffic flow. I wonder whether dropping people off in the middle of King William Street will lead to pedestrian accidents. I wonder whether it will have a genuine impact on stemming the slow deterioration of Rundle Mall as Adelaide's primary retail precinct.

He said that he does not want to keep knocking it and being a whinger, but he says that the people he speaks to just are not getting excited about it. I did a bit of research on the trams and the cost of the upgrade of the Glenelg tram line, and it is interesting to note that the trams the government has chosen are what is called a Bombardier flexity classic. They have been designed to meet the following typical service specifications: they are a single vehicle operation (one driver, one tram); they have some street and corridor running, but interestingly they have a maximum speed of only 60 to 70 km/h and an average speed of about 25 to 30 km/h; and they have quite a low seat ratio—only 64—to accommodate short distance standing passengers. I understand that they are of a smaller capacity than the existing red trams we have and, because the government has purchased only nine of them and they are smaller, there are significant difficulties in scheduling and getting the timetables right to provide a comparable service for the existing passengers.

It is also interesting to note a comparison on the cost of these new trams with a conventional train. These particular trams cost $5.5 million each and, when you work it out, with 64 seats that is approximately a cost of $85 000 to $86 000 per seat. Compare that with trains similar to the ones I looked at when I visited Perth recently—the ones they use on their new railway lines that run out to the north, and the soon to be completed line to Mandurah. I note that the Hon. John Gazzola is listening intently because he is very interested in public transport, particularly in South Australia. I was in Perth in late February to look at these trams. My colleague and I, the Hon. Terry Stevens, spent a whole day with the Western Australian Transit Authority, the equivalent of our Transport SA.

The Hon. T.J. Stephens interjecting:

The Hon. D.W. RIDGWAY: Absolutely. We spent some time driving the train simulator, and the chap who showed us around suggested that if ever we would like a change of career we would make it as train drivers. It is interesting to note that these trains were multiple operation, so you can have one to six hooked together. They have to operate on designated corridors, but they have a maximum speed of between 110 and 130 km/h and can hold between 70 and 100 passengers. The interesting thing is that they cost only $2.5 million each. When you work that out on roughly 100 passengers, it is only $25 000 a seat. So, we have the cost of upgrading the Glenelg tramline at $86 000 a seat when we could possibly do something more creative with our trains at a cost of, perhaps, only $25 000 a seat.

The government recently announced a study into the electrification of the Adelaide metropolitan rail network. What exactly is the government studying? There have been a number of studies on the electrification of the metropolitan rail network over the last 40 or 50 years, dating back to the

early 1950s when, under the wonderful leadership of Sir Thomas Playford, we embarked on, I guess, the industrialisation of South Australia, and on every occasion when we have come up with the fact that we should be doing this, it has always been a case of the cost of diesel versus the cost of electricity.

South Australia is now the only mainland state that does not have an electrified metropolitan train service. The latest study which was done in the late 1980s recommended that we should go ahead with it, but of course it was cost prohibitive because diesel was relatively cheap. We are now faced with the prospect of diesel—and petrol, for that matter—progressing towards $1.70 to $2 a litre, and of course we have considerable greenhouse concerns about the running of diesel trains.

I cannot see why the government is conducting this study and, if it must do so, why it has to be put off until after the election. We know that with electrification we will get faster times and increased efficiency. We know that we can make the trains a little sexier and better to ride on, and we know that we can probably get more people to use them. I note that when Perth electrified its system in 1992 they had roughly 10 million passengers a year using their trains and we had 8 million passengers a year using our trains. My understanding is that we now have 10 million passengers and that the Perth system now has 37 million patrons a year. Upon completion of the Mandurah line they will have somewhere near 50 million passengers a year. I acknowledge that the population of Perth is about 1.6 million, so the figure should not be 50 million, but on a comparable basis we should have about 30 million patrons a year using our train system. This government has failed the people of South Australia by not looking more closely at this project earlier in their term of office.

The former government had a program in place to re-sleeper the metropolitan rail lines with concrete sleepers. When I asked a question about this a few months ago, the Hon. Bob Sneath said that the only thing I had to do was count sleepers. You don't have to be that bright to see as you ride on metropolitan trains that many thousands of steel sleepers are rusting and that there are still many thousands of red gum sleepers, which are still being replaced with red gum sleepers. The Premier now has this 3 million trees program. It was one million trees, now it is 3 million trees, and he wants to grow more trees and turn Adelaide into a much nicer—I think it is very nice now, but he wants to put more trees on the skyline, even though his government is still happy to cut down red gums to replace sleepers. If the government progressed the concrete re-sleepering program a little faster, beautiful 200-year-old red gums would not need to be cut down to provide this government with sleepers to repair the train lines.

I now turn to the government's infrastructure plan which was released earlier this year. I was intrigued by this plan, which we had been expecting for some time. The draft transport plan had been out for consultation for some time, and then we were told that that would be included in the infrastructure plan. I thought it would be appropriate for me to submit some freedom of information applications to a number of government departments, which I did. I submitted applications to the following departments: the Department for Administrative and Information Services; the Department for Environment and Heritage; the Department of Families and Communities; the Department of Education and Children's Services; the Department of Further Education, Employment, Science and Technology; the Department of Health; the Department of Justice; the Department of Primary Industries and Resources; the Department of Premier and Cabinet; the Department of Trade and Economic Development; the Department of Transport and Urban Planning; the Department of Treasury and Finance; and the Department of Water, Land and Biodiversity Conservation.

The Hon. J. Gazzola interjecting:

The Hon. D.W. RIDGWAY: The Hon. John Gazzola asks whether I have an FOI quota. I do not have a quota, but if I did I would have exceeded it in an attempt to undercover the cover-ups of his government. This is the FOI application that I sent to each department:

> I request access to documents relating to the latest infrastructure audit on the current status of your departmental infrastructure and future departmental infrastructure needs as requested by the Office of Infrastructure Development for the preparation of the State Strategic Infrastructure Plan.

I received a consistent message in all of the responses, and I will use the response I received from the Department for Environment and Heritage as an example:

> No documents held on audit. The department is not required to undertake an audit.

The response from the Department of Education and Children's Services, which obviously is responsible for schools in South Australia, states:

> No documents held on audit. The department not required to undertake an audit.

So the list goes on. Not one department was required to undertake an audit or provide information, with one exception. I refer to an email from Peter Bradshaw of the Office for Infrastructure Development to John O'Malley of the Department for Environment and Heritage, which states:

> I am presuming that you are already aware that Allan Holmes/Rick Janssan have nominated you as the DEH link with the work that OFID [Office of Infrastructure Development] is doing on the State Infrastructure Plan. OFID is asking each agency to provide its view on infrastructure issues and priorities for the state, and their contributions will be incorporated into the Strategic Infrastructure Plan. . .

So, it is interesting that I have this response from one department which says that the Office of Infrastructure Development is asking each agency to provide its view on infrastructure issues and priorities, yet when I have asked for that information it has not been forthcoming. Of course, I am sure what they will say is, 'But we didn't do an audit,' which is what I asked for.

So, we had departments being asked to provide their view on infrastructure issues and priorities for the state and for their departments without knowing exactly what they have. Mr President, it is a bit like your wife going shopping without looking in the pantry first; just wandering into the supermarket saying, 'Oh, I think that looks nice, I think this looks nice,' and grabbing things at will. This government is all about spin and where it thinks it can get the best headline about what it thinks looks nice and what might just happen to fit its particular media agenda for the week. It was spelt out very clearly in that particular exercise of making FOI applications.

I have had it said to me a number of times that this government—and the Premier, in particular, in the nicest possible way—is a bit like a leech, in that it attaches itself to an issue and then sucks the life out of the issue. Just for people's education, there are a couple of characteristics of those animals that I think are interesting to note.

The Hon. J. Gazzola interjecting:

The PRESIDENT: I think the Hon. Mr Ridgway is expecting a point of order. I expect him to understand standing order 193, about imputation and objectionable remarks. You have had some success in getting away with this ploy, the Hon. Mr Ridgway: it does not pay to push your luck too much.

The Hon. D.W. RIDGWAY: I take your wise advice, Mr President. I would just like to draw a small comparison, if I may. These particular animals—

The Hon. J. Gazzola: What is the relevance?

The Hon. D.W. RIDGWAY: It is relevant to the way in which I think this government operates in South Australia.

The Hon. J. GAZZOLA: Sir, I rise on a point of order. What is the relevance to the Appropriation Bill, to which the member is speaking?

The Hon. D.W. RIDGWAY: If the member listens, he will find out.

The Hon. J. Gazzola: Not talking about leeches or animals.

The PRESIDENT: We are dealing with the Appropriation Bill and, with respect to these budget bills, we allow a wide-ranging number of topics. However, it does not excuse any member having a wide range, and a wider menu, to breach standing order 193, which states as follows:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any Member thereof, nor upon any of the Judges or Courts of Law, unless it be upon a specific charge on a substantive Motion after Notice.

All honourable members should remember that.

The Hon. D.W. RIDGWAY: Thank you, Mr President. There are a number of issues that this government has dealt with and sucked the life out of—indeed, the issue and the individual. The first matter to which I would like to draw the chamber's attention is the very first day that the Labor Party came into government. It attached itself to the member for Hammond. It did a deal with him and then sucked the life out of him: it used him for everything that he could possibly be used for. When the government had finished with him, it just cast him aside. In the process, the government managed to attach itself to the member for Mount Gambier, who had the life sucked out of him. He is now no longer an Independent member but a fully owned subsidiary of the Rann Labor government.

Then the member for Chaffey saw an opportunity. Initially there was some discussion that she may have run for the federal seat of Barker. Of course, she was frightened away from that because of the tremendous work done by the team of Patrick Secker (the federal member for Barker) to ensure that he would be re-elected. The member for Chaffey saw an opportunity, and she is about the only person who has been able to turn it to her advantage and manage to become a minister in the Rann government, because the Premier and his party could see that, if she happened to become a federal member, the Liberal Party would win the seat of Chaffey, and that would risk the Labor Party's hold on government in this state. So, now it has another wholly owned subsidiary—the member for Chaffey.

I would like to quote from some of the press releases from the Premier over the last three or four years. The first one to which I refer is entitled 'Sweeping law and order reforms now in force' and it states:

> Sweeping changes to the state's criminal laws have come into force today, with three new initiatives that will restore householders' rights to defend themselves, provide greater consistency in sentencing and help lock up serious repeat offenders. . .

As my colleague the Hon. Angus Redford has pointed out a number of times, we have only one or two more people in prison today than was the case previously.

The Hon. J.F. Stefani: We haven't got the room.

The Hon. D.W. RIDGWAY: As the Hon. Julian Stefani said, we do not have the room, in any case. That is another issue where the Premier has thought that there was a nice soft headline, a nice soft underbelly of the public, and that it would warm to that. The same happened with respect to the Hon. Michael Atkinson when he backed up that same press release. He stated:

> Labor went to the last election with pledges to help South Australians feel safer.

Goodness me! Look at where this government has gone with its accountability and the way in which it has handled the law, the legal system and the justice system in South Australia. He also said:

> I want South Australians to feel safer because [until] they are safer. . . I will not let up.

He certainly has not let up with the way in which he has manipulated his department and some of the public servants in his department. The press release for the transport plan (which was issued by the Hon. Michael Wright) is headed 'Major challenges in first transport plan for 35 years' and it states:

> While the government is looking to engage the community on all aspects of the plan, we are not prepared to settle for less than the targets laid down in these crucial areas.

This document was released on 1 May 2003, over two years ago, but now we do not have a draft transport plan. We had an 85-page document, I think, that was the draft transport plan, and now transport in the infrastructure plan gets only four pages. Again, it was a lovely soft headline. The press release further stated that there was a serious backlog of works that needed attention across the state's road system and that 'too much investment in the past has been directed away from the basics'. That is a statement that I think needs a little more explanation.

This government has ignored the needs of rural and regional South Australia. I travelled 1 200 kilometres last weekend across some of the state's roads in the east, and I was surprised that, where we have had some shoulder sealing done, the roads are probably 200 per cent safer than the areas without new shoulder sealing. Yet, the rural shoulder sealing program has been cut by this government. That press release states:

> Having waited for more than 30 years for a published transport plan we must deliver on this—targeted engagement around real issues and real responses is the only way.

Two years later, we still have no transport plan—nothing at all. I look at the press release that was issued when the member for Mount Gambier, Rory McEwen, became a minister in the Labor government. It was all designed to shore up this government's votes in the House of Assembly. It stated:

> Mr McEwen's decision to join our Cabinet will ensure the Government has the votes necessary in the Lower House to support the Government's important legislative reform program planned for this term.

Again, we saw today how he supported the government in not wanting an open and public inquiry into the Ashbourne-

Atkinson affair. Again, he is a wholly owned subsidiary of the Labor Party. In fact, the Hon. Michael Atkinson, the Attorney-General, was recently quoted as saying that this government is a National Party-Labor coalition. Mr McEwen is not a member of the National Party—he never has been. We can only assume that he is technically a member of the Labor Party and that it is a Labor-National coalition with the member for Chaffey. It is interesting to read the press release when minister Maywald joined the cabinet, which stated:

> We proved that by appointing a non-Labor MP, Rory McEwen—

That has to be a joke: 'non-Labor'—

> to the Ministry. By doing so, we brought regional and rural concerns to the Cabinet table.

Nothing could be further from the truth. Rural and regional South Australia has been let down by these two ministers who have sought to have a particular relationship with the government for their own benefit.

The Hon. T.J. Stephens: They are keeping their mates out of ministries, too, really. Aren't they?

The Hon. D.W. RIDGWAY: Of course; as my colleague the Hon. Terry Stephens interjects, a number of well-equipped people on the backbench of the Labor Party are missing out. I am sure that every day, when they get dressed in the morning and look in the mirror, they can only shake their head in dismay.

Another issue that I think backfired on this government was the double demerit points legislation. It is interesting to look at some of the issues that were canvassed there. The government thought that it could stand up and tell the public of South Australia what was good for them instead of listening to them. It is interesting that, on that day, we had a conflict between the Premier and the Deputy Premier on their interpretation of issues. Premier Rann was at the COAG conference in Canberra after Premier Carr, in New South Wales, had put nuclear power on the agenda as an issue for debate. In an interview, Premier Rann said that there was no need to invest in nuclear stations. He said that the majority of South Australia's electricity is gas-generated and nuclear power has little popular support. He went on to say:

> I am not saying that [there is anything] wrong with nuclear power. I just do not believe that there is community support at all.

Again, this Premier has outlined that he is only interested in what will get him a good headline. Yet, on the issue of double demerit points, his Treasurer said:

> . . . we were brave enough and courageous enough to attempt [it] knowing it would not be popular. . .

