

## LEIGISATIVE COUNCIL

Thursday 7 July 2005

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

### STANDING ORDERS SUSPENSION

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

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

Motion carried.

### STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

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

That the sittings of the council be not suspended during continuation of the conference on the bill.

Motion carried.

### CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

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

That the sittings of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

### SPECIAL COMMISSION OF INQUIRY (POWERS AND IMMUNITIES) BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

The **Hon. R.D. LAWSON**: I move:

Page 2, lines 13 and 14—

Delete all words in these lines and substitute:  
reference as set out in Schedule 1.

The purpose of this amendment is to remove the very limited definition of ‘inquiry’ which presently stands in the bill as follows:

An inquiry established by the government with terms of reference and conditions of inquiry the same as those proposed by the House of Assembly in a resolution of that house passed on 4 July 2005.

I might ask the minister in his response to indicate whether or not the bill as it stands is correct where it refers to the resolution passed on 4 July, or is it intended to be a reference to the resolution passed on the 5th, because of course there were resolutions passed on two days? The important point is that the current government inquiry, as defined in this clause, is limited to the terms of the resolution of the House of Assembly. The effect of this amendment is that the inquiry will be expanded to include wider terms of reference, those terms of reference being set out in schedule 1, which will be moved as amendment No. 6 currently standing in my name.

In other words, if the committee agrees to this amendment, the inquiry will not be limited to the terms of reference set out in the resolution of the house. Of course, we will still

have to decide, when we deal with amendment No. 6, exactly what the terms of reference are, but the terms of reference will be specified in the schedule. Even if—and I do not propose this for a moment—we were to limit this inquiry to the terms of reference in the House of Assembly resolution, I believe it would be proper process to ensure that those terms of reference are incorporated in this legislation, whatever the terms of reference are. It is bad practice to have terms of reference in a resolution of one house of parliament rather than in the act itself.

I mentioned in my second reading contribution that this definition of ‘inquiry’ is limited; it is limited to matters of process. It is also limited because the definition as it currently stands says:

The inquiry established by the government with terms of reference and conditions.

Those little words ‘and conditions’ are significant because they are quite a limiting factor. The terms of reference are set out in the three-page document headed Special Commission which was tabled in another place. It sets out the five terms of reference which, as I mentioned in my second reading contribution, are very limited. It also sets out the conditions of the inquiry, and many of them are offensive. First, the reports will be to the Premier and not to the parliament, and they will be made public by tabling in parliament, it being a matter of the Premier’s choosing when he will table these in parliament.

The next condition which is offensive is condition (5)—‘The inquiry is not to be conducted in public’. Condition (6) says ‘There will be no right for witnesses to cross-examine or be present during the interviews of other witnesses.’ This is quite contrary to the process that is followed in royal commissions. They are the essential limitations or conditions that we believe should be excised, and the terms of reference should be included in the schedule.

The **Hon. P. HOLLOWAY**: I was advised by the deputy leader on that date. It is my understanding that that was corrected as a clerical error in the House of Assembly—some version of the bill, which will be printed.

*The Hon. R.I. Lucas interjecting:*

The **Hon. P. HOLLOWAY**: No. Well, it has been around for two days. I am not responsible for printing them. My advice is that that was corrected to 5 July by the House of Assembly. I was sitting in there the other night listening to the debate and a clerical error was corrected. I presume that is what was done. My advice is that, yes, it is 5 July, as it should be. In relation to the other matters raised by the honourable member, they relate to another clause, and we will debate that then. I assume that was the only question the honourable member had on clause 3—that bit about the date.

The **CHAIRMAN**: In respect of the date in clause 3, the table staff have checked with the other place. A clerical error has been corrected, I understand. It will be in the reprint when it arrives from the printers, but it should be amended to read 5 July rather than 4 July.

The **Hon. R.I. LUCAS**: Who corrected it?

The **CHAIRMAN**: My understanding is that it was done in another place. We have the blue here, and it has a handwritten note from the Clerk saying that a clerical correction has been done. What has occurred overnight is that it has been sent off to the printer and, apparently, the revised copies have not arrived.

The **Hon. R.D. LAWSON**: Can the chair indicate when it is likely that we will have a print of the bill?

**The CHAIRMAN:** My advice is that it is more likely to be this afternoon than this morning.

**The Hon. R.I. LUCAS:** I think that it is entirely unacceptable that the Leader of the Government in this chamber has not made arrangements for the bill to be made available for members to debate. Mr Chairman, when you talk about a clerical or technical error, are you saying that, during debate, the House of Assembly made an amendment, or are you saying that someone else has made an amendment outside the debates in the House of Assembly?

**The Hon. P. HOLLOWAY:** I think that I heard the Speaker say, 'This is a clerical error; it will be corrected.' So, the house was informed. I assumed that it had the power to do such things.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Well, the Speaker announced that that was—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** No; it was reported to the house, I assume, by the Speaker.

**The Hon. R.I. Lucas:** So you are saying that the Speaker can just change a bill?

**The Hon. P. HOLLOWAY:** I presume that there was some clerical mistake. We had one here the other day on something. It might have even been last night.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** It was certainly reported to the house.

**The Hon. R.I. Lucas:** No; reporting to the house is one thing.

**The Hon. P. HOLLOWAY:** Any way, they are the rules of the House of Assembly.

**The Hon. R.I. Lucas:** We want to know that it has been done properly.

**The Hon. P. HOLLOWAY:** I am happy to adjourn the debate, and we can go on to the budget. I thought that it would be convenient to deal with this now.

**The CHAIRMAN:** I have taken advice that the matter was raised under the equivalent of our standing order 326, which I will read to members, as follows:

Amendments of a merely verbal or formal nature may be made, and clerical and typographical errors may be corrected, in any part of a bill by the President at any time during its progress through the council.

My advice from the Clerk is that there is a similar standing order (I do not think that it is exactly the same number), and that the same principles apply where clerical or typographical errors may be corrected in any part of a bill by the Speaker at any time during the progress through the house. My advice is that the Speaker did exercise his authority under that standing order in the other place.

**The Hon. R.I. LUCAS:** In terms of the equivalent standing order here, does 'during the progress of the bill' mean when the bill is actually being debated by the Legislative Council in our case or the House of Assembly in the other case? In other words, during the debate, the Presiding Member is given the authority to make a correction during the progress of the bill. Is that your understanding of the ruling, Mr Chairman?

**The CHAIRMAN:** I would say that, at any time, if it is recognised that there is a clerical or typographical error, it may be corrected in any part of the bill by the President at any time during its progress through the council. So, it is 'any time during its progress through the House of Assembly'. If

a typographical or clerical error has been recognised, the Speaker has the right to do it rather than—

**The Hon. R.I. LUCAS:** But my question to you, Mr Chairman, is that its progress through the council or the assembly means what in your interpretation? I would have interpreted 'during the debate' as being the first reading, the second reading, the committee stage and the third reading. Once the bill has been through the third reading and passed, it is no longer in progress through the assembly or the council. I am seeking guidance from you that this was done during one of those stages of the bill as opposed to an hour later when someone decided that there was an issue and decided to seek to correct the bill.

**The CHAIRMAN:** My reaction is that your interpretation is right: it should occur during one of those stages. You could argue that, when the message is being prepared, it is still passing through the House of Assembly. The advice is that it was recognised during one of the stages of the bill and corrected at that stage. Whilst this is an unusual process, the whole thing seems quite unusual. Always, inevitably, if bills are not before members when they reach committee, there is always this confusion. This is not the first time it has occurred, and I hope that it will be the last.

**The Hon. R.I. LUCAS:** That is right, it has occurred before. What occurred on that occasion is that a hand-amended copy rather than the printed copy was provided to members. I am surprised that the Leader of the Government has not, at the very least, done members the courtesy of providing whatever it is that purports to be the now amended or corrected bill so that at least members have on their bill files whatever it is the Leader of the Government has. It may well be that the official printed copy will not arrive until this afternoon. I think we had this issue in relation to the members of parliament motor vehicle legislation.

**The CHAIRMAN:** My further advice is that that is the only change, and I believe the process has been recorded in *Hansard*. Somebody is studying *Hansard* at the moment. My advice is that it has been recorded and, for the benefit of members, my understanding is that that is the only error. This happened before. My memory is that I made a stern observation that it was pretty unacceptable and that, before any matter is brought before the committee, it is my preference that everyone should have a copy at least as soon as possible.

**The Hon. P. HOLLOWAY:** It is recorded on page 3112 of *Hansard*, as follows:

**The CHAIRMAN:** I point out that the minister has on file an amendment to correct a clerical matter in clause 3, but the Chairman of Committees has the power under standing order 283 to make that correction. The amendment is not necessary.

**An honourable member:** It is the date.

**The CHAIRMAN:** It is the date.

So, yes, it is recorded in *Hansard*, at page 3112.

**The Hon. SANDRA KANCK:** I assume that we can now come back to the substantive motion at this point.

**The CHAIRMAN:** My advice is that parliamentary counsel has requested that the printer have the new copies printed as quickly as possible and, hopefully, they will be here as soon as possible. The instruction from parliamentary counsel was that they would be required this morning rather than this afternoon, so the printers are aware of the urgency of the matter. I guess it is in the hands of the committee whether the committee is prepared to proceed. All the explanation we can provide is the assurance that standing orders have been complied with. It is up to the committee to decide whether it wants to proceed. The Hon. Mr Lawson was

making his submission, but the Hon. Mrs Kanck wanted to make a point, and she yielded to allow this motion.

**The Hon. SANDRA KANCK:** Yes, I want to respond to the amendment moved by the Hon. Mr Lawson. I am happy with what has been determined in the past five or 10 minutes.

**The CHAIRMAN:** Do you want to move your amendment, which is identical to that of the Hon. Mr Lawson, and explain your position?

**The Hon. SANDRA KANCK:** Should I move mine if it is identical?

**The CHAIRMAN:** I think, for the sake of completeness, you should move yours, because I am now advised that it is not identical.

**The Hon. SANDRA KANCK:** I move:

Page 2, lines 13 and 14—

Delete all words in these lines and substitute:  
reference as set out in Schedule 1.

It is similar to that of the Hon. Mr Lawson, the difference being that the schedule 1 that Mr Lawson's amendment refers to is different from my schedule 1.