However, it was not going to work. We had a Treasurer, who wanted a double demerit points system, along with the Minister for Transport and Minister for Police, but they were not prepared to back it up with the financial resources required. We heard during that debate that we needed a seven to eightfold increase in policing to make double demerit points work. It was just another grab for a media headline. On a number of occasions this government has sucked the life out of issues for the media spin and, as I said before, it has sucked life out of them just as the leech sucks the life out of its prey.

The Hon. A.J. REDFORD: The Appropriation Bill provides authority for expenditure for specified purposes. In the vernacular it is the budget, and it is an integral part of the Westminster system. It is a critical part of the Westminster system. It enables parliament to hold the executive arm of government accountable for the expenditure of public funds—funds raised by law through taxes. We all know that the growth of executive government over the past 50 years—and, after all, government is the biggest business in the state—has been extraordinary and often at the expense of parliamentary scrutiny. The role of parliament has become more difficult in its constitutional responsibility of supervising the budget.

Firstly, we have some supervision through the process called estimates. However, estimates is the exclusive province of the House of Assembly, where the government, by definition, has the numbers, otherwise it would not be the government. No such process is available to the Legislative Council, despite moves by the Hon. Bob Such to instigate such a reform. That, in itself, would reveal deficiencies in this parliament's capacity to adequately supervise the budgeting and expenditure of this state. One might think that this serious deficiency in accountability and transparency would keep this government happy. It has not. Let me go through a list of techniques used by the government to ensure that there is as little scrutiny as possible. I do not pretend that this is an exhaustive list or that it covers every single trick adopted by the government to reduce accountability and supervision of the government budget and expenditure. The list is:

(a) The budget papers are limited. They exclude many of our statutory authorities, for example, the WorkCover Corporation. They cannot be meaningfully analysed and the comparison with previous years is almost impossible because of administrative changes that are either proposed or have occurred in previous budgeting periods.

(b) The absence of Legislative Council shadow ministers. This speaks for itself, and highlights the problems associated with the inability of Legislative Councillors to participate in the process.

(c) The allocation of time. This is done by the government, which sets the times and the amount of time. Let me go through my portfolio areas just to give you a picture: WorkCover, with $583 million turnover, 45 minutes allocated; corrections, with $130 million budget, one hour allocated; racing, with $500 000, 30 minutes allocated; emergency services, with $155 million, one hour 45 minutes allocated; and energy, which has an effect on billions of dollars of revenue and infrastructure in this state, approximately three hours allocated.

Apart from racing, the least amount of time allocated to my portfolio areas in the estimates process in another place was 45 minutes to Workcover. Now, WorkCover has an unfunded liability of approximately $700 million (although those figures are somewhat dated), up from approximately $50 million when this government took office. If one looks at this increase of approximately $650 million in unfunded liability, that is approximately $14 million for each minute of estimates, yet only 45 minutes were allocated and there was nothing in the budget papers—certainly, nothing which talked about the impact such a significant unfunded liability might have on the state's credit rating and, indeed, on our capacity to retain our AAA rating which we, on this side of the chamber, worked so hard to achieve following the disastrous State Bank fiasco which put this state's finances in a very parlous position.

I will offer one word of praise, at least the Minister for Emergency Services did not clog up the time available with long, irrelevant opening statements and dorothy dixers followed by long prepared statements. I will talk more about that in a moment. I defy anyone to justify or support a

meaningful examination of WorkCover's accounts in the space of 45 minutes.

(d) Long opening statements. It would be hard to look past the performance of the Minister for Health, who gave an extraordinarily long opening statement, on this one. Indeed, when one looks at the *Hansard* in relation to each of the portfolio areas, they take up a significant proportion of estimates time, time which is part of the process of making the government accountable. I fail to see how opening statements have any relevancy in relation to that process.

(e) Dorothy dixers. A series of dorothy dixers were organised for most ministers, with the exception of the Minister for Emergency Services, and significantly long answers were then delivered, taking up considerable amounts of the time available to opposition and other members to properly and adequately supervise government expenditure.

(f) The non-answering of questions. I will give a couple of examples in relation to the minister for WorkCover, where questions were asked but non-answers given. The minister was asked, 'What is the net financial position of WorkCover for the purpose of inclusion in the general government financial statements and balance sheet?' He answered, '. . . we would need to check with Treasury. . . ' Another question was, 'What is the estimated effect on the unfunded liability if these lucky 40 claimants should accept the offer?' The answer was, 'I will get some advice and get back to the shadow minister.'

These are significant policy questions with the staff and the executive of WorkCover sitting in the chamber available to give answers to these questions, questions which would have been at the forefront of these agencies' minds when they instituted such policies. They were sitting there; I could see them, I could hear them, I could watch them passing notes to the minister, but I could not see any answers coming out of the minister's mouth.

There are many other examples; I will give just one more. The minister was asked, 'Why did the work granted to JLT not go out to tender. . . ?' This is not the first time that this question has been asked, and the answer was, '. . . it was a closed tender process.' The answer, in fact, did not directly address the specific question asked. Another example was, 'What are the projected increases in the net assets of the WorkCover Corporation for 2004-05, 2005-06, 2006-07 and 2007-08?' This was a very simple, fundamental question that should have been available to either the minister or the army of advisers who were available to him to bring along to the estimates process. The answer was, 'I will take some advice on what other information can be provided to the shadow minister,' notwithstanding the fact that everyone was sitting there.

So it goes on, in portfolio after portfolio, in question after question. What we have, with just those six techniques used by the government, is a complete lack of accountability and transparency when it comes to dealing with questions put by shadow ministers and backbenchers in another place. This government has said over and over again that it is transparent and accountable but, in my view, there has been a complete failure of members opposite—and of government ministers, in particular—to understand the importance of the processes that enable this parliament to properly and adequately supervise the budget process to ensure that the taxpayers of South Australia get the best value for the money they are obliged to provide to enable the government to run.

I am going to ask some questions in the hope that the non-answers given in another place might actually turn up at some stage in this place. I know that may well be a forlorn hope, but no-one could ever accuse me of not being persistent when it comes to seeking answers to serious questions. I will quickly go through them. In February this year, it was reported that Jardine Lloyd Thompson had been engaged to advise WorkCover on the management of some 200 long-standing claims. My questions are as follows:

1. Why did work granted to Jardine Lloyd Thompson not go to tender?

2. Given that contracts to implement or manage programs to assist or encourage workers to return to work are authorised contracts pursuant to section 14 of the WorkCover Corporation Act, why has a regulation not been promulgated authorising the JLT contract pursuant to section 14(4) of that act? What is the impact of that failure?

3. How much has JLT been paid? How will its performance be measured or monitored, and is it being paid at the same rate as the other four claims managers?

4. Can the minister confirm that the average cost of the 220 claims over the past three years is $113 000 per claim per annum? If that is not the case, what is the true cost?

5. Can the minister rule out that this measure is evidence that the government and the WorkCover board are panicking in the light of rumours that the unfunded liability is likely to blow out substantially in the short term?

6. Why has the minister not answered my questions that were asked on 14 February this year in relation to these specific matters?

In January this year WorkCover wrote to the then four claims agents requesting that redemption offers be made to 40 specified WorkCover claimants, 10 for each agent. My questions are:

1. How did WorkCover identify these 40 lucky people?

2. Were these offers made on the basis of any advice pertinent to the individual claims? Was there any principle used in determining the actual number of 40 claims?

3. Why were exactly 10 of these allocated to each claims agent? Was any analysis done to determine whether some claims agents had more serious claims than other claims agents?

4. Is it not the case that this was done simply to avoid recording a blowout in the unfunded liability of WorkCover and had nothing to do with any considered claims management principles?

5. Why is WorkCover micro-managing claims despite telling parliamentary committees that it is not into micro-managing claims?

6. What is the estimated effect on the unfunded liability if these lucky 40 claimants should accept the offer?

7. How many of these claimants accepted offers?

8. Why has the minister not answered my questions in relation to each of those areas which I asked on 15 February 2005?

The Crown is an exempt employer pursuant to WorkCover legislation and is the largest employer in the state. WorkCover is required to ensure that the Crown is a satisfactory manager of occupational health and safety and, as such, conducts audits from time to time. In March this year, the opposition learnt that there have been no recent occupational health and safety audits into the Department of Health. My questions are:

1. Why has WorkCover not audited the Department of Health, which employs 3 574 employees, in the past two years?

2. Why is there one rule for the private sector and another for the public sector when it comes to worker safety and, in particular, the auditing of occupational health and safety standards?

3. When does the minister expect WorkCover to audit the Department of Health?

4. Has any actuarial assessment been undertaken to establish the current liability of the Department of Health to its workers?

5. Why has the minister not answered my questions which were asked on 2 March 2005?

Since this government took office, the public sector liability for workplace injury has blown out by 25 per cent in the past two years to some $304 million. Further audits into occupational health and safety public sector agents seems to have been done on an ad hoc basis, a number of which audits have been qualified. My questions are:

1. Is the minister aware that audits of state agencies appear to be conducted on an ad hoc basis without any principle behind them?

2. Is the minister aware that there have been a series of qualified audits, and what is being done to ensure that these matters have been addressed?

3. Why does the minister blame the previous government for the blowout that has occurred in the public sector over the past two years?

4. Why has the minister not answered my questions which were asked on 11 April 2005?

Public sector liability has blown out by 25 per cent, and that is reported at page 148 of the DAIS annual report. When questions were asked on 11 April this year, the minister issued a press release claiming the cost of public sector compensation claims has dropped. My questions are:

1. How can the minister assert that the cost of public sector compensation claims has dropped in the absence of any actuarial assessment or in the short space of time between the asking of the question and the issuing of a press release?

2. Is it not the case that in the 2002-03 year there was a drop of 4.5 per cent in new claims and an increase in outstanding liability of nearly $17 million?

3. Is it not the case that on that basis we can assume that the outstanding liability for the past nine months has increased because of higher liabilities caused by deterioration in the performance of long-term claims?

4. Why does the minister's press release confuse the number of new claims and the cash payment figures with the issue of total outstanding liability?

5. Does the minister understand that the assessment of total outstanding liability is an important figure in assessing the performance of both WorkCover and the claims management of public sector workplace injuries?

6. Why has the minister not answered my questions that I asked on this topic on 12 April 2005?

My next issue is in relation to managing the state's liabilities. Earlier this year, the claims manager Vero announced that it was withdrawing from South Australia's WorkCover scheme. WorkCover announced that employers would not be entitled to shift to one of three remaining claims agents this year. I have some simple questions, as follows:

1. Is the ban on Vero employers shifting to other claims managers subject to any proviso? For example, should there be a reorganisation of that business, an amalgamation or a takeover, can the workers who are subject to Vero management or its replacement management be transferred to another claims agent?

2. What are the projected increases in the net assets of WorkCover Corporation for each of the following years: 2004-05, 2005-06, 2006-07, 2007-08?

3. Last year's papers refer to contingent liabilities and risks regarding WorkCover, some dating back to before 1987. Why have this year's budget papers not incorporated these risks? What claims are still outstanding from pre-1987, and when will these contingencies be finalised?

4. What is the net financial position of WorkCover for the purposes of inclusion in the general government sector financial statements and balance sheet?

In relation to racing, I asked questions of the same minister and received no answers. In relation to, first, the question of the future of the Victoria Park Racecourse, I understand that any development proposal by the SAJC is contingent upon securing a long-term lease of the area or a long-term licence of the parklands. I understand that Adelaide City Council is sympathetic to the jockey club's securing a long-term arrangement for up to 99 years. That is prohibited under current legislation, so it is important for the jockey club and, indeed, the community of South Australia to know the government's intentions so far as the future of Victoria Park Racecourse is concerned. My questions are:

1. Does the minister support a long-term arrangement? That is a simple question.

2. What strategic advice has been given to the minister regarding a longer term arrangement?

3. Will the government provide the people of South Australia with an answer to its view about the long-term future of Victoria Park Racecourse at least some time before the next state election?

The next questions are in relation to the racing industry financial package negotiations, otherwise known as claw-back in the industry. They are:

1. What is happening in relation to the issue and, secondly, when does the government intend to resolve the issue?

2. How many times did the Racing Industry Advisory Council meet, and what issues were raised by the council?

3. There is some speculation about changes to the Gawler Racing Club. What is the government's position in relation to the shifting or sharing of facilities at Gawler?

4. What is the government doing in relation to enabling the betting auditorium at Morphettville to operate with more certainty in relation to betting and wagering hours?

In relation to corrections, a series of questions was asked and, since the ill health of the current minister, answers to some of these questions have been less than forthcoming. One would hope that the Attorney-General, amongst all his accident-prone travails, might well be in a position to answer at least some of my questions. They are:

1. How many tests for prohibited drugs or alcohol were conducted last year?

2. How many of the nearly 3 500 people who occupy our prisons from time to time were tested for drugs or alcohol?

3. How many prisoners of the 3 500 will be expected to be tested for drugs or alcohol over the next 12 months?

4. How many positive tests were there in relation to drug tests over the past 12 months?

The next topic is this: last year only 59 per cent of the 628 persons who were the subject of intensive bail supervision completed their obligations successfully. In other words, 258 persons did not comply with their bail orders. My questions are:

1. How many of these people were prosecuted for breaching their bail?

2. How many of these people were granted bail after the breach?

3. How many of these people were returned to gaol?

In relation to home detention, my questions are:

1. What is the cost of home detention for prisoners and what is the cost of intensive bail provision per prisoner?

2. Given that intensive bail supervision is undertaken by the department of corrections, and given that alternative intensive bail supervision (such as reporting to police stations) used to be conducted by police, do the police contribute to the cost of supervision of people on bail on home detention and, if so, how much do they contribute?

3. The total budget for replacing the lifts at the Adelaide Remand Centre is $800 000. How many lifts does this cover?

In relation to the women's prison, it was reported in the middle of June that the Treasurer was considering the construction of a new women's prison. He said:

> It is a question of how and when.

The Treasurer went on and said:

> When we first came into government the thought of the department was that we would close Cavan, Northfield and Magill and consolidate it all into one.

He also said the government was looking for a location. My questions are:

1. What locations are currently being considered? Again, this government should come clean about the possible locations prior to the next state election and come clean with the people of South Australia and be honest and accountable.

2. What are the options for the configuration of a proposed prison, for example, co-location with a juvenile and/or men's facility?

3. What is the estimated cost of each such option?

My next question is in relation to allegations of bullying. In that respect I was contacted by a Correctional Services officer regarding a complaint that has been made about bullying. My source tells me that DAIS sent him a form to fill in, which he completed and returned with supporting material. He was subsequently told by the DAIS chief investigator that DAIS was having trouble coping with the large number of complaints made against the department for bullying. I understand that DAIS is now proposing that Correctional Services should investigate each and every complaint itself and provide a summary of the outcomes. I am told that the union is unhappy with that, because it is like Caesar investigating Caesar. My questions are as follows:

1. Will the minister confirm that there have been so many complaints about bullying that the Department for Administrative and Information Services cannot deal with them in a timely fashion?