**The Hon. R.D. Lawson:** The words are the same.

**The Hon. SANDRA KANCK:** Yes, the wording of this amendment is the same, but the schedule 1 that it refers to is different. If one looks at the terms of reference moved in the House of Assembly the other day, they talk about process, and they specifically say that the special commissioner will 'conduct a review of the process of inquiry adopted and provide a report on the following'. The first term of reference is whether that process is reasonable and appropriate in the circumstances. The special commissioner will look at that first term of reference and say either, 'Yes, it was reasonable' or 'No, it was not', 'Yes, it was appropriate' or 'No, it was not appropriate.' That term of reference does not require the special commissioner to do anything more than make a judgment on whether it was reasonable and appropriate.

The second term of reference requires the special commissioner to determine whether there were material deficiencies in the manner in which the preliminary investigation was undertaken. So, the special commissioner will look at that and say either, 'Yes, there were material deficiencies' or 'No, there were not material deficiencies.' The terms of reference do not require the special commissioner to do anything more than give his opinion on whether there were material deficiencies.

The third term of reference requires that the special commissioner give his opinion as to whether it would have been appropriate to make the report public. So, the special commissioner has to give an opinion that, yes, it was, or no, it was not; and it requires no further action on the part of the special commissioner. Terms Nos 4 and 5 are about what should be done in the future.

At the heart of this, there is an essential problem. Ralph Clarke has never ever—either voluntarily or compulsorily—put his point of view about what happened. Until we get to hear Ralph Clarke we will not get to the truth. That is the bottom line. The thing that the South Australian Democrats do not understand is why the Premier of South Australia does not want Ralph Clarke to give evidence. Why does he not want the people of South Australia to hear Ralph Clarke's version of events?

Given that these terms of reference do not require the special commissioner to speak to Ralph Clarke, it is essential that we have something in this bill that puts that requirement there. If the committee supports my amendment, which will delete lines 13 and 14 in the bill, and, accordingly, when we

move further on, insert the words in my schedule 1, it will require the special commissioner to seek Ralph Clarke's version of events. My schedule is also different from the opposition's schedule in that it requires the material that the Anti-Corruption Branch collected in its investigation to be made available to the special commissioner. Again, that is essential if we are to get to the truth. The bottom line is: does the government want us to get to the truth or does it want to whitewash? If it wants to whitewash, then obviously the government does not support either my amendments or the opposition's amendments.

**The Hon. P. HOLLOWAY:** This should be the key clause. Although it simply deletes words in the bill, we will use this as the test clause for the insertion of the terms of reference. As I indicated last night, the government is opposed strongly to it. The terms of reference, which the government has proposed and which are contained in the motion of the House of Assembly, refer to whether the process was 'reasonable and appropriate in the circumstances'. The key words are 'in the circumstances'. The Hon. Sandra Kanck misses the point. The commissioner would have to investigate the conduct 'in the circumstances'—which means he does have to go below the process.

Let us not forget what has happened here. Surely, I do not have to repeat to this chamber again the processes undertaken when an allegation was made to the government—first to the Deputy Premier. There was a series of inquiries involving the chief executive of the Premier's department. That was put before a couple of senior interstate QCs—a former Victorian crown solicitor or senior solicitor in the Victorian government. It went to the Attorney-General for his comment. Ultimately, this matter went to the police Anti-Corruption Branch. The police investigated both Mr Ashbourne and the Attorney-General and, as a consequence, Mr Ashbourne was charged. The Attorney-General was not charged. Indeed, he was actually called as a witness for the prosecution, which means, under the way the prosecution system works in this state, he had to be a credible and reliable witness of truth. That is the requirement of prosecutors. They are required to call witnesses who are credible and reliable witnesses of truth. The Attorney-General was in that category.

The Hon. Sandra Kanck says we need to hear Ralph Clarke's point of view. Surely, what is needed is the truth. It is not a question of the point of view of someone: it is the truth. There has been a public court case—and that is what members opposite are forgetting. The Premier appeared in court and he was cross-examined in court. On top of the three inquiries (which I talked about earlier), we had the criminal trial of Randall Ashbourne where he was found not guilty; and the Attorney-General, the Premier and the Deputy Premier were called as witnesses and subjected to cross-examination. They all have been in court and been cross-examined. They have given their view on these matters. It is on the record.

Let us have none of this nonsense occurring today that there has not been some sort of public exposure of all these points of view. We had the trial of Randall Ashbourne. He was found not guilty. The Attorney-General appeared as a credible, reliable witness of truth for the prosecution in that trial. Randall Ashbourne was found not guilty. That process is finished. What is needed now—if anything at all is needed; and I think some of us might have doubts—given the fact that the government made a commitment, is that the government in this bill is setting up a commission of inquiry to look at the processes and actions undertaken.

If we go back to 2002, the government was criticised at the time about the processes it used. Were the processes that it used correct? That is when the Premier, in that context, agreed that, when this matter was finished through the court system, the government would have an inquiry into those matters; that is, whether the process was reasonable and appropriate in the circumstances. That is in the terms of reference. It will certainly enable the commissioner to adequately examine the context in which all these matters took place. I do not think anyone should be suggesting that we have a re-run of the criminal trial of Randall Ashbourne.

**The Hon. J.F. STEFANI:** I have followed the debate so far with great interest. Members would be aware that I was a character witness for Randall Ashbourne. My character witness evidence was in relation to my dealings with Randall as a journalist. Randall Ashbourne is not the subject of this inquiry, but rather it is the conduct of the government and the actions it has taken. I was absolutely staggered that it took the *Sunday Mail* to get a court order to have the material released, which the Premier then hurriedly tabled in parliament after the *Sunday Mail* published it. This is the sort of thing that creates suspicion of a cover-up in the events and matters that have been dealt with by the government. We all know that this government is not afraid to do deals. It has done deals with the Independents to get them on side to become ministers so the government has security of tenure. Under the auspices of stable government we now have 15 ministers when the Liberals were criticised for having 13. These are the things that strike at the very heart of this government.

*Members interjecting:*

**The Hon. J.F. STEFANI:** I am happy to label the government shameless in doing deals. The suspicion hangs when we had the information that has now been put on the public record—and we do not have it all, which is the other thing. We have a summary of documents the Premier tabled in parliament, but we do not have those other documents and I would love to see them as well. The reality is that there have been communications, deals behind closed doors, promises and other things, that have not been revealed and this inquiry has to have access to all of the people and all of the information and it needs to put it on the public record so that if the government is as clean as snow, as it claims to be, then it will come up smelling like roses. But, if it happens to do the wrong thing, as is suspected by its action of a cover-up—and it is a damn cover-up it is now trying to impose on the community and this parliament—then no-one will wear it.

**The Hon. P. HOLLOWAY:** How many inquiries do we need? Obviously the Hon. Julian Stefani says you should keep having inquiries until you find one that comes up with what you want. It is not a question of the truth. There has already been a court case where Mr Ashbourne was found not guilty, so that is the highest form of trial.

*The Hon. J.F. Stefani interjecting:*

**The Hon. P. HOLLOWAY:** The Treasurer (the Deputy Premier) and the Premier gave evidence—they could not give evidence unless they were credible and reliable witnesses of truth. The DPP's office would have been remiss in its duty in calling those people if it did not believe that they were credible and reliable witnesses of truth. It is a hurtful fact for the opposition's case, but is nonetheless a fact. The Hon. Julian Stefani has got it completely wrong. The Deputy Premier last week announced, as soon as the House of Assembly resumed on 23 June, that the government was examining the legal aspects of the McCann report. The

government made clear some time ago that it would not release the McCann report on legal advice.

**The Hon. R.I. Lucas:** Why won't you do it now?

**The Hon. P. HOLLOWAY:** You say that. There is only one problem: the judge in the case instructed that the McCann report not be part of it. In fact, it could not be mentioned. The Premier and others were told—

*The Hon. J.F. Stefani interjecting:*

**The Hon. P. HOLLOWAY:** That is totally wrong. The numbers are such that the opposition will win this debate, but it should at least be seen by the public as being wrong. Julian Stefani's record is demonstrably, manifestly wrong and I will prove it to be wrong, if he will be quiet for a moment. You only have to read the Deputy Premier's statement where he says that he was getting legal advice about releasing the report, and it was released by the government on 4 July.

To get back to the Leader of the Opposition's interjection, the judge in the case specifically instructed that the McCann report not be mentioned, that it not be part of any evidence within the trial. That completely vindicates the fact that that report was not put out into the public domain. Presumably it would have been improper to have done so. It is in the public domain and out there. Not only is that report there, but so also is all the associated documentation that goes with it. It is in the public domain.

**The Hon. R.D. LAWSON:** Many things are not in the public domain and one is this: Ralph Clarke instituted an action in the District Court against the Attorney-General for damages for defamation. The case was due to come on for trial on 19 November 2002. It has been reported that Mr Clarke had run up \$60 000 of costs in that case. The case was due to come to court on 19 November. On 18 November, according to the papers contained in the McCann report—that is, the day before—at 8:30 a.m. Randall Ashbourne (what he has to do with this action one does not know) announced to a staff meeting of Labor staffers that the Attorney-General's legal case has been settled. Ralph Clarke's case, which had been running for three years, suddenly is settled. He discontinues his action, and \$60 000 worth of costs go down the drain. Why did Ralph Clarke settle the action? What was the deal? That has not been revealed. That is what this government is covering up, and that is what a proper inquiry will reveal.

**The Hon. P. HOLLOWAY:** I am advised that this matter was discussed during the evidence in the trial. It transpired that someone had read it in the paper—not, as I understand it, Randall Ashbourne.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** They are laughing, but that is the evidence in the trial. They are laughing at facts, and that is what this is about. Let us get this over, because they are not interested in the truth—and that is the whole point. What we have just seen is ample demonstration that the Liberal Party is not interested in the truth. It wants a political persecution, fun and games and a circus. This government will not be party to that. If the opposition wants to get to the truth, we support that, but we will not support a circus. By their action, members opposite reveal yet again that this has nothing to do with the truth, and it is quite dishonest for them to suggest it. Every point they raise can be rebutted, but they are not interested in that.

**The Hon. R.D. LAWSON:** I would like the minister to place on record why it is that the government has not incorporated these terms of reference in the bill. I remind the minister that, when the Layton report was commissioned by

the government, it introduced legislation into the parliament that specifically provided for the establishment of the inquiry, and its terms of reference were incorporated in the schedule to the bill. I refer to the Child Protection Review (Powers and Immunities) Act 2002, which was an act to facilitate a child protection review by conferring powers and immunities.