2. Does the minister agree that it is inappropriate for Correctional Services to investigate itself in relation to bullying complaints and the way in which those complaints are managed?

3. Will the minister ensure that either DAIS or Workplace Services is given sufficient resources so that the problem of bullying in Correctional Services is dealt with once and for all?

4. Does the minister agree that the best way to deal with bullying complaints is in a timely fashion in accordance with the best practice required by occupational health and safety principles and standards?

The Correctional Services Act requires the minister to appoint a correctional services advisory council. As at February 2005, the council had not met for nine months, because it had insufficient numbers to form a quorum. Has the council met this year; if so, when; who are the members of the council; and what steps has the minister taken to ensure that the council has a full complement of people?

In relation to energy, I note that a completed draft energy plan for this government was promised, given that its only policy was to reduce electricity prices and build an interconnector, both of which policies have dismally failed. The government announced that it would release a revised plan in June 2006—again, coincidentally, well after the next state election. When was the government's current energy plan released, and why will it take until after the next state election for this government to release an energy plan so that the people of South Australia can properly assess it at the next state election?

I note that $61 million has been allocated under the heading 'Supplies and services—other' in Budget Paper 4, Volume 2, page 6.46, with no amounts recorded for previous financial years. For what purpose have these moneys been allocated? In relation to cash deposits at call, in the same Budget Paper, at pages 6.47 and 6.48 I note that the amount of money held will increase from $1.74 million in 2005 to $8.994 million in 2006. Why will these cash deposits at call increase so significantly, and for what purposes are they being held?

In relation to energy and infrastructure policy, I note that the MERI branch 'facilitated to successful commencement of gas full retail competition in South Australia on 28 July 2004'. So far, since the change in government, domestic gas tariffs have increased by 20 per cent. In fact, they have increased more than electricity has over the same period, and that is despite a $64 million taxpayer subsidy to the gas industry in order to keep gas prices down. My questions are:

1. Is this what the minister terms a 'successful implementation of full retail competition'?

2. How does the minister explain that gas prices are increasing at a far greater rate than are electricity prices?

3. By what percentage will household electricity bills need to increase to help achieve increased use of renewable energy so that it comprises 15 per cent of total electricity consumption in 10 years, based on the current price of energy from renewable resources? The state infrastructure plan, which is referred to at point 6.38 of the budget papers, includes 'trial innovative methods to reduce demand, including through ETSA demand management program'. This is listed as priority 1 in the infrastructure plan. Will the minister explain what innovative methods will be trialled as part of that process?

In relation to targets for 2005-06 on page 6.15, will the minister name the 13 communities that will be assisted by the RAES scheme in 2005-06? At page 6.15, what are the options being developed with other states and territories for an emissions training framework, and what options does the minister favour in relation to that issue? A series of questions was also asked of the Minister for Emergency Services, and coincidentally she happens to be a member of the Legislative Council, so I do not have to go through those questions to ensure that there is a direct relationship in answering questions to me. However, I do have some questions.

First, I understand that a new contract has been issued in relation to the maintenance of the emergency services or state rescue helicopter. The contract was issued to a Queensland

company, and I understand there are constraints when tenders are issued that we cannot necessarily favour local service providers, that there has to be a level playing field and, being a small and export driven state, we cannot seek to prefer our own as we would only be met with an equal and opposite reaction from the other larger states, so I do not make any criticism in that respect. However, I would be interested to know what arrangements are to be put in place whilst this helicopter is being repaired, whether it will be repaired in South Australia or in Queensland and, if the latter, what replacement resources will be available while it is being repaired in Queensland?

What is the cost of transferring call receipt and dispatch to the MFS and what ongoing effect has this had on the recurrent budget? What new tactical radio system options are being evaluated and what is the likely cost range of the purchase of the new tactical radio system? Why has the SAMFS net cost of services increased from $69.889 million in 2003-04 to $81.475 million in 2005-06—an increase of 16.6 per cent in just two years? What was the total cost of hiring cars for the 2004-05 year to date and how many vehicles were hired? In relation to prevention services, the total budget is a net figure of $7.7 million. What is the government expecting to recover in relation to assessments and inspections, and what was recovered in the 2003-04 and 2004-05 years? At page 4.152, why has the cost of emergency incident management increased from $7.870 million in 2003-04 to $9.169 million in 2005-06—an increase of 16.5 per cent in two years, while the number of incidents increased by less than 1 per cent? Why have SAMFS salaries increased from $46.7 million in 2003-04 to $51.7 million in 2005-06—an increase of 10.5 per cent in two years? Including overtime, how many SAMFS staff earned more than $100 000 in 2003-04, and how many will do so in 2004-05?

Finally, what work is being undertaken in 2005-06 to enhance and upgrade the CFS State Coordination Centre, and what is the likely cost of this work? I would not expect the government to be able to answer all of those questions in the leader's reply, which I anticipate will take place tomorrow or Thursday, but I hope I will get timely answers to those questions, unlike the majority of questions I have asked. I defer to the Hon. Rob Lucas's contribution. This government is receiving an awful lot of money from South Australian and Australian taxpayers, yet we are not seeing much for it. This government has failed in a range of areas, not the least in infrastructure. The infrastructure plan is the most timid infrastructure plan I have seen. The capital works program is the most timid capital works program in this country, and the government is to be deprecated for that. With those comments and questions, I support the passage of this bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

[Sitting suspended from 5.58 to 7.48 p.m.]

EDUCATION (EXTENSION) AMENDMENT BILL

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

(Continued from page 2301.)

The Hon. CARMEL ZOLLO: I move:

That the council do not insist on its amendment and agree to the alternative amendment made by the House of Assembly.

When we debated this same piece of legislation in June, an amendment to move the date provided in the sunset clause to 1 December was carried. However, the government remains firm that this new time line is not a workable option for schools. Despite what the opposition spokesperson (Hon. Rob Lucas) said during the debate, schools cannot be certain of the charging provisions for the 2006 school year until they have certainty in the legislation. A 1 December 2005 expiry date for this legislation would mean that schools would be unable to plan their budgets, and they would be unable to order and purchase the materials required, and this would cause problems for schools, parents and students.

As I explained during previous debate on this matter, the government had advice from the Secondary Principals Association that this would cause serious disruption to schools, and we, unlike the opposition, actually listen to those who work in our schools. It is truly astonishing that the Hon. Rob Lucas, two years ago when debating this same part of the Education Act 1972, insisted that the sunset clause be moved from 1 December to 1 September. He said (*Hansard* 24 November 2003):

I urge members to support the amendment to 1 September 2005 as it will mean that schools can be advised of any changes well prior to the end of the 2005 school year and in plenty of time for the commencement of operations at the start of 2006.

We opposed this amendment when it was first introduced by the member for Bragg in another place, and that is still our position as we do not want to put schools under any undue stress. We want to help schools by ensuring that the improvements that we have made can be rolled out as soon as possible. Therefore, we will introduce a new amendment to the legislation to remove the sunset clause from section 106A of the Education Act 1972. The introduction of this amendment does not change the government's position; however, it ensures that schools have certainty for the 2006 school year.

The improvements to the guidelines which have been discussed in this place and in another place in some detail will continue to be rolled out to schools in August. The training to be provided to schools will also be undertaken during August, and the reference group will continue in an advisory role for another year to monitor these improvements and the practice of charging parents. We do not believe that we need to spend any further time on this bill. The improvements were explained in detail during the second reading explanation. Officers of the Department of Education and Children's Services have briefed the opposition spokesperson for education on these improvements and provided her with the information that she required. Information and briefings have also been provided to the opposition spokesperson for education in this place, the Democrats and all Independents.

The minister has also informed me that she wrote to the member for Bragg (the opposition spokesperson for education) last week, indicating what we would be doing, and provided her with information on how to obtain the results of the public consultation late last year. This piece of correspondence was also sent to the Hon. Rob Lucas. The results of the public consultation are available on the department's web site, and this information was disseminated in the minister's press release of 24 June. On reviewing the results of the public consultation, I am sure members will see that this government has adhered to all the foundation principles,

and we have accepted all but one recommendation. It is time for this legislation to be passed so that we can implement our improvements, train our staff and get on with the job.

The Hon. R.I. LUCAS: I note that the minister repeated (and this is no criticism, because she is under brief from the member for Adelaide, the Minister for Education and Children's Services, in relation to this) what the Minister for Education in another place claimed that I said. There is a long quote in *Hansard* that minister Zollo has just repeated, as follows:

> Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place, said:
>
> We cannot be, and schools cannot be, certain of the charging provisions for the 2006 school year. . .

Right down to:

> We had advice from the Secondary Principals Association that this would cause a serious disruption for schools and we, unlike the opposition, would want to listen to the advice from those in the field.

I ask the minister where I am claimed to have said that. I certainly have no recollection of the quote that the minister has read. I do not want to accuse her of misleading the House of Assembly—at this stage, anyway—but, certainly, my officers have typed into the search engine available through *Hansard* the words 'Secondary Schools Principals Association' and they cannot find a reference for me having made that quote. Given that this is a key part of the attack on me by the Minister for Education and this minister, I would be indebted to the minister if she could indicate where I said it. I say a lot of things in relation to education issues and I do not remember every one of them, but I have no clear recollection of some aspects of that quote and, certainly, as I said, my office has been unable to find a reference to it.

The Hon. CARMEL ZOLLO: I will undertake to obtain that information for the honourable member. I am advised that it was during debate on 24 November 2003; that is what we were quoting from. However, it is a little difficult to find it now: it was a lengthy debate.

The Hon. R.I. Lucas: That was the second quote.

The Hon. CARMEL ZOLLO: Yes.

The Hon. R.I. Lucas: That was the first quote, because that talks about 2006—

The Hon. CARMEL ZOLLO: I quoted the member only once, from memory.

The Hon. R.I. Lucas: No, there are two quotes in *Hansard*: one is undated and the other one refers to the November date.

The Hon. CARMEL ZOLLO: What I have been saying tonight, or when I spoke previously?

The Hon. R.I. Lucas: Both. What the minister has read out is exactly what the minister said in the House of Assembly.

The Hon. CARMEL ZOLLO: With all due respect, it is only the one quote that I have read tonight. There is a whole lot of *Hansard* for us to trawl through.

The Hon. R.I. LUCAS: If the minister refers to what the Minister for Education said in the House of Assembly, the *Hansard* is quite clear. She stated:

> Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place, said:

Then there is a quote in *Hansard*, which reads:

> We cannot be, and schools cannot be, certain of the charging provisions for the 2006 school year until they have certainty in the legislation.

Then two or three sentences follow, finishing with the following:

> We had advice from the Secondary Principals Association that this would cause a serious disruption for schools and we, unlike the opposition, would want to listen to the advice from those in the field.

That is the quote that the Minister for Education claims that I have made. The minister started reading that quote in her contribution tonight and, as I said, I am not criticising her—she is working off a brief—but that is what the *Hansard* has recorded of the Minister for Education. At this stage, I do not want to accuse her of misleading the council, but my office has checked to see where I have ever referred to the Secondary Principals Association in relation to this, and it cannot find a reference to it. The Hansard search engine might not be accurate—all of that is possible—I am just asking. Given that I am being attacked by the minister in another place, now by this minister here and by the minister publicly in relation to what I am alleged to have said on this issue, I am just asking—which is not unreasonable—where I actually said this.

The Hon. CARMEL ZOLLO: I advise the honourable member that in the last debate in the upper house we were referring to the Hon. Rob Lucas in that debate as having said that 1 December would not cause disruption to schools. We got a reply in the form of an email from the Secondary Schools Association to say that it would cause disruption. Basically, we were not quoting the Hon. Mr Lucas; we were referring to what—

The Hon. R.I. Lucas: That is not what *Hansard* says.

The Hon. CARMEL ZOLLO: I have not checked *Hansard*. We were not quoting the Hon. Mr Lucas verbatim; we were just rephrasing what was happening in that debate. We were just saying what actually happened in that debate. We were not quoting the honourable member.

The Hon. R.I. LUCAS: With the greatest respect, that is not correct. I refer the minister to the *Hansard* record of 4 July at page 3050. It reads:

> Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place—

Then there is a clear inference of a quote from me in relation to these issues. As I said, at this stage, I do not want to accuse that minister of misleading the council deliberately, but I am asking the minister where I am alleged to have said this. It is not true for this minister now to say that she was not quoting me; the minister has quoted me, or supposedly quoted me, directly with a verbatim quote which starts with 'We cannot be' and ends with the words 'those in the field'. It is clear that the minister is alleging that I made these statements. As I said, if the minister can refer to it, I would be pleased to have my memory refreshed. My office cannot find it, and I would be interested to know on what basis this government is claiming that I made these statements.

The Hon. CARMEL ZOLLO: I think that we can solve this. I have gone back to the *Hansard* of 4 July and—

The Hon. R.I. Lucas: This year?

The Hon. CARMEL ZOLLO: Yes; this year. Essentially, it starts off saying 'the reason that the amendment', etc. and we come down to 'what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place'. It is not a quote. I was just saying that this is what you said: 'We cannot be, and schools cannot be, certain', but the quote actually starts, 'I quote him as saying: I urge honourable members to support. . . ' The Hon. Mr Lucas' quote actually starts with, 'I quote him as saying'.

The Hon. R.I. Lucas: Are you looking at the *Hansard* of 4 July?

The Hon. CARMEL ZOLLO: Yes.

The Hon. R.I. Lucas: It states:

Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place—

The Hon. CARMEL ZOLLO: Yes. What I am saying is that it is not actually a quote. I am not quoting the honourable member.

The Hon. R.I. Lucas: *Hansard* has got it there. The minister has just made this up.

The Hon. CARMEL ZOLLO: No.

The Hon. R.I. LUCAS: While the minister takes advice, I repeat for the minister that *Hansard*, of 4 July 2005 at page 3050, records the Minister for Education as making the following claim:

Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place, said. . .

Then there is a quote which begins with—and I will not read it all—'we cannot be' and ends with 'those in the field'. The Minister for Education is claiming that I made that statement. I have asked the question, and I repeat it: where did I make that statement? It is simply inaccurate for the minister now to say, 'We, the government, are not claiming that you made the statement.' It is clear in the *Hansard* what the minister is claiming.

The Hon. CARMEL ZOLLO: I can advise the honourable member that, as I said before, it was not a quote. We can arrange to have *Hansard* corrected.

Members interjecting:

The Hon. CARMEL ZOLLO: I did not say it was Hansard's mistake; we obviously did not pick it up. We will have it corrected.

The Hon. R.I. LUCAS: This is a disgrace. We have a situation where, on this very important issue, the Minister for Education has made a claim in the House of Assembly which is now admitted by this minister to be untrue. The minister has misled the House of Assembly regarding a statement that she claims I made, and we now have the minister in this place confessing, on behalf of the Minister for Education, that that minister wrongly attributed statements to me in the House of Assembly to try to back up her argument on this issue. I thank the minister in this place—and I am not critical of her because it is not her responsibility—but I take grave exception to a minister of the Crown who conducts herself in this way, who attributes a statement to me to bolster her argument on this very controversial issue of school fees and charges within government schools in South Australia knowing it to be untrue.

The Hon. Carmel Zollo: That is not the case.

The Hon. R.I. LUCAS: This minister, trying to defend her ministerial colleague, says that it is not the case. What then is the explanation? Minister Lomax-Smith ought, this evening, to stand up in the House of Assembly and apologise for misleading the house in relation to this issue. The house is sitting at the moment, she has the opportunity, and she should be required by this minister and by her leader to stand up and apologise to the house for her disgraceful exhibition in attributing this particular statement to me in relation to this sensitive issue.

These are important matters and we all have to defend our own statements and positions on these issues, but to have a minister who is prepared to put on the record a statement which she claims I have made, and which this minister has now at least had the good grace to confess is not true, is unacceptable. Whilst we in this place cannot directly hold her to account—although there are mechanisms, of course, available in this chamber in relation to censure motions of ministers—I would hope that the Minister for Education would have the good grace to stand up in the House of Assembly and apologise for what she has claimed I have said on this issue. Frankly, I think what the minister has done, in attributing the statement to me, is beneath contempt.

I now return to the substantive issue of the matter currently before the Legislative Council. Put simply, we at last have a position in this place where the minister and the government have been required to acknowledge their position on school fees within government schools. For those members who remember the debate of June and July on this issue, the opposition's position has been clear: that is, for a number of years now we have supported school fees being collected within government schools and we also have supported a position where school councils, through a process, can collect compulsory school fee payments within our schools. Our position on this has remained consistent over a number of years, and I acknowledge that the Australian Democrats have also had a constant position on this issue: that is, through the Hon. Michael Elliott as a former education spokesperson and now through the Hon. Kate Reynolds as current education spokesperson, the Democrats do not support school fees within government schools and do not support the compulsory collection of school fees—and I am sure the Hon. Kate Reynolds will speak for her party and indicate that again.

The Democrat's position has, at least, been clear, and so too has the Liberal Party's position. What has been unclear is the position of the Australian Labor Party and the Rann government. For eight years in opposition the Labor Party criticised and attacked the Liberal government in relation to the compulsory collection of school fees (and I am sure you, Mr Chairman, would remember some of the debates yourself), and led everyone to believe that a future Rann government would not support the position put down by the former Liberal government on the compulsory collection of school fees. For 3¼ years the government has tried to avoid being forced to make a decision and announce its position on the compulsory collection of school fees, because there is opposition from the Australian Education Union and from some within the government's own caucus. It also knows that the Australian Democrats and other parties might gain a competitive advantage over it for the AEU and teacher vote on the compulsory collection of school fees.

So what we saw was an attempt by the government to delay until after the next election a decision on the compulsory collection of school fees. They said they have looked at it for four years, they still could not make up their mind and they wanted to delay the decision until after the next election so they could indicate then that they really do support the compulsory collection of school fees. This chamber said to the government, 'No, we will not allow you to do that.' The Democrats and the Liberal Party came from different directions but we agreed on the issue that the government should be forced to make a decision and to announce its decision prior to the next election, and that is why we put in a slight extension to the sunset clause, not because, as the minister claimed tonight, that we believe that you could and should make these decisions in December. We do not believe that that is the best time to be making these decisions, but what we said is that after 3¼ years or 3½ years you have had more than enough time to make up your mind and to announce your decision in relation to the compulsory

collection of school fees. So we required government members to make up their mind prior to the next election.

What has happened and what we have before us now is that the Legislative Council and the Rann government have gone eyeball to eyeball and the minister has blinked, that the minister at last has been required to acknowledge and to concede that she will have to announce—and she is now announcing through this policy change or backflip—that the government does support the compulsory collection of school fees. That means, of course, that the government's position will be different to the Australian Democrats. It will be different to the Australian Education Union. It will be different to some within the broader left within the caucus and within the Labor movement, but that is an issue for government members to resolve in relation to these issues.

Our position has remained clear and we are not going to change it. We reject the claim being made by the minister publicly and in another place that in any way we were supporting making a decision in December of this year. What we were saying—and in debating this tonight, this is proof positive of our willingness to process this expeditiously—was that if the government comes back to us with its decision, that is, compulsory collection of school fees, then we will be prepared to consider the legislation and vote on it expeditiously, so that the decision can be taken, either now, which we raised as the first option, or in the first two weeks of the September sitting, so it could be done well prior to December.

We have never suggested that December was the best time to do these things in terms of preparation for the following school year. What we have said is, 'You should make your decision, you should announce your decision, and we are prepared to do it at a time which will give schools plenty of time next year to know that you do support the compulsory collection of school fees.' The Australian Democrats can put their position and schools and school communities can understand clearly that on this issue the Rann government's position now is completely contrary to what it said for eight years prior to the last election.

It is another broken promise from the Rann government, and it is another broken promise not only just prior to the last election but the commitments that they had given the AEU and others within the broader teaching movement for that eight-year period between 1993 and 2002.

The Hon. CARMEL ZOLLO: At the risk of I guess reigniting this debate, I need to place on record that the Minister for Education in another place did not mislead and, indeed, I did not either. I think I have worked out from the transcript why the Hon. Rob Lucas might have thought he was being quoted.

The Hon. Kate Reynolds: Because that's what it says.

The Hon. CARMEL ZOLLO: Perhaps if the Hon. Kate Reynolds would listen, if you were to look at the transcript, when we say 'we' there, we are talking about the government. We are talking about us. She is just saying 'we' as in 'We, the government', and if you are looking at, 'We have advice', she is saying 'We, the government'. So it was not meant to be talking about you at all.

The Hon. R.I. Lucas: It says, despite what I said, and then there is a direct quote.

The Hon. CARMEL ZOLLO: It is not a quote. It is saying 'we'—'We, the government'; we are not quoting you. Okay?

The Hon. R.I. Lucas: It says, 'Despite what Rob Lucas said in another place.' Don't try that sort of dissembling.

The Hon. CARMEL ZOLLO: I am saying, 'We, the government.' That is what is there. It is nothing to do with you. We are not quoting you.

The Hon. R.I. Lucas: No-one is going to believe that, Carmel.

The Hon. CARMEL ZOLLO: Well, it's the truth.

The Hon. R.I. Lucas: It is not the truth.

The Hon. CARMEL ZOLLO: It is the truth, okay? We are not talking about you. We are quoting you later on.

The Hon. R.I. LUCAS: Why are you saying 'the opposition spokesperson, Rob Lucas'? If the Hon. Ms Zollo had the good grace to stand up and say on behalf of the minister that she got it wrong, that would at least be something. I am not attacking this minister in particular until she made that particular statement. It is not true for the minister to say that the Minister for Education was not quoting me. I remind members that *Hansard* records:

> Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place, said:

then indented is a quote—a claimed quote—at page 3050 of *Hansard*. The minister cannot say that in that construction the Minister for Education was quoting herself. That is just ridiculous.

The Hon. CARMEL ZOLLO: Okay, having had a look at the *Hansard*, I am going to read it out. This is what the minister in the other place is saying:

> The reason that the amendment from the upper house has been rejected by the government—

we agree on that—

> is that it extends the sunset clause to later in the year. This amendment has passed in the upper house but the government remains firm in its view that this new timeline is not a workable option for schools—

despite what you were saying as a spokesperson.

The Hon. R.I. Lucas: No, do the quote.

The Hon. CARMEL ZOLLO: There is no quote there.

The Hon. R.I. Lucas: Quote from *Hansard*.

The Hon. CARMEL ZOLLO: If you were to take out—I think the problem is the word 'said'.

The Hon. P. Holloway: *Hansard* sometimes makes mistakes. **The Hon. CARMEL ZOLLO:** It is explained when we go on to say 'we'. Listen to me. It is explained when I say to you that 'we' means 'We, the government', so we are not quoting you, are we, for Heaven's sake. Just accept it and move on.

The Hon. P. Holloway: Clearly *Hansard* needs to be corrected.

The Hon. CARMEL ZOLLO: They did not check *Hansard* properly. This happens. Okay? We are not quoting you. 'We' means 'us'.

The Hon. J.F. Stefani interjecting:

The Hon. CARMEL ZOLLO: The Hon. Julian Stefani should stop getting excited. We are not talking about *Hansard*.

The Hon. KATE REYNOLDS: First, I will comment on this debacle of a debate that I have just witnessed. I have been here for just 2½ years and I am afraid it is getting worse here. Others have been here much longer than have I and, frankly, some days I do not know how they stand it. In case anyone in 25 years' or 50 years' time should be reading *Hansard* (because they just have not managed to get a life), I put on the record that the South Australian Democrats support the concerns expressed by the Hon. Rob Lucas. With or without

my glasses, the *Hansard* record says:

> Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas in another place said—

and it goes on to record the quote referred to earlier. I find it extraordinary that the minister has been unable to admit that there might have been some error made in what the minister in the other place said and acknowledge that that had been conceded by the Hon. Rob Lucas and, for Heaven's sake, just move on. Given that we have not been able to move on, I will put a bit of clarification on the record for those people who in future years cannot find anything better to do.

During the debate in June, a number of documents were sought by the opposition and also the South Australian Democrats when we were attempting to design our position on this bill. I think at the time we thanked the minister's office for providing some of that material. It was very helpful and I think led to a number of the remarks that I made at the time about the improvement to the charging and collection regime. During the course of that couple of days of debate, I was provided with a copy of an email dated 2 June that, as I understand it, had been sought from the President of the South Australian Secondary Principals Association, Mr Bob Heath. He sent an email to one of the minister's advisers stating his views on the flagged changes to the date, in particular that sunset clause. So I suspect that it was around 2 June 2005 that that debate occurred and that the minister in the other place, and perhaps even in this place (I am not sure which one), referred to comments made by the South Australian Secondary Principals Association, and probably not the Hon. Rob Lucas.

I also put on the record that I have had a couple of reads of that email and cannot find anything in it that says that the South Australian Secondary Principals Association believes that the charging of school fees is desirable. It talks about the difficulty of schools having to implement the school fees regime. I spoke on that in my last contribution and will do so briefly again in a moment. So, hopefully, we can now move on to some substantial debate on this message from the lower house.

Like the Liberal opposition, the South Australian Democrats are firmly of the view that the Rann Labor government has not just been required to acknowledge some shift in its position but also has been forced to admit a very disappointing and not very well executed backflip. At the time of the initial debate we welcomed the improvements to the fee charging and collection regime, and we stand by those remarks, but we also made it very clear that we opposed the compulsory charging and collection of fees. As far as I am concerned, the government is still attempting to play a game of smoke and mirrors, and I find it pretty offensive that the government's attitude reveals its view that teachers, parents and school councillors are either too disinterested or too naive to understand what is going on here with these backflips in the Labor Party's position.

I agree with the comments made in the other place that the government is not introducing this amendment to avoid the stress to schools but it is, in fact, trying to conceal this backflip. We know that schools collect about $30 million in fees each year. We know that the government then has to spend about another $10 million paying fees for those people who are eligible for School Card. We know there is another $8 million or so spent collecting those fees. I do not know whether that $8 million includes the cost borne by schools in collecting those fees, but I suspect not. In our view, that approximately $40 million cannot be justified.

Again, the government says that it wants to help schools by improving the regime but, in fact, in our view it wants to conceal this policy backflip. I remind readers of the future again that, in opposition, the Labor Party said over and over that it opposed school fees, but we now know that was blatantly untrue. It said that it wanted to support a strong public education system in this state but, as we have seen this morning when 10 000 preschool teachers, teachers, school services officers and TAFE lecturers rallied on the steps of Parliament House and expressed their disgust at the lack of support for public education in South Australia, that is not the case. Thousands of people waved flags saying 'value public education' but, unfortunately, the Rann Labor government does not—which is why we have, still, unmanageable class sizes, substandard facilities in too many schools, exhausted teachers and waiting lists for TAFE; and that is why we are losing some of our best and brightest teachers interstate.

So, the government might want to kid itself that no-one has noticed its triple backflip over the years on the issue of school fees, and the Labor Party in the past might have been able to take for granted that most teachers would support it on election day, but the blatant disregard shown for educators, school leaders, governing councils and parents—and, most importantly, students—will not go unnoticed on 18 March 2006. So, shifting $40 million of the cost of public education to parents, many of whom face legitimate hardship but still do not qualify for School Card, and shifting the cost of the administrative system for charging and collecting these school fees to schools, is not acceptable to the South Australian Democrats. Unlike the Rann Labor government, the South Australian Democrats will steadfastly maintain their position and oppose the charging of school fees. We will stand firm and not support the message from the lower house.

The Hon. CARMEL ZOLLO: I advise the Hon. Kate Reynolds that schools are able to get the central office to collect the charge on behalf of the schools, and it will, of course, bear the cost.

The Hon. KATE REYNOLDS: I recall that that was a matter of some debate during the first incarnation of the bill (although I cannot remember what the bill was called). I remember that the minister who had carriage of the bill in this place opposed there being any sort of central collection. A considerable cost is still borne by schools in all the systems required to issue and process invoices. It is only in relation to compulsory collection that the central administration has a significant role to play. Whether or not the government likes to admit it, there is a considerable degree of cost shifting for the collection of school fees (which are charged because the government does not properly fund schools) straight back to schools and their administration teams.

The Hon. CARMEL ZOLLO: I think it is important that I respond and place on record that this government is committed to increasing funds for government schools, and I will give some examples. The government allocated $35 million over four years to boost literacy in the early years by employing extra teachers to create smaller junior primary classes. It spent $1 million for extra school service officer time to improve literacy and numeracy. It has provided $125 million to build new schools and fund major school redevelopments through the school capital works program and support services, such as the provision of school buses. The government has provided $40 million for school maintenance projects, including $25 million for the 'school pride' program to paint, repair and refresh our schools and

preschools. Since being elected, the government has increased per capita spending in education by over 20 per cent since the 2001-02 budget of the previous government.

Government funding levels aside, it should be emphasised that the materials and services charge was initiated for a specific purpose, that is, to enable schools to recover the costs of the materials and services used or consumed by students during the course of their essential studies. The legislation, administrative instructions and guidelines specifically state that the materials and services charge is confined to this purpose. These students' costs are and must continue to be separate from the broader school funding considerations. If schools did not charge parents for these items, parents would be expected to provide these goods and services themselves.

Motion carried.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable me to move that the orders made on Wednesday 29 June 2005 for Orders of the Day: Private Business Nos 12, 14, 16, 26, 39 and 47 to 49 to be Orders of the Day for Wednesday 6 July 2005 be discharged and for those orders to be taken into consideration forthwith.