'Review' is defined as the terms of reference set out in the schedule. It was debated in both houses of the parliament. When the Mullighan inquiry was established, the Commission of Inquiry (Children in State Care) Bill 2004 was introduced, and 'inquiry' was defined as the commission of inquiry established under the act, with the terms of reference set out in schedule 1. Yet on this occasion, this government, in circumstances where a motion calling for the establishment of an inquiry not some months before had been passed, chooses not to use the schedule to the bill to set out the terms of reference. Why?

**The Hon. P. HOLLOWAY:** I am sure that the honourable member knows the answer, namely, what is happening here is that the precedent of the Motorola inquiry is being followed. If my memory serves me correctly, the honourable member was a minister, if not a cabinet minister, at the time of the Motorola software inquiry. I am sure that he remembers it well. The precedent was set then, and the government is following that template. The Mullighan inquiry is a much more comprehensive inquiry looking into civil and criminal matters which, of course, is why it needs a different approach. This issue is not about such matters. Members opposite will probably contradict themselves now, but they have just said that it is not about Randall Ashbourne. He was tried and found not guilty. This inquiry is about administrative matters.

**The Hon. R.D. LAWSON:** I remind the minister that the terms of reference and a motion in relation to the Motorola inquiry were moved by the opposition. They were not opposed, and there was no division. They were agreed by the government at the time because of political exigencies, perhaps. The bill introduced on that occasion was also supported by the Labor opposition in that form. This situation is entirely different. Here we have a government announcing—indeed, promising—that it would establish an inquiry. The government seeks to avoid parliamentary scrutiny of its terms of reference by the device it has chosen—relying upon something that happened in an entirely different situation in the past.

**The Hon. P. HOLLOWAY:** The terms of reference are, of course, subject to the other place. This chamber is a disgrace. Its performance over the past three or four years—

**The Hon. J.F. STEFANI:** I rise on a point of order, Mr Chairman. The minister's comment that this chamber is a disgrace reflects on you, Mr Chairman, the staff and all members in it. I ask him to withdraw the comment.

**The Hon. P. HOLLOWAY:** Yes; I withdraw the comment, Mr Chairman. But what I will say is that it is quite clear to any person who has observed this council over the past two or three years that certain individuals here are obsessed with playing games and, at every opportunity, avoid dealing with substantial issues. For example, you cannot get anyone to debate the Statutes Amendment (Relationships) Bill, even though it has been around for over a year.

**The Hon. J.S.L. Dawkins:** It was actually September last year.

**The Hon. P. HOLLOWAY:** Well, September last year, so it is not quite a year—true, it is only 10 months and a select committee. Let us get on with the debate. The fact is

that the terms of reference were subject to that process in exactly the same way as the Motorola software inquiry.

The committee divided on the amendment:

AYES (13)

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

NOES (5)

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

PAIR

Stephens, T. J.	Roberts, T. G.
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Majority of 8 for the ayes.

Amendment thus carried.

Clause as amended passed.

Clause 4.

**The Hon. R.D. LAWSON:** I move:

Page 2, line 24—

Delete paragraph (a) and substitute:  
(a) section 18(3)(c) and (6); and

The purpose of this amendment is to remove references in the bill which are inconsistent with a public inquiry. As we have indicated, we seek a public inquiry. We seek an inquiry, and this legislation will establish an inquiry. I ask the minister to explain the effect of paragraph (c) of the resolution of the House of Assembly—which is dated 5 July, not 4 July—which says that an inquiry under this bill should not proceed if any alternative inquiry into the same matter is commissioned or established by the parliament, the Legislative Council or any committee of the parliament. How does the minister reconcile the fact that parliament is being asked to pass a bill establishing an inquiry whilst, at the same time, the House of Assembly—one house of the parliament—is expressing the notion that the inquiry, to be established under this act of parliament, will not proceed in certain circumstances? What is the justification for that and the constitutional propriety of it?

**The Hon. P. HOLLOWAY:** The answer to that is quite obvious: the deputy leader has on the *Notice Paper* a motion to establish a select committee of this council. You cannot have both. How many inquiries do we need? We have already had three. We have had a trial where the verdict was not guilty. The purpose of the opposition is to keep looking, keep trying to find something, in the hope that something will turn up that will in some way embarrass the government, notwithstanding the fact that the Premier has appeared, given evidence and been cross-examined in court, and so have the Deputy Premier and the Attorney-General, Mr Ashbourne and other witnesses. Mr Ashbourne was found not guilty. It is up to this parliament to pick its forum.

The House of Assembly says we will have a proper inquiry—a commission of inquiry—as was conducted under the Motorola inquiry, which, remember, ended up with the removal of the then premier. So, I do not think anyone could argue that these inquiries cannot be effective, because that was the opportunity then, but there cannot be endless inquiries. It is up to this council to work out its forum. This motion provides that this parliament can choose the forum. If it wants to go ahead with its own inquiry, so be it, but the

government will not be part of that. Either we will have a proper inquiry as set up in this bill, which will need to pass both houses of parliament or, if the amendments made in this council are unacceptable to the government, it is then up to this council to take whatever action it wishes to take—but we will not have both, and nor should we have both.

**The Hon. R.D. LAWSON:** By what constitutional process will the government avoid an inquiry if both houses of this parliament pass this legislation to establish an inquiry? By what process or authority does the government propose to defy the law passed by this parliament?

**The Hon. P. HOLLOWAY:** If it is passed the law will be that either there will be this inquiry as set up in the bill or there will not be.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** If it is passed.