The Hon. R.I. LUCAS (Leader of the Opposition): We do not want to oppose the breaching of 150 years of convention by the Leader of the Government in relation to this issue. I certainly cannot recall, although there may be the odd example, where private members' time has been brought forward, but I seek your guidance, Mr President. We are not interested in opposing the motion, but will you, sir, indicate how you will rule in relation to Standing Order 159 with regard to notice that must be given for a recision motion?

The PRESIDENT: I take on board the point of clarification sought by the Leader of the Opposition in respect of Standing Order 159, which reads:

A resolution of the council may be read and rescinded; but no such resolution may be rescinded during the same session, except with the concurrence of an absolute majority [an absolute majority is present] of the whole number of members of the council upon motion after at least seven days notice: provided that to correct irregularities or mistakes one day's notice only shall be sufficient.

Although not a regular occurrence, I have to observe that this has become not an inconsequential activity of the council over the past few years. It is highly undesirable, I might add, but it is not unprecedented. As in all these cases, as I have ruled on many occasions, the council in absolute majority is normally in charge of its own destiny. Given that that is the situation, I feel I have to put the question proposed by the Leader of the Opposition.

The Hon. R.I. LUCAS: On a point of order, sir, I understand how you are ruling. It would appear that you are ruling on the basis of precedent. The opposition is prepared to assist the government if it can to overturn long standing conventions in this chamber, as the government would wish, but I am seeking your guidance. I wonder whether the government is able to move for a suspension of Standing Order 159, which appears to be the problem in relation to what it wants to do, that is, could the government leader move for the suspension of Standing Order 159, which is the seven days notice provision, and in moving that suspension then seek to do what he wants to do?

The PRESIDENT: The Leader of the Government is entitled to move a motion in respect of these matters. I have just pointed out that, whilst this is not strictly in accordance with Standing Order 159, the practice of the council in recent and not so recent times has been to do this. The minister has moved that standing orders be so far suspended to enable him to move that the orders made on Wednesday 29 June for Orders of the Day: Private Business, and so on, to be discharged and for the orders to be taken into consideration forthwith. It is not unlike the situation we faced recently with the suspension of standing orders. The minister is entitled to move the suspension of standing orders, but the council is entitled to make its decision in respect of that motion.

The motion has been moved and seconded. A point of order has been taken. I have endeavoured to explain Standing Order 159. I have explained to the council that there have been several occasions where the council in its wisdom, as it is entitled to do, has in recent times exercised its right to suspend standing orders. On this occasion the council has the same opportunity to deal with the motion proposed by the Leader of the Government to suspend standing orders to enable him to move that orders made on Wednesday 29 June 2005 be discharged and for those orders to be taken into consideration forthwith. That motion has been moved and seconded. I am in a position where I need to put that motion and the council in its wisdom will decide. I, for one, will be quite pleased to take the decision of the council.

Motion carried.

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

That the Orders made on Wednesday 29 June 2005 for Orders of the Day (Private Business) Nos 12, 14, 16, 26, 39 and 47 to 49 to be Orders of the Day for Wednesday 6 July 2005 be discharged and for those orders to be taken into consideration forthwith.

I will just explain the reasons for this motion. Given the fact that we have two days of this session to go before the winter break, I asked the Government Whip to approach the opposition and other parties this morning to see whether or not we could better manage the timetable of this place by discussing receiving private members' business, as that would give us more time on the remaining two days to deal with a number of important matters which we all know will be coming up here.

So, rather than having late nights—or extra late nights—it seemed to me to be logical and sensible to do this. Standing orders can be suspended with the agreement of all members, but if any person (the Hon. Julian Stefani, the Hon. Kate Reynolds or anybody else) objects, we are quite happy to go home. However, it is not without convention to suspend orders with agreement. So, if everyone agrees that this is a sensible thing to do, we can discuss private members' business tonight rather than tomorrow and that will give us more time to discuss the other important matters that will be coming up here. That is why I move this motion.

The Hon. R.I. LUCAS (Leader of the Opposition): Whilst I understand the spin the Leader of the Government has endeavoured to put on the situation, perhaps I can share some facts with not only the Leader of the Government but also other members.

The Hon. P. Holloway: If we don't get on with it, we might as well go home and not pass it.

The Hon. R.I. LUCAS: We are happy to assist, but you

made that point and we are entitled to respond.

The Hon. P. Holloway: If you're taking the time up, there's no point.

The Hon. R.I. LUCAS: Well, you spoke for two minutes; I will speak for two minutes—equal rights in this place. The reason the Leader of the Government has to do this is that the *Notice Paper* for today contained only six items. The government has done a backflip, one of a number, on the sustainable development bill, which was going to take a considerable amount of time this week, particularly in committee, but the government, as a result of political pressure, has done a backflip on that issue and pulled the bill.

For other reasons, the government is not proceeding with the sentencing procedures bill, and the Appropriation Bill is being rushed through the parliament in just over a week. The passage of the heritage bill through the parliament is being assisted, and the only bill of the six that is probably being delayed beyond this week is the Statutes Amendment (Relationships) Bill for the reasons that have been given.

Whilst I understand the spin from the Leader of the Government on this issue, this council is willingly assisting the government to fill out its program because it really does not have enough work to do, given that it has pulled one of its most significant bills (the sustainable development bill) as a result of the political heat that it was feeling in marginal seats.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! I point out that the normal procedure at this stage is that when this motion is moved a seconder should be called and the question put. My legendary fairness has got me into trouble once more, and I have allowed the Leader of the Government and the Leader of the Opposition to speak. However, I am confident that the council in its infinite wisdom will make the right decision.

The Hon. KATE REYNOLDS: Mr President, thank you for your legendary fairness and for giving me the opportunity to speak. I would like to place on the record that the South Australian Democrats readily agreed when we were approached this morning by the Government Whip to do private members' business today. We have willingly assisted the government to rearrange the items of business on numerous occasions, not just today and yesterday but last week as well. I have to say that I am very disappointed that the Leader of the Government and the Minister for Emergency Services continue to make unjustified, unnecessary and unhelpful remarks about the opposition parties and their readiness or otherwise to proceed with items listed on the *Notice Paper*. For the record, we have been more than ready on many occasions but, in fact, it has been the government that has withdrawn. On this occasion we willingly support the motion to deal with private members' business now.

The PRESIDENT: Never has so much willingness to cooperate taken so long.

Motion carried.

DEEP CREEK

Adjourned debate on motion of Hon. Sandra Kanck:

That the Natural Resources Committee inquire into the condition of Deep Creek and its tributaries, with particular reference to:

1. The impact of forestry activities on stream-flow within the catchment area;
2. The impact of dams and water use;
3. The impact of rainfall levels and the associated catchment response;
4. The currently observed impacts on, and the potential threat to, the biodiversity of the creek and its environs, including the Deep Creek Conservation Park;
5. The potential threat to ecotourism as a consequence of the drying of Deep Creek and its associated economic impacts;
6. The potential for repair of the damage via the National Water Initiative, the prescription of the water resources of the Western Mount Lofty Ranges and the Natural Resources Management Act and regulations; and
7. Any other related matter.

(Continued from 1 June. Page 2054.)

The Hon. CAROLINE SCHAEFER: The opposition supports the motion of the Hon. Sandra Kanck to refer the condition of Deep Creek and its tributaries to the Natural Resources Committee. The Hon. Ms Kanck has outlined in quite a lengthy speech the reasons for her motion. Above all, she wishes to study the impact of forestry activities on stream-flow within the catchment areas; the impact of dams and water use; the impact of rainfall levels—much of the correspondence that she has used blames the lack of flow in Deep Creek and its tributaries on lower rainfall—and the currently observed impacts on, and potential threat to, the biodiversity of the creek and environs, including the Deep Creek Conservation Park.

I am not particularly familiar with the issue but I believe that some years ago, in the early 1990s, 270 hectares of pine forest were planted within the Deep Creek catchment area. It is alleged, rightly or wrongly, that the growth of this pine forest has reduced the run-off into Deep Creek to such an extent that summertime flows have ceased altogether and the permanency of Deep Creek has been reduced, so that it now does not flow for up to five months of the year. There is recorded evidence of it having once been a permanent stream, and it is acknowledged that this area represents the largest stand of pristine wilderness left on Fleurieu Peninsula. According to the Department for Environment and Heritage, 15 aquatic plant species have already disappeared.

It needs to be noted that the local people who are agitating for some change do not want clear-felling of the entire pine forest. They want the judicious removal of the pine trees where local knowledge suggests that their growth is impeding the flows of water into the creek. I serve on the Natural Resources Committee and I look forward to such an inquiry, given that forestry activities throughout South Australia and their perceived use of rainfall—and, indeed, ground water—is extremely controversial. I think there is a lack of definitive science to prove one way or the other whether or not forestry is too much of a water using activity. This is certainly a controversial issue within the Victor Harbor area and within the Deep Creek Conservation Park and surrounding farms and residences.

I have very little to offer this debate, and I think that probably puts me right up there with a series of previous ministers and, indeed, spectacularly, the current ministers for environment and forests. There has been little definitive study to prove one way or the other whether it is due to the pine forest, the lack of rainfall, an increase in domestic and stock dams or whether, indeed, it is a combination of all those activities. The one thing that everyone does know is that the flow of water into Deep Creek and from its tributaries largely has ceased. We support referral to the Natural Resources Committee to inquire into the matter.

The Hon. R.K. SNEATH: The government supports the motion of the Hon. Ms Kanck and looks forward to the Natural Resources Committee's inquiring into the condition of the Dry Creek area, because there is also a number of new developments there in what is thought of as marginal country. I think that in itself needs to be examined, and also some of the other issues where water is dragged from this area. I also look forward to examining the issue as a member of the Natural Resources Committee. We support the motion.

The Hon. SANDRA KANCK: I am very pleased—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Kanck has the call.

The Hon. SANDRA KANCK: It is called Deep Creek but, yes, it has been very dry. A couple of weeks ago I visited the Deep Creek area and met with local land-holders to see the situation for myself. Unfortunately, it was after almost two solid weeks of rain, during which more than seven inches of rain had fallen. So, in fact, the creek that I had gone to see as a dry creek (small 'd' dry) was very wet. However, I had a look at part of the system, which is called the Foggy Farm dam. One would expect a dam, after seven inches of rain, to be full. However, as an indicator of the amount of take-up from the pines, the dam was only half full.

I met with about 20 land-holders, I think, and one of the local councillors. The local councillor told me how difficult it was for them as a council to say no when the applications come in for another pine forest from effectively the state government, through Forestry SA, because 46 per cent of their ratepayers are to all intents and purposes absentee landlords; they live in Adelaide and contribute little to the community in terms of wealth. The rate base is reasonably small as a consequence, so they cannot financially afford to refuse any application for more forests because of the risk of losing in court and then having to pay all the associated court costs. What the council is trying to do, as best as is possible, is negotiate some outcomes with Forestry SA, and there is another company called Blue Gums, I think. It is doing its best to negotiate around the fact that it does not have the resources to take the matter to the Environment, Resources and Development Court if it comes to that sort of stand-off.

All the landholders are sympathetic to the council from that perspective. They know that the council is doing the best that it can under those circumstances. The feedback surprised me in that the locals, who have been fighting this for 20 years, have never had an MP come to the site and have a look at it. They were overwhelmed by the fact that, first, I had taken it up in parliament and, secondly, that I had made the effort to come down to the area and see what was there. It was written up in the Victor Harbor *Times*—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: The natives are getting restless. It was written up in the Victor Harbor *Times* of 30 June, a small sample of which follows:

> Byron Morley said as a child he loved to see the washouts at crossings when the opening rains of the season came. 'Today—even after seven inches of rain—the water at the same crossing doesn't compare. There's no run off from the pine forest because the trees act as a big sponge.'

They had a sense of humour, to some extent, about the problem, and one of them said to me that the difficulty is that the problem is not being acknowledged. I think that tonight is important because the problem has been acknowledged by the Legislative Council. Members have seen the importance of this issue, and I will ensure that the Victor Harbor *Times* and the residents who live around Deep Creek are made aware that their concerns are being taken seriously. I thank all parties and members for their support.

Members interjecting:

The PRESIDENT: Order! It is Deep Creek, not deep throat.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (THIRD PARTY LIABILITY) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. A.J. REDFORD: This is the principal clause of the bill. I will make some general comments about the broad thrust of what the opposition seeks to achieve with this bill. The opposition wants to remedy the defect in the Workers Rehabilitation and Compensation Act. The defect arises where a wrongdoer, a person who commits a tort, is found liable—whether they be 1 per cent, 2 per cent, 5 per cent or 20 per cent in the wrong—pursuant to section 54 of the Workers Compensation and Rehabilitation Act, to pay 100 per cent of their responsibility. The section 54 provision, as it is currently in the legislation, is causing no end of problems in relation to two specific situations. The first situation is group training schemes, which are training schemes generally run by the housing industry or motor industry (for motor mechanics and the like), or the hotel industry—

An honourable member interjecting:

The Hon. A.J. REDFORD: And engineering employees. In these schemes the industry body itself trains people through apprenticeships or other schemes into that particular occupation; they become the trainer and provide services in relation to those staff. The employer may be a carpenter, Ultratune or a small shop, or it may be a small hotel. What happens is if that employee does something wrong, if that employee is 1 per cent in the wrong, then the contractor or the small business can be sued for 100 per cent of the liability, irrespective of the extent of that liability. What we are seeing in those industries is a huge increase in premiums or, alternatively, substantial excesses applied to those businesses. WorkCover has said, in internal documents leaked to the opposition, that the cost of this measure to the scheme is infinitesimal. I keep getting correspondence from those industry bodies saying that group training is in trouble.

The other area that it affects is labour hire businesses. Since we passed this on the second reading I have received some correspondence, and I will quickly read it. First, I refer to a letter from Olympic Dam (so I have probably lost the Labor vote, if I ever had it in the first place) from the Cowell Electric Supply company, which says:

> This is a serious issue for us. . . Effectively, we do not have WorkCover insurance for labour hire staff if we are found even 1 per cent liable for the injury. Apparently this is due to an anomaly in the Wrongs Act. . .

That is not quite correct; it is this act. The letter continues:

> A proposal is before parliament to change this situation but apparently is not moving very fast.

The letter goes on to point out that its latest insurance assessment means that it has to carry the first $250 000 of any claim or recovery action. That is a pretty big ask for a small business.

I will quickly refer to a couple of letters I have received. The first is from the Insurance Council of Australia, which I am pleased to see has a handwritten note—and I know that getting a letter of support from the Insurance Council of Australia will probably lose the Hon. Nick Xenophon's vote—which says, 'Good luck with this bill.'

The Hon. Nick Xenophon: You are right!

The Hon. A.J. REDFORD: I must be a mind reader; I can read the Hon. Nick Xenophon's mind. In the letter, the Insurance Council of Australia indicates that it has written to all members of the upper and lower houses seeking these changes, and it points to significant increases in premiums and professional indemnity premiums. It goes on and says that it will seek commonwealth intervention at some stage if we fail to act on this.

This has been before the government, before minister Michael Wright, since before the last election. I am joining an increasing number of people who are coming to the conclusion that this minister continues to behave like Sergeant Schultz—he knows nothing, he sees nothing, and he generally does nothing when he is confronted with specific issues. This is about jobs for our kids and, increasingly, what we may see in the face of the minister's inactivity is federal government intervention, and that is unfortunate.

I also received a letter from the Housing Industry Association addressed to the Minister for Employment, Training and Further Education—and to my great surprise, unlike most other things this government does, a press release has not been issued. The letter says:

> We refer to the amendments introduced in the upper house by the Hon. Angus Redford MLC. We commend these amendments to the government. South Australia has a significant skill shortage and particularly so in the building trades.

That rings true, because that is what the Economic Development Authority has been saying month after month, year after year, since this government took office. It goes on:

> For a number of years HIA through the HIA Group Scheme has been attempting to address this issue. Other membership associations within the industry have also contributed through their individual group schemes. A major stumbling block to the placing of more apprentices has been the difficulty in attracting 'host' employers willing to be involved in the training process. A significant factor in this 'reluctance' has been the [Workers] Rehabilitation and Compensation Act and the provisions of section 54 which expose 'hosts' not only to recovery action for injuries to apprentices but also to non-proportionate recovery. The provision is inequitable and is in such terms as to mean that 'hosts' are unable to adequately obtain cover for the 'risk' except at prohibitively high insurance premium.
>
> HIA has consistently advocated that section 54 be amended to quarantine 'group apprentice' hosts from recovery action by WorkCover and to establish at the least proportionate liability. Successive governments have failed to act on this issue although we are told that the likely cost to WorkCover in changing this provision. . . is minimal.
>
> While there are aspects of the Redford amendment that HIA believes could have been improved by drafting, overall HIA supports the honourable member's attempt to redress one of the major stumbling blocks to apprentice recruitment by group schemes in the construction industry.

When the government stands up and says that there is a skills shortage, the future of the skills shortage is in the government's hands at the moment. What the government is seeking to do by opposing this is continue that skills shortage. That is unfortunate and it is to be deprecated but, as we so often know on this side of politics, this government has no understanding of small business, nor does it have any understanding of wealth creation, nor does it have any understanding of the practical problems associated with the training of apprentices, of young people who are going to provide our future in this state.

The Hon. IAN GILFILLAN: I really do not intend to make an extensive contribution to the debate in the committee stage. I do feel that it is beholden on me to indicate appreciation of the energy that the Hon. Angus Redford has put into this measure, and I indicate that in no way do the Democrats believe that the issue raised is not significant. However, in our view, it is not the appropriate way to alter a very complicated and broad spectrum of concern in respect of workers compensation and the whole way that not only the actual forms of compensation and the covering of injured workers is concerned but the way it fits into the general matrix which has been under some degree of turbulence insofar as the substantial legislation that the government introduced just recently and we have debated through this chamber.

It is our intention to oppose the third reading, but we are prepared to accept that it is a good initiative. It is a proper usage of this place to bring this issue forward. Whatever government in power chooses to ignore the anomalies and the stresses on various parts of the industrial scene, that is not to read into our opposition to this bill that we condone a continuation of a situation which really does need to be seriously addressed, but not in this circumstance and not by this bill. So it is our intention to oppose the bill.

The Hon. NICK XENOPHON: I have similar views to the Hon. Ian Gilfillan but, in addition to the matters raised by the Hon. Mr Gilfillan, I am concerned that there has been a diminution over the years, and it was a Labor government that took away people's common law rights in this state with respect to workers compensation claims, both in relation to the inception of the initial WorkCover scheme and also subsequent amendments several years later—in 1992, as I recollect—which further took away workers' rights to sue at damages for common law. In a sense, if you are an injured worker, section 54 is one of the few provisions where you can get common law damages based on an assessment, and of course economic loss is based on an assessment of your loss of earning capacity in the past and the future, and it takes into account a whole range of matters, in terms of an assessment of damages, that WorkCover does not.

I too commend the Hon. Angus Redford. Whilst I may not agree with him in terms of this bill, I think it is valuable to raise this issue in terms of looking at the way the scheme operates generally, and I think the problems with the WorkCover scheme go far beyond whatever issue there is with section 54. There are some serious problems with the scheme, and I think the Hon. Angus Redford has been more than doing his job on behalf of the opposition by raising concerns about the WorkCover scheme, about concerns about a lack of transparency with respect to the scheme, and in relation to the fact that the scheme appears to be continuing to blow out.

I am concerned about the implications with respect to this bill in relation to taking away the rights of individuals in certain circumstances. I have disclosed on many occasions, and it is on my register of interests, that my firm in the past has acted for individuals in section 54 cases where that has been basically the only avenue for them to get a decent level of compensation to get on with their life. Proportionate liability legislation is something that is being considered. I

have a question for the Hon. Mr Redford, and it may be that he will have to take it on notice. I would be happy to get a response from him by correspondence if he cannot respond to it now.

It seems that there is this concern by the various group training schemes about the implications of section 54. To what extent do we know of the number of claims and what the actual cost is under section 54? I am not sure whether the Hon. Mr Redford has answered that and, if he has, I apologise for asking it again. What does the Hon. Mr Redford say about the Stanley committee's recommendations with respect to section 54 and how this bill accords with that, or does it goes further? I think it is very fair to say that the Stanley report was produced some time ago. I do not know whether the Hon. Mr Sneath can assist me on this. I think it was over two years ago; perhaps three years.

An honourable member: It was 2½.

The Hon. NICK XENOPHON: It was 2½, and we have yet to hear from the government as to what it will be doing in relation to that particular report. I understand that the safe work bill was one of the recommendations, in a sense, and that has been dealt with recently, but there is a whole range of other recommendations in relation to that, which the government is proposing and which we are still waiting to hear about.

From my point of view, it is the same result as the Hon. Mr Gilfillan, but a slightly different approach in the sense that I am concerned about whittling away at least one area where some individuals can get some common law justice in a system that has taken away common law rights in, I believe, such a draconian manner arising out of the inception of the WorkCover scheme in 1987.

The Hon. R.K. SNEATH: The government does not support this bill and is in the process of reforms to section 54. It supports some of the comments made by the Hon. Mr Gilfillan and the Hon. Mr Xenophon and does not support the bill.

The Hon. A.J. REDFORD: I take on board the comments made by the Hon. Ian Gilfillan and the Hon. Nick Xenophon. In relation to the queries, I will provide the Hon. Nick Xenophon with more detail afterwards but, in relation to his question about the number and extent of the claims, I can provide information but it is somewhat dated. I can certainly provide an estimate of what WorkCover says it will cost, which is about $1 million a year—and when you look at the sort of premiums that are being charged and the excesses being imposed, it is insignificant. WorkCover's problems have nothing to do with section 54: WorkCover's problems arise from poor management and poor claims management.

The Hon. Nick Xenophon: What would it be costing for the group training schemes?

The Hon. A.J. REDFORD: It is not the group training schemes so much as the employers. The employers are saying, 'I am sorry, I will not participate in your scheme because I cannot get insurance.' I will give an example. If a carpenter (and I said this in my second reading speech) wanted to get insurance personally, it would cost about $1 500 for public risk. But, if he discloses—and he has to do so—that he is part of a group training scheme, it goes up to $10 000 with an excess of $40 000. So he says, 'I am sorry, I will not participate in a group training scheme. I will not take on this apprentice.' That is the practical effect, and that is who has been hit. The group training schemes are saying, 'We are running out of employers who are prepared to take that risk or pay that cost' for, essentially, what is a public duty and a public service. That is what is happening.

So far as the Stanley recommendations are concerned, this is in accord with the Stanley recommendations, which said that this needed to be addressed urgently. I do not know what the minister's definition of 'urgent' is. Certainly, if I apply it to answering my questions, two or three years is reasonably urgent. This was a high priority issue in the dying days of the Kerin government and, in fact, a submission went to cabinet, and it was only the intervention of the calling of the election and the caretaker mode that prevented the implementation of this particular bill. When the government took office, the government said it was going to look at it and do something about it, and what we get from the Hon. Bob Sneath is, 'We are going to do something.' I do not know what the Hon. Bob Sneath is waiting for, because we have been waiting for an awful long time. If he sheared sheep at this rate, we would still be calling him an apprentice—not that he would find a group employer to take him on because they would not be able to afford the insurance. That is how slow it is.

I thank the Hon. Nick Xenophon and the Hon. Ian Gilfillan for their concerns. I recognise the numbers and I will call for a division because I want to highlight the government's position on this. I will work with the Hon. Nick Xenophon and the Hon. Ian Gilfillan and perhaps come back again with a different approach, because I can assure honourable members that we should not wait for this government. Members should bear in mind that this government now has a new strategy of 'put everything off until after the next election'. I do not know whether the Hon. Nick Xenophon has detected it, but I have. Do not make a decision before the next election; do not make an announcement before the next election; do not commit yourself before the next election. This government will go to the next election making a blancmange look tough and clearly defined. So it will be up to the Hon. Nick Xenophon, the Hon. Ian Gilfillan and the opposition to try to address this important issue which has been clearly identified by the Economic Development Board. If we wait for this minister and if we wait for this government, nothing will happen and we will continue to see a growing skills shortage in this state, and that will be extremely unfortunate.

The committee divided on the clause:

AYES (6)

Dawkins, J. S. L.	Lensink, J. M. A.
Redford, A. J. (teller)	Ridgway, D. W.
Schaefer, C. V.	Stephens, T. J.

NOES (9)

Evans, A.L.		Gazzola, J.
Gilfillan, I.	t.)	Holloway, P. (teller)
Kanck, S.M.		Reynolds, K.J.
Sneath, R. K.		Xenophon, N.
Zollo, C.		

PAIR(S)

Lucas, R. I.	Roberts, T. G.
Lawson, R. D.	Gago, G. E.
Stefani, J. F.	Cameron, T.G.

Majority of 3 for the noes.

Clause thus negatived.

The Hon. A.J. REDFORD: Point of order, Mr Chairman—you have not called it.

The CHAIRMAN: I take the point of order from the Hon. Mr Redford—sitting and covered, as he is required to be during a division. The glass was empty, and I did say 'Lock

the doors' and that the ayes should pass to the right of the chair and the noes to the left. Having given that call, the Hon. Mr Redford filled out his sheet, which showed me the six names, and he handed it to me. People then decided to move, and that is highly unusual. The Hon. Mr Redford is absolutely correct, and he is going through the right procedure. I have taken advice, and I am looking at standing order 227, which provides:

> Members having taken their sides, every Member shall then be counted and his name taken down by the Teller for his side, who shall sign his list and present the same to the President, who will declare the result to the Council.

I have in my possession the form that was handed to me by the Hon. Mr Redford, and signed by him, which shows that there are six ayes. I have a form presented to me and signed by minister Paul Holloway, which shows that there are nine noes. Therefore, under standing order 227, I have received the document, signed by the tellers appointed, that states that there are six ayes and nine noes.

The Hon. IAN GILFILLAN: Mr Chairman—

The CHAIRMAN: It is unusual for the Hon. Mr Gilfillan to be covered.

The Hon. IAN GILFILLAN: Thank you for recognising me in the seated position and covered. I would like to explain that it was in error that I led my colleagues to remain on that side, as I was not clear at what point you would determine the number. But we will not make a strenuous protest about it, and we are prepared to abide by the tally the chairman has before him. However, in the succeeding committee stage, I will go to some length to explain why.

The CHAIRMAN: I do not know whether that was a point of order, but it was a very good explanation. Given what I have described to the committee, under standing order 227 I have no alternative. There are other procedures which may be employed by members of the committee, if they wish. I have to report that the signed sheet indicates to me that the tellers have confirmed that there were six ayes and nine noes. So, on this occasion, the question is resolved in the negative.

Clause 5.

The Hon. IAN GILFILLAN: The Democrats' contribution to clause 5 is that we have no exception to it, neither did we have any exception to clause 4 in the context of the bill. In fact, anyone who listened to my earlier comments on the bill would have understood that the Democrats do not have a critical position in relation to the intention or the composition of the bill. However, we make it plain that we do not accept that this bill is the right vehicle in which to readdress the issue that is the main subject of the bill.

I hope we have made it clear in both conversation privately and in any comment made in committee or before that our opposition will be shown at the third reading; that has been our intention right through. It seems quite unproductive to carve little bits out of the bill in committee and leave it a senseless blob. That is not constructive committee work and that is why it was my intention to encourage my colleagues to support the retention of the clause in the bill so the bill in its entirety made sense. Unfortunately, other members of this committee and myself were somewhat deluded as to where we should sit, which meant that that was not achieved. From now on we will not be involved in any other divisions in committee, but it will be our intention to vote against the third reading of the bill.

The CHAIRMAN: I am sure the committee accepts your explanation and confession.

Clause passed.

Title passed.

Bill recommitted.

Clause 4.

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

That this clause be reinserted.

Enough discussion has ensued on this matter.

The committee divided on the clause:

AYES (9)

Dawkins, J. S. L.	Gilfillan, I.
Kanck, S. M.	Lensink, J. M. A.
Redford, A. J. (teller)	Reynolds, K.
Ridgway, D. W.	Schaefer, C. V.
Stephens, T. J.	

NOES (6)

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

PAIR(S)

Lucas, R. I.	Roberts, T. G.
Lawson, R. D.	Gago, G. E.
Stefani, J. F.	Cameron, T. G.

Majority of 3 for the ayes.

Clause thus reinserted.

Bill reported without amendment; committee's report adopted.

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

That this bill be now read a third time.

This is a serious issue. We on this side of politics will take this issue to the business associations and say that this government is anti-business. We will sing long and loud to the Economic Development Board that this government is not serious about skill shortages, which have been highlighted over and over again. This bill will be placed in the face of the minister for employment every time she talks about skill shortages. This bill will be used to remind the minister for education of her failure to support it and that her government is doing nothing about skill shortages. When any comment is made publicly about high rates of youth unemployment, we will use this bill to highlight the government's inactivity in this area. We will remind the public on a daily basis every time there is a skill drain to the Eastern States, every time we lose a plumber or a carpenter interstate, that this government is doing nothing to replace the loss of skills from our state.

All the employer groups (HIA, MTA, AHA and MBA) are performing public services on the cheap for the taxpayer in training our young people to provide them with a future, but this government, for ideological reasons and no other, has opposed these measures. This government has failed time and again when met with complaints from industry associations that the group training scheme is failing as a consequence of their inaction. It has failed our young people, our businesses and our future. If this government thinks it can go to the next election and talk about low unemployment and how well we are doing, it will be reminded over and over again that its inactivity in this area is a cause of our skill shortages in this state. I will not let this lie. I promise the government that in small business and industry (particularly the building and the motor trades industry) we will sing long and loud about the government's inactivity and its failure to address two important issues: our skill shortages and giving our young people the skills that they need for the future.