**The Hon. R.I. Lucas:** The bill says there will be an inquiry.

**The Hon. P. HOLLOWAY:** But the thing is that it has to be passed by both houses of parliament. We are not going to have two inquiries, and why should we? For heaven's sake! How could you have a parliamentary inquiry double-guessing this inquiry?

**The Hon. J.F. STEFANI:** It appears to me that the government is dictating the terms through its numbers in the lower house and imposing conditions on legislation should that legislation fail. Whether the upper house amends or approves it, we have the situation where the government is trying to bully the Legislative Council into submission to go along with what it wants to do. The headline this morning in *The Advertiser* certainly reminds me of what 'El Supremo' wants to do: 'You'll do it my way, Rann tells Pallaras'. It is very much the same sort of condition where the government, through the mechanism of its numbers, is imposing on this chamber a condition that we will do it its way or we will not have an inquiry.

**The Hon. SANDRA KANCK:** On 11 September 2003, in a letter co-signed by Rob Kerin, Leader of the Opposition; Andrew Evans, Family First; Kris Hanna, Greens SA; me as Leader of the South Australian Democrats; Terry Cameron, Independent; Nick Xenophon, No Pokies; and Karlene Maywald in an approval done by telephone, we said that we sought a formal undertaking from the Premier. In a list of seven terms, we sought a formal undertaking that '3—the terms of reference of the inquiry will be agreed upon between yourself and the leaders of other parties and independent members'. That has been my position since 11 September 2003. I have not at any point changed from that position, and I believe that this amendment therefore is worthy of support, because this is what all parties except the Labor Party, plus assorted Independents, believed was the way to go.

**The Hon. P. HOLLOWAY:** I understand that the Hon. Sandra Kanck has not changed her position, but I do not see what that contributes to the debate.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Please, spare us! The Australian Democrats want a circus. Sandra Kanck actually spent one or two days watching the trial. It is amazing that she has been mesmerised by this Ashbourne trial. It is just a pity that she probably did not stay there long enough to hear the verdict of not guilty. For most reasonable people, the events that led up to that were enough: the investigation of the Attorney-General, who stood down at the time; the police Anti-Corruption Branch investigation; Mr Ashbourne prosecuted as a result; and the Attorney-General called as a

witness of truth, which the prosecution could have done only if he were a credible witness. We could repeat these things all day, but I guess it will not change the vote in here, because this is not about getting at the truth: it is about the political needs of members opposite. Of course everybody opposite wants a circus. They would like to denigrate the government. They would like the economy of this state to suffer, because that will increase their political chances. If you can make government less effective and damage the economy it all helps the opposition, because it can then blame the government for it but, as I said last night, we will not be diverted.

We can come in here, and I am happy to talk about this all day, but the fact is that this government will not be diverted from the task ahead of us of delivering good government to this state. Ultimately the people will assess, and they will assess the Hon. Sandra Kanck and they will say, 'Do we really want someone as a member of parliament who does not raise substantial issues but sits in a courtroom for two days watching a trial?' She tells us she has not changed her position in two years. I think we know what the public is going to say about the Democrats, and it will be an appropriate judgment. So, please, go on behaving in the way you are, because the result that is coming in nine months will be desirable and appropriate, and deserved for what you are doing.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** The stark contrast with that will be this government which has runs on the board and is focussing on the real issues of the day. In relation to the inquiry, what the document says—

**The Hon. Sandra Kanck:** I do not dish out personal abuse.

**The Hon. P. HOLLOWAY:** Did I dish out personal abuse?

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Not really. How is that personal abuse? I am saying that, if the honourable member shows that that is her priority, people will judge that accordingly. That is not abuse. It is a statement of fact. If she does that, I believe the public will judge that accordingly. I am not criticising her for that. If she wants to do that and thinks that is the way to political salvation, then so be it. Perhaps she knows something I do not. Perhaps the people will think, 'Gee, these people are really wonderful. They have ignored some of the key issues of the day that have been going on around us but they really do look after gossip and unsubstantiated allegations,' which was the sort of stuff that we had tossed around last night. It is up to the people ultimately to judge, but we will not be diverted from what we believe are the priorities for this state.

I refer to clause 3, interpretation. I know we have already passed the clause but, since the deputy leader raised it, I will read it into the record:

'inquiry' means an inquiry that is established by the government with terms of reference and conditions of inquiry the same as those proposed by the House of Assembly in a resolution of that house passed on 4 July 2005.

That resolution, which is in the House of Assembly *Hansard*, states:

That this house: supports a decision by the government to establish an independent inquiry into the handling of allegations concerning the Attorney-General and Mr Randall Ashbourne, which was first communicated to the Premier on 20 November 2002; supports the inquiry proceeding on the terms of reference contained in the document entitled Special Commission of Inquiry—Terms of Reference and Conditions, tabled by the Minister for Transport on

4 July 2005; and recognises that an inquiry, police investigation and criminal trial have already taken place in relation to the allegations and that the inquiry, contemplated by the terms of reference referred to above, should not proceed if any alternative inquiry into the same matter is commissioned or established by the parliament, the Legislative Council or any committee of the parliament.

That resolution has been incorporated into the bill through the definition of clause 3, which I just read out.