I will finish on this final note: is it any wonder that our federal colleagues in Canberra want to set up technical

colleges. One of the reasons they are doing this is that they have little faith in state Labor governments providing appropriate training for our young people. Is it any wonder that the announcement by the federal government prior to the last election to establish two colleges has been met by the public with only one criticism: why can't we have more? All we can say when we talk about what the state should or should not be doing as far as education is concerned is that this state government has created a vacuum in the training of our young people and, where there is a vacuum so far as state governments are concerned, the federal government steps in. This state government need not talk to me or anyone else in South Australia, given its decision tonight, about states' rights or state responsibilities, because clearly it has ignored its responsibilities.

The Hon. R.K. SNEATH: The Hon. Angus Redford speaks with the same tongue that he used during the fair work bill when he used the same scare tactics to try to get people to change their mind. We have already seen the disastrous effects before they have been introduced of the federal government's proposals as far as industrial relations are concerned.

The Hon. A.J. Redford interjecting:

The Hon. R.K. SNEATH: I listened to you quietly, perhaps you will pay me the same courtesy and listen to me and you might learn something. We have the lowest rate of unemployment that we have had for years in South Australia, and we have one of the best industrial relations positions with hardly no strikes and no industrial action being taken in South Australia over the last 10 years. I give credit to employers and employees alike. The honourable member talks about if this bill is not introduced what it will cost in terms of skills; why not focus on the apprenticeships that we have lacked in the last few years and try to get apprentices back?

He wants to encourage contractors to be employed. If that happens, of course there will be problems, because the Liberals have always argued that they do not want people to be employed as employees; they want them to be employed as contractors because then they will not have any rights to workers' compensation unless they take out their own insurance. As the Hon. Mr Gilfillan said earlier, it will be another matter to have these things fixed up. The government agrees that some of these issues have to be fixed up as far as employees and contractors are concerned. We attempted to do some of that through the fair work bill but unfortunately we failed. However, I am sure we will continue to attempt to do those things. The government does not support the third reading.

The Hon. IAN GILFILLAN: I think I have already spoken in the chamber frequently enough to indicate that the Democrats will oppose the third reading and, to a certain extent, the reasons why. So, I do not intend to go over that again. Certainly, our reaction to the legislation is not based on seeking any election advantage. It is an objective assessment of the right way to approach what are necessary reforms in the industrial relations matrix, and to choose one feature and deal with it in an isolated way is not the way to legislate. It is certainly a way to raise the issue and focus attention on it, and that is what the Hon. Angus Redford has done, but we will not be supporting the third reading.

The Hon. NICK XENOPHON: I indicate that, for similar reasons to those of the Hon. Mr Gilfillan, I will not be supporting the third reading. I appreciate the Hon. Mr Redford's concerns about skills shortages and youth employment, and I commend him for his passion in relation to that. However, with the greatest respect, I believe it would be fair to say that one cannot visit all the problems with respect to skills shortages in relation to section 54. There are issues regarding a lack of appropriate resources for training, and I think the federal government has picked itself a bit of a winner in terms of putting resources into technical colleges, because I think that is a huge gap that needs to be addressed.

I also add—as a person who has been, and would always like to be, a plaintiff lawyer in terms of my advocacy for those who have been injured—that I am sceptical about some of the games that have been played by some insurers in terms of insurance premiums and price gouging. The insurance crisis has, in fact, been quite cyclical. However, in fairness to the Hon. Mr Redford, I think there are legitimate concerns about skills shortages, but I do not believe it is fair to visit the bulk of those concerns simply in relation to section 54. However, in his contribution earlier, the Hon. Mr Redford extended an invitation to both the Hon. Mr Gilfillan and me to have further discussions about this, and I am more than happy to do so over the winter recess.

I state again that my concern is that this is a pocket where some individuals who have been injured can at least obtain some common law rights and remedies. I treasure those common law rights and remedies, because I believe it has been a monumental mistake in this state to take away those rights.

The council divided on the third reading:

AYES (6)

Dawkins, J. S. L.	Lensink, J. M. A.
Redford, A. J. (teller)	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.

NOES (9)

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

PAIR(S)

Lawson, R. D.	Roberts, T. G.
Lucas, R. I.	Gago, G. E.
Ridgway, D. W.	Cameron, T. G.

Majority of 3 for the noes.

Third reading thus negatived.

LEGISLATIVE REVIEW COMMITTEE: SUPPRESSION ORDERS

Adjourned debate on motion of Hon. J.M. Gazzola:

That the report of the committee be noted.

(Continued from 1 June. Page 2077.)

The Hon. A.J. REDFORD: On the last occasion, I referred to a specific case, which was subject to a large number of suppression orders. Indeed, this case was covered by so many suppression orders that it is almost impossible to determine what a person can or cannot say in relation to this specific case. It is a case where I have to be extremely vague. However, I believe that I could be quite specific. I could name the parties, events, and everything about this case, and I think that, when or if I do, this case will be bigger than Nemer. This case will bring up issues similar to and more

important than Nemer. It involves a great deal more tragic justice and unjust results than Nemer ever imagined, but I cannot say very much if I am to follow and agree with the suppression orders, because there are literally dozens of them. I sought to have those suppression orders removed, and I could mention that, and I believe that I am protected by parliamentary privilege if I do mention that. I also believe that if Hansard publishes that information, it is protected by parliamentary privilege, but if anyone should utter any word or write any word or photocopy the *Hansard* and send it out to anyone, they may well be in breach of a court order.

The Hon. Nick Xenophon: And face contempt of court proceedings.

The Hon. A.J. REDFORD: And face contempt of court and prosecution; so, I really cannot publicise it. It was suggested in a proceeding, that was suppressed in circumstances that were suppressed, where I made an application that was suppressed that I could advance the issues that I was concerned about without reference to the actual case, and, if I did so without reference to this specific case, public discussion and disquiet, if there were any such thing, would ensue. This evening, I will raise some of the issues and endeavour to comply with the suppression orders, and I am going to see whether the media and the public feel that it is sufficient to raise these issues in a proper manner. Before I do so, the Premier was very quick to say how good he was when he raised Nemer and, every time something comes up in the media, he says, 'They are upset because I raised the issue of Nemer.' Nemer was a highly publicised case, probably as a result of a fluke, given that there were no suppression orders applicable to the Nemer case, unlike the particular case I would like to tell everybody about.

The Hon. Nick Xenophon: What? You are saying that this case is a bigger scandal than Nemer?

The Hon. A.J. REDFORD: Absolutely, and I will come to it in a minute. I will test it. I will see whether *The Advertiser*, *The Australian* or any other publication is going to pick this up. The Premier is aware of this case; he has had it drawn to his attention on three or four separate occasions.

The Hon. Nick Xenophon: How long ago?

The Hon. A.J. REDFORD: As early as late last year, and definitely from the victim's family earlier this year, and I am happy to show the honourable member the correspondence. I would photocopy it but I might well be at risk of breaching a suppression order. I would be happy to show any member in this place any particular material that I might have, but I cannot photocopy it or distribute it, because I may well be accused of publishing it, and I may well be accused of breaching a suppression order. This case raises a couple of issues. Let me raise some of them. This is a case where a plea bargain went bad and a person obviously guilty of murder was only charged with being guilty of being an accessory after the fact and received six months' imprisonment concurrent with another sentence of imprisonment.

This is a case where a person was accused of homicide, and nearly pleaded guilty to that homicide, but was subsequently acquitted because, firstly, information that should have been disclosed to him at an earlier stage was ultimately, and just in time, disclosed to him, and, secondly, because the jury, armed with that information, decided that this man was not guilty and, frankly, I would agree and support the jury decision, having read the transcript of that case—a case whose name, circumstances, location, place and various other aspects I am not, if I am to comply with the suppression orders, permitted to disclose.

This is a case where reliance was placed on a police informant who, in the area that this police informant operates, is probably the biggest thug, criminal, drug dealer and exploiter of women that this particular area has ever seen. This is a case which raises the issue of whether or not police should use informants who fall into that category. This is a case where the police relied on a police informant to provide them information, but that police informant subsequently refused to cooperate with police in coming to court and giving evidence. Again, the suppression orders prevent me from mentioning anything that might possibly identify this particular individual because, according to the authorities, the government, the Director of Public Prosecutions, the Crown Solicitor, the police and some other people, his identity ought to be protected because it is in the public interest to protect this man.

The Hon. Nick Xenophon: What does the victim's family say?

The Hon. A.J. REDFORD: The victim's family are furious. This is a case where this police informant had to be arrested to give evidence in court because he could not be trusted. Yet everyone seeks to protect the identity of this police informant because otherwise it might undermine the police informant system. One wonders what sort of police informants we have out there and the sort of information police are relying on; however, I cannot mention his name because this man is protected, and protected far more than just about any other citizen or wrongdoer that I can imagine in this state.

That same police informant, when he was finally brought before the court, swore at the judge; that same police informant told a court that he was not prepared to cooperate with the court; that same police informant, who was paid by the police, said to the court that he was not going to tell the truth; and it was that same police informant who, when he did give his evidence, the court actually forgot to swear in. That is all suppressed, so I am not allowed to mention it. I am sure that, when I pick up *The Advertiser* tomorrow, there will be a headline saying, 'This case is worse than Nemer', but they will not be allowed to tell us the name because of all the suppression orders.

The Hon. Nick Xenophon: Do you think it deserves an independent judicial inquiry?

The Hon. A.J. REDFORD: I do not want to get into the detail of that because I might identify it, and it involves some real issues. Despite the suppression order and despite the conduct of this police informant, he is protected by a suppression order and, for all I know, he received payment—and that is what suppression orders do.

I know that those who support this suppression order regime think that it is wonderful. Indeed, I think I can disclose this much: I spoke to the person who was ultimately acquitted before I took out the application to remove the suppression order, and he said to me, 'Look Angus, I want this to be publicised; I want the world to know that I was wrongly prosecuted because of incompetent actions on the part of either the police or the DPP. I want the world to know that I was unfairly dealt with.' Do you know what happened when I sought to lift that suppression order—the arguments for which, I have to say, were suppressed? His lawyer said completely the opposite, and I am bemused by that; he actually opposed the lifting of the suppression order.

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: The person who was acquitted of the murder—his barrister, to be quite accurate.

I wonder what happens when this club, the lawyers, all get together and start talking about suppression orders, despite the fact that when I talk directly with their clients they have a different viewpoint.

Finally, the most serious issue is in relation to plea bargaining. I cannot say very much, but I am told that on two or three separate occasions the police told the Director of Public Prosecutions not to enter into a plea bargain but, despite that, the plea bargain went ahead—and the plea bargain was not done by Paul Rofe QC, so we cannot use him as the whipping boy or scapegoat in this particular case. There was a fundamental failure but—and I can say this, because there has not been any publicity—the Premier has not stood up and made any fuss about it. In fact, the family wrote to him some considerable time ago and are yet to get any meaningful response from him other than 'Thank you for your letter.' That is a bit slower than what we saw with the Nemer case—but we know that, because he would not get any publicity.

That is the dilemma I am in. I am seeking further advice and I will be speaking to other members in this chamber, once a couple of events occur, about whether I use the protection of parliamentary privilege and explain to at least this parliament all the details of what happened in this case. The small select group who manage to get *Hansard* will be able to read about it, but no one else. Perhaps everyone interstate will be able to read about us, and our justice system will become a laughing stock—which, if it is not already, is probably close to it. That is what I am dealing with, and it is a serious case.

It is a good, honest, law-abiding family who do not understand why the death of their son led to a person being acquitted and another person receiving a jail sentence when, clearly, the circumstances show that there was a deliberate, vicious and nasty homicide. I have to say that it is very hard to look them in the eye. With those few words, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CORRECTIONAL SERVICES

Adjourned debate on motion of Hon. A.J. Redford:

That this Legislative Council notes with concern the performance of the Minister for Correctional Services and the Department for Correctional Services and, in particular, a series of disturbing matters that have arisen since September 2002.

(Continued from 1 June. Page 2063.)

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The Hon. Angus Redford has put before this place his views on the Department for Correctional Services. In doing so he has loosely referred to numerous incidents that have occurred over the past 12 months and has criticised the management of the department. The administration of prisons and the management of correctional services is a very difficult area of public administration. The department works with some of the most violent and disadvantaged people in our society. The honourable member has made his attacks in this place personal and has specifically criticised a number of individual public servants.

Let me place on the record this government's appreciation and recognition of the hard work that many, indeed most, staff in the Department for Correctional Services undertake, often with very little recognition or reward. Many of the statements the Hon. Angus Redford has made have largely been discounted by statements in this council and other places, and where they have had substance they have been properly investigated and, where necessary, action has been taken by the government. The government will not and does not support the motion.

The Hon. IAN GILFILLAN: I move to amend the motion, as follows:

Leave out the words, 'the performance of the Minister for Correctional Services and the Department for Correctional Services and in particular', and after the word 'arisen' insert 'in the Department for Correctional Services'.

So that if my amendment is successful, it would read:

That this Legislative Council notes with concern a series of disturbing matters that have arisen in the Department for Correctional Services since September 2002.

I indicate that, over the years that I have been interested in the correctional services in this state, it has been quite clear that there are very few members of parliament who show even the vaguest interest in our penitentiaries, the system of imprisonment and the so-called rehabilitation and other aspects of it. So, without analysing in detail the value of each of the issues raised by the Hon. Angus Redford, I find myself yet again commending him for paying attention in some detail and with some energy to an area which has been sadly neglected.

I have used, over the years, a yardstick (or a metre stick) which I think applies to any community. The quality and standard of a community must always be measured by the treatment of those who are at the bottom, and 'at the bottom' in our circumstances certainly applies very largely to those who find themselves in our prisons. So if my amendment is successful, I will indicate the Democrats' support for the motion in amended form.

I would like to share with members in this place just one example of the many types and instances where in a plaintive way people look for help in their own issues from inside the prison system, and bear in mind that what may appear to us on the outside to be very minor issues are exaggerated and magnified purely by the psychosis of being imprisoned in an institution. I did not invent that. That has been a recognised fact for many years. Mr David Garrett is, in fact, an inmate, and he has approached me on this matter on several occasions and asked for my help, so I have no qualms in identifying him in relation to this matter. A letter to his father, dated 3 June this year, reads:

G'day Dad, just a quick note to let you know that I've been transferred back to Mobilong at Murray Bridge. I got here on Wednesday, 1 June. Did you get my last letter? I sent it about six weeks ago and it had a couple of photocopied pages included. I hadn't heard back from you and I wondered if they had tampered with it, or anything else improper or illegal. I'm still working on my other claim, but they are saying that I'm not getting my computer back until the 16th of this month. I'm contesting that as this constitutes improper interference with my legal preparations. If you contact Ian Gilfillan, let him know that I'm now back at Mobilong and I have been promised my computer back. Also, thank him for any assistance he may have provided. My university studies are still in a bit of a confused state but of the two assessments I have completed I have scored high distinctions for both. I am enjoying the challenge and looking forward to getting on with the courses. Anyway, when I get resettled properly, I'll drop you a more detailed letter. I'll sign off now and I hope everyone is okay and well. Pass on my regards.