Let me make one other point while I am on my feet. The Hon. Julian Stefani talked about the government, through the House of Assembly, bullying this chamber. One could equally turn it on its head. The fact is there are different numbers in each house. At the end of the day, like every other piece of legislation, either it is blocked by one house or the other or it is resolved through negotiation. This bill will be no different from any other piece of legislation passing this council. One could just as easily accuse the Legislative Council of bullying as one could the other chamber. It really does not help anybody to have that sort of debate.

**The Hon. SANDRA KANCK:** Comments made by the minister are worthy of some response. Yes, I spent some time at the Ashbourne trial. The Democrats, for the most part, attempted to ensure that we had a presence throughout the length of that trial, either myself or the Hon. Kate Reynolds or members of our staff. We did so because we wanted to make sure that nobody would be able to say to us afterwards that we were not there and we did not know what we were talking about. The fact is we were there. We now know what we are talking about. We are very clear about the fact that the McCann report was not able to be admitted as evidence in that trial. We are very clear that Ralph Clarke did not appear and give evidence. We are, therefore, with confidence able to speak with a degree of authority in this current debate.

In addition, the personal comments that the Hon. Paul Holloway made were absolutely unnecessary, and to suggest that some of the issues that we have been raising are not of substance is going to require some explanation to people, for instance, down at Deep Creek, with the referral of the matter of the drying of that creek to the Natural Resources Committee. It will be very interesting to hear the Hon. Paul Holloway tell those land-holders down there that this was not a matter of substance. It will be very interesting for him to tell people who have their solar collectors blocked by buildings going up next to them that that is not a matter of substance, when I have a bill before this parliament and amendments to the sustainable development bill that deal with that so that people have some protection. It will be fascinating to hear how he tells that to people. I think that the record shows—

*The Hon. Kate Reynolds interjecting:*

**The Hon. SANDRA KANCK:** Exactly—that the issues that the Democrats put on the political agenda in this parliament over and again are important, and often issues that the government is failing to address. The sorts of comments made by the Hon. Paul Holloway were, I think, extremely personal and extremely unnecessary.

**The Hon. P. HOLLOWAY:** I am sorry if the Hon. Sandra Kanck has taken those comments as personal. I was not reflecting—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Well, this is politics. We are talking about political parties. Does anyone really pretend that this debate is not all about politics? Let us get real in here. The reason it is being pushed is because of political interest: it is not because of some high level of desire for public interest on behalf of those opposite. I think that I am

entitled to say that. I am entitled to make that point. I am sorry. I do not intend to offend the Hon. Sandra Kanck—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** This is politics. If the honourable member puts up arguments that I think are purely about politics, I am entitled to say so. Anyway, let us move on. If the honourable member feels offended, I am sorry about that, because it is certainly not my—

*The Hon. Kate Reynolds interjecting:*

**The Hon. P. HOLLOWAY:** I do not really see how it is attacking the person. Heavens above! Attacking the person is what the Hon. Robert Lucas does under parliamentary privilege when people have no recourse to answer incorrect information. What have I said that was incorrect? Let us not waste too much more time on this. The Leader of the Opposition keeps interjecting that the trial was not into Michael Atkinson. I remember—

**The Hon. R.I. Lucas:** Exactly.

**The Hon. P. HOLLOWAY:** ‘Exactly,’ he says. Again, let us make the point that Mr Atkinson and Mr Ashbourne were investigated by the Anti-Corruption Branch. As a result of that investigation, Mr Ashbourne was charged. Mr Atkinson, the Attorney-General, was called by the prosecution as a witness. He could be called only as a witness if he was a reliable witness or a witness of truth. If the Attorney-General was in any way an accessory or accomplice, or if there was any suspicion of that, he would not have been called as a witness in that case. To that extent, that matter has effectively been adjudicated through the police, and anyone who knows anything about law will know that. The Leader of the Opposition does not know about law.

**The Hon. R.I. LUCAS:** The Leader of the Government knows those statements to be untrue, and he persists in making those statements. The issues determined by this particular court relate to criminal acts. The issues that the Leader of the Government raises in relation to the former government were not criminal charges put before courts. They were: did ministers make misleading statements to the parliament? Did ministers make dishonest, misleading or inaccurate statements? Those issues have not been determined in relation to Mr Atkinson, the Premier, the Treasurer and, possibly as a result of the now infamous Alexandrides affair, ministers Holloway and Zollo.

It is a cute point from the Hon. Mr Holloway, but it will not land a blow on anyone to talk about the specific issue of criminal charges of corruption. Yes, that issue has been determined as it relates to Mr Ashbourne; but, the critical issues of ministerial codes of conduct, misleading parliament, whether or not ministers have made dishonest, inaccurate or misleading statements have not been determined, and the reason they have not been is because the minister is refusing to allow them.

**The CHAIRMAN:** Order! The cameraman in the gallery is breaching the agreement. He is taking film of people on the floor. He is to take wide-ranging shots of members who are speaking. The Hon. Mr Lucas can stand all the pain you can give him in respect of taking his photo, but you are not to breach the standing arrangements between the media and the parliament.

**The Hon. R.I. LUCAS:** I will not belabour the point any more other than to say that the minister knows that the statements he has made in relation to that issue are misleading and untrue in relation—

**The Hon. P. HOLLOWAY:** I rise on a point of order, Mr President.

**The Hon. R.I. LUCAS:** Hold on; I am still speaking.

**The Hon. P. HOLLOWAY:** If the Leader of the Opposition wishes to accuse me of misleading, he should do so by substantive motion.