That was passed on to me by his father, as he had asked for me to have a copy of the letter. That in itself is not particularly newsworthy, but I have been following the saga step by step as I got various letters and complaints saying that David

Garrett believed he had been mistreated and improperly treated in the prison system.

What he did send me, however, which I am also going to share, is a letter to Mr David Garrett from the Ombudsman dated 30 May this year. I will not read the whole letter. The text is available for anyone who is interested, but that is not really the point of my referring to it. When you get the background, once you show an interest in inmates' problems, it tends to flush out people who feel they have been hard done by, and I have found that it is beneficial to show at least an interest, just a responding letter, but quite often I feel there is nothing much that I can do to contribute to the issues. Some of them I am sure are exaggerated; some of them are wrong; some of them may even be malicious. However, that is the background to how I treat most of them. So I read this particular letter to Mr Garrett by the Ombudsman with more than usual interest. I quote from the letter:

> . . . Given recent developments, I consider it is now appropriate to provide you with a summary of the tentative views I expressed to the department and the current status of your matters as I understand them. In doing so, you must understand there has not been any formal comment from the department on the tentative views I have expressed or a final opinion of the Ombudsman, and the matters may be the subject of further investigation for the purpose of reaching a conclusion.

That is the qualifying paragraph. It goes on:

> I identified two key issues of complaint. Firstly, the matter of the charges against you and your transfer from Mobilong to Yatala.

Bear in mind, Mr President, that David's later letter says he is not back at Mobilong. The letter continues:

> I express the following tentative views:
> - The charges against you were ill conceived.
> - You had provided plausible explanations for the allegations made against you and the failure of responsible staff to investigate thoroughly and test the information was, to me, surprising.
> - I was also surprised by both the need for and haste with which you were transferred to Yatala pending the hearing of charges against you. Although this was not adequately explained, there was insufficient evidence for me to conclude there was an ulterior motive but I was unable to totally rule out your claim that you were victimised for having been outspoken and having made a complaint.
> - I remain concerned by the fact that once the charges against you were withdrawn, 'the system' still seemed to regard you as guilty and you suffered further detriment.
> - I expected that once the charges were withdrawn you would have been returned to Mobilong and that it should not have taken an internal investigation and the intervention of my office for this to occur some 10-11 months later.
>
> Secondly, in relation to the matter of providing you with your computer upgrade, I expressed the following tentative views:
> - You paid money in good faith in around March 2001 for a computer upgrade which was delivered into the care of the department and you did not receive it until over two and a half years later.
> - Even though some delay could be attributed to actions by you, and accepting the department was entitled to be satisfied as to security needs, the power to provide you with your computer always rested with the department and it failed to facilitate the process in a timely manner.
> - At various times there seemed to be a number of people in the department who had good intentions and agreed that you should be provided with your computer, but no one person who actually took responsibility for making it happen.
> - This inordinate delay was inexcusable and constituted maladministration.
> - I noted the following concerns—the mouse eventually provided to you was not the same as originally delivered; one of the speakers was damaged; and none of the property brought in by Mr Flaherty was recorded as required. It may have been too late to ascertain what happened in this regard but it did indicate further examples of maladministration.
>
> Having regard to all the information obtained and the circumstances of your case, I was of the tentative view that you had suffered significant detriment in that you had been deprived of property for which you had paid over two and a half years before it was provided to you, and were, in other ways, treated unreasonably by the department.

He then goes on to make some suggestions as to what the department should do by way of ex gratia payments and compensation and other matters which are not necessarily relevant to my contribution at this stage.

The reason I raise this is to ask: how many of these types of incidents take place in a system which believes it is protected from public scrutiny? It is only rarely that a window with such lucidity as this comes to be shared with members in this place. It is only rarely that an inmate has the determination—and, may I say, courage, and maybe stubbornness—to hold against a system that he believes is oppressing him and to bear the penalty for that. Even if the argument is—and I have not heard it—that Mr Garrett is hard to get on with, that is no justification for such treatment which the Ombudsman, who is taking an objective and independent view, has quite clearly indicated on the face of it is unacceptable.

That gives extra reinforcement to the reasons the Democrats support this motion. I do not intend to join a motion which makes particular criticism of a particular minister, nor do I think it is fair to make a criticism of the Department of Correctional Services at large. I have had an opportunity to meet and have discussions with Mr Peter Severin, the current director, and it is my belief that many people in the service do have good intentions, and I am optimistic that there will be an improvement. But there is enormous scope for improvement. It is not just the facilities—the facilities are critical—but it is also attitude. The people who run that service to a large extent will reflect the attitude of the community. They will not reform and move ahead of the pressure they feel from the community. If the community is lethargic and gives the feeling that these people do not deserve to be treated as human beings with dignity and respect and have their rights upheld, the community itself, as well as the victims, will be diminished.

It is quite a significant motion to pass because it sends signals that at least this parliament is not prepared to let injustices and cruelties within a system go by without showing its concern and, where they come to our attention, we will do our best to ensure that they are not repeated.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thought I should place on record that, whilst the amendment of the Hon. Ian Gilfillan certainly improves the motion that is before us, nonetheless the government does not support it. I need to reiterate the comments of the Leader of the Government (Hon. Paul Holloway) that the administration of prisons and the management of correctional services is a very difficult area of public administration and, as even the Hon. Ian Gilfillan has pointed out, the department works with some of the most violent and, regrettably, disadvantaged people in our society a lot of the time. So, again, I place on the record this government's appreciation and recognition of the hard work of many staff in the Department of Correctional Services, often with very little reward. As I said, the government does not support the amendment, either.

The PRESIDENT: Do I take it, minister, that you do not support the amendment or the final motion, or that you support the amendment but not the motion?

The Hon. CARMEL ZOLLO: The government is not supporting it all.

The Hon. A.J. REDFORD: First, I thank the Hon. Ian Gilfillan for his considered thoughts in relation to this issue. Dealing quickly with his amendment, I notice that the government seeks to oppose not only his amendment but also the motion, I assume, in either form. The opposition recognises how the numbers will flow if a particular position is taken. So, with some small reluctance—and I emphasise the word 'small'—we will support the Hon. Ian Gilfillan's amendment, as we think it is important that these issues are noted by the Legislative Council.

I now turn to the leader's performance. Again, persistently—minute by minute, hour by hour and day by day—this minister treats the parliament with utter contempt. One day he refuses to answer questions, and a week later he wants to do the same thing. Today, after a long and considered speech, I get a three-minute response. I say this: I am no idiot. People in the Department of Correctional Services have told me that they have spent some considerable time preparing a response and answers in relation to issues raised with me by constituents, and I chose to raise them in the parliament. On some occasions, I said, 'I don't know what the truth of this is.'

What I can say is that, when people make complaints within the Department of Correctional Services, particularly staff, they are given what is known colloquially as the 'bum's rush'. I thought, 'I know how to fix this, because I understand how parliament operates. I'll come in here as a member and I will raise the issue.' Any government of reasonable standing would say, 'We'll deal with this issue in this way. We'll have this answer to that point. We don't agree with those facts alleged there. The member misunderstands this,' and, even if it took an hour, I would be prepared to sit and cop whatever the government said. I could then go back to my constituent and say, 'This is what the government is saying.' But, oh, no, not this arrogant minister. He comes into this place and, in the space of two minutes, he says, 'The honourable member is wrong, and we're not going to dignify his comments with any detailed response.'

I know that the department has spent considerable time dealing with these statements and allegations made by me on behalf of constituents in this parliament. I say to members sitting on the cross benches that we need to start making this government accountable for the way in which it behaves in this place—the contempt with which it deals with our questions, the contempt with which it deals with our motions and the contempt with which it deals with assertions made by us on behalf of constituents. How many other parliaments in this country or, indeed, in the Westminster system, would put up with the way my debate was treated by the government this evening?

The minister never sought to directly address any of the issues raised by me. Mr President, you will understand, because you probably know some of the players involved. Some of them feel genuinely aggrieved. They are members of the PSA, some of them are members of the Australian Labor Party, and some of them have voted, as ordinary working people, for the Australian Labor Party all their lives. Well, I can assure you that that will not happen in the future, because they now know just how arrogant the Rann Labor government is.

As I said, I also know that a huge amount of work is done. I will tell you what I will do now: the first thing I will do is issue an FOI, and I will see the results of the work the departmental officers have spent some quite considerable time putting together, because at least I might get some answers from them, and I do have some regard for those people. Secondly, I will seriously consider setting up a select committee or, indeed, a term of reference for a particular standing committee, to deal with some of the issues I raised. It is only in that way that perhaps we can get some answers to the issues I raised.

This government might seek to hide today, but it will not be able to hide forever. It can hide all the hard decisions until after the next election. It can hide away all its policies. It can hide behind the secrecy it has sought in relation to a whole range of issues in this government. But I can tell you that, in relation to the prison system, it is not going to hide. The public deserves to know exactly what is happening in the prison system, and it is only when the public knows that, and only when the full light of publicity shines on this issue, that we will get a proper and reasoned debate on Correctional Services, rehabilitation and, ultimately, the safety of the community. Again, I am not surprised that the government continues to show, on a minute by minute basis, its absolute contempt and arrogance for the Legislative Council and for matters raised by members of parliament.

Amendment carried.

The council divided on the motion as amended:

AYES (11)

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

NOES (4)

Gazzola, J.	Holloway, P. (teller)
Sneath, R. K.	Zollo, C.

PAIR(S)

Lucas, R. I.	Roberts, T. G.
Lawson, R. D.	Gago, G. E.
Stefani, J. F.	Cameron, T. G.

Majority of 7 for the ayes.

Motion as amended thus carried.

POVERTY INQUIRY

Adjourned debate on motion of Hon. Kate Reynolds:

That the government report, by 15 September 2005, on progress achieved with implementing recommendation 1 of the Parliamentary Social Development Committee's poverty inquiry, tabled on 13 May 2003.

(Continued from 1 June. Page 2075.)

The Hon. D.W. RIDGWAY: I propose on behalf of the Liberal opposition to support the motion. The opposition parties and Independents facilitated the government's wish today to have some private business brought forward from Wednesday to Tuesday to take up some of the available time and we indicated that I would be prepared to speak, yet it is interesting to note that the government wishes to adjourn this matter and does not wish to speak. I accept that the Hon. Gail Gago as chair of the Social Development Committee may have been the person to speak and she is ill and paired out. However, I am sure the *Notice Paper*, with the government's intention to adjourn it, was printed many hours prior to Ms Gago becoming ill.

It is important to look at this recommendation in detail. The recommendation is that the government consider the development and implementation of a long-term state anti-poverty strategy which could include the development and implementation of:

1. A target for the reduction of poverty.

2. A set of contracted outcomes for key agencies in education, health, welfare, justice and other relevant matters.

3. A multi-agency government policy framework that combines social, economic and environmental responses to poverty with a view to producing collaborative responses and promotes early childhood intervention as a key strategy.

4. A cost benefit analysis to identify areas in which investment to reduce poverty can reduce long-term reductions in government expenditure, savings from which could be reinvested in anti-poverty programs.

5. Promotion and funding of preventative projects, especially early intervention and community driven initiatives.

6. An evaluation of projects which would deliver evidence for successful long-term responses to poverty, for example, through community participation or a social inclusion fund.

7. A central process/body for provision of policy advice, project support, research, public education and innovation. This would include co-ordinated and readily available information about evidence-based models including for schools. It is proposed that the strategy should build upon and facilitate coordination between existing related initiatives, for example, the Social Inclusion Unit and the Economic Development Board.

When this report was tabled, I spoke in favour of it, but I had a number of concerns. I refer to the terms of reference moved by the member for Playford that underpinned this particular inquiry. They state that the Social Development Committee should investigate and report on the issue of poverty and its causes in Adelaide's disadvantaged regions and, in particular, intergenerational poverty and unemployment and education and training opportunities in these regions.

At that time, I looked at the ALP web site and the Labor Party's social inclusion initiative. Members will find that that policy explicitly identifies that the initiative would act in the interests of people living in pockets of poverty. This sounds very similar to the disadvantaged regions investigated by the Social Development Committee's inquiry into poverty. Interestingly, the election policy outlined on the ALP web site also reports that 'because the social inclusion initiative will be one of Labor's key priorities, it will be given six months to examine, report and recommend a plan of action for the cabinet and the wider community to embrace.' At that time, we were in the second year of this government's term. We are now in the third, almost the fourth, year of this government's term and we have not seen any sort of a report from the Social Inclusion Unit or any action on this report of the Social Development Committee.

The policy outlined on the Labor web site further states that the Social Inclusion Unit would report to the Premier and the Minister Assisting the Premier on Social Inclusion on a fortnightly basis. Some questions arise from that. Has the Social Inclusion Unit reported to the Premier on a fortnightly basis? I doubt it. How can we be sure of this? I am not sure that we can believe anything that we hear from this government these days. Are none of these fortnightly reports worth sharing with members of the wider community? At the time I gave this speech, there should have been about 30 fortnightly reports; now we are probably looking at closer to 60 fortnightly reports and we have heard nothing. I refer to the Parliamentary Committees Act and a matter that I think should be brought to the attention of this chamber.

The Hon. Caroline Schaefer: The government is in breach of the act.

The Hon. D.W. RIDGWAY: As my colleague the Hon. Caroline Schaefer interjects, the government is in breach of the act. I refer to section 19 of the act—Reference of committee report to minister for response—which provides:

(1) On a report being presented by a committee to its appointing house or houses, the report or a part of the report is, if the report contains a recommendation to that effect, referred by force of this section to the minister with responsibility in the area concerned for that minister's response.

(2) Where a report, or part of a report, is referred to the responsible minister under subsection (1), the minister must, within four months, respond to the report or part of the report and include in the response statements as to—

(a) which (if any) recommendations of the committee will be carried out and the manner in which they will be carried out; and

(b) which (if any) recommendations will not be carried out and the reasons for not carrying them out.

(3) The minister must cause a copy of the minister's response to a committee report to be laid before the committee's appointing house or houses within 6 sitting days after it is made.

I am not aware of the government adhering to any of those provisions of section 19 of the Parliamentary Committees Act. The Liberal Party has much pleasure in supporting the motion proposed by the Hon. Kate Reynolds.

The Hon. J. GAZZOLA secured the adjournment of the debate.

TRUSTEE COMPANIES (ELDERS TRUSTEE LIMITED) AMENDMENT BILL

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

ADJOURNMENT

At 10.53 p.m. the council adjourned until Wednesday 6 July at 2.15 p.m.