**The Hon. R.I. LUCAS:** The minister, not 10 minutes ago, accused the opposition of making dishonest statements. The minister is quite happy to dish it out, but he is unprepared to receive it.

**The CHAIRMAN:** Order! There are two conventions here. Saying that things are untrue is tantamount to telling an honourable member that they are lying and, clearly, that is against the standing orders and is unparliamentary. Often, references are made that the matters being said are untrue. In my experience it has always been accepted that you may say that what you are saying is untrue, but you cannot reflect on an honourable member's honesty or integrity. A number of questions have also been asked. Some people have their own standards whereby they look after themselves; but, in respect of assertions that governments or oppositions are not acting in the best way they possibly can, it has normally been accepted.

All members should be aware of the standing orders about parliamentary language. Dissent has never been a point of order. It has now become quite a heated debate and, if all members respect the standing orders about language and parliamentary procedure, we will get through this; and we will get a report that the parliament, in its wisdom, will determine.

**The Hon. R.I. LUCAS:** I do not need to say anything more in relation to that issue. I want to conclude the issue raised by the Hon. Mr Lawson and the government's position in relation to it. As I understand the Hon. Mr Lawson's question, it is that, if this bill was passed by both houses of parliament and the Legislative Council was then to establish a select committee, what is the mechanism or process that the government would use to not institute the will of the parliament? That is, the parliament will have passed a bill requiring a commission of inquiry, and the government then makes the determination that there is another inquiry and it will not proceed with the commission. I am not clear, from the answer to the Hon. Mr Lawson's question, about the process that the government will adopt to not proceed with the will of the parliament with regard to a commission of inquiry.

**The Hon. P. HOLLOWAY:** The bill requires that the inquiry takes place subject to the conditions that are set out in the resolution referred to in the House of Assembly, and that resolution says that the inquiry should not take place if another committee has been established by the parliament.

**The Hon. R.I. LUCAS:** You just will not appoint one?

**The Hon. P. HOLLOWAY:** Well, presumably, it would be a breach of the law if it were to proceed, because it says specifically that it should not proceed if another inquiry is established.

**The Hon. R.I. LUCAS:** Will you proclaim the act under clause 2?

**The Hon. P. HOLLOWAY:** The act has to be proclaimed for it to proceed, I would have thought. Why would the government not proclaim the act?

**The Hon. R.I. LUCAS:** If you are not going to have an inquiry, what will you do?

**The Hon. P. HOLLOWAY:** I guess that is an option that would be considered at the time but, if this bill is passed by both houses today, it would be proclaimed and the commission of inquiry established. But, of course, if this place wishes

to double guess and play games with the whole thing and set up another inquiry, it would just be totally unprecedented and intolerable. I guess the only reason you would put clauses such as this in is that this unprecedented sort of behaviour is what has been happening here lately. If that were to happen, the commission would not proceed because it would be contrary to the provisions in what would be the act.

**The Hon. R.I. LUCAS:** So would you proclaim the act in those circumstances?

**The Hon. P. HOLLOWAY:** That would be an option to determine at the time but, either way, it would not make much difference, would it? Every member of parliament knows what the score is. Let there be no misunderstanding: the government would not have two inquiries, and nor should it. It would be absolutely outrageous to have two inquiries. So, basically, it is up to this chamber to pick which one it wants. It is as simple as that. Whether or not you proclaim the bill I would have thought is immaterial. Whether it is proclaimed or not, on my understanding, it would be going against the act to continue with an inquiry if this place, or the other place, established a separate inquiry.

**The Hon. R.D. LAWSON:** Is it the case that the terms of reference are set out under the heading Terms of Reference in the document tabled and entitled Special Commission of Inquiry: Terms of Reference and Conditions, and the conditions of inquiry are under the heading Conditions of Inquiry? Is it not the case that those conditions of inquiry do not contain any such condition as the house sought to introduce?

**The Hon. P. HOLLOWAY:** I do not know that I understand what point the honourable member is making, but I have read out the resolution which is referred to. It says 'inquiry means an inquiry that is established by the government with terms of reference and conditions of inquiry the same as those proposed by the House of Assembly in a resolution of that house passed on 5 July 2005.' I have read those into the record and anyone can read them at page 3077 of the House of Assembly *Hansard*. Part (c) of that resolution states:

recognises that an inquiry, police investigation and criminal trial have already taken place in relation to the allegations and that the inquiry, contemplated by the terms of reference referred to above, should not proceed if any alternative inquiry into the same matter is commissioned or established by the parliament, the Legislative Council or any committee of the parliament.

I would have thought that is fairly clear.

**The Hon. R.D. LAWSON:** With the greatest respect, the conditions of the inquiry are set out in a document that has been tabled. There are 10 conditions of inquiry under that heading and they are the conditions of the inquiry, and the suggestion that by some other device additional conditions can be imposed—

**An honourable member:** Is a nonsense.

**The Hon. R.D. LAWSON:** It is a nonsense. Frankly, I do not know where the government is getting its legal advice in relation to the way this inquiry is to be established, but it is truly bizarre.

**The Hon. SANDRA KANCK:** I rise on a point of order, Mr Chairman. I just noticed that the adviser to the minister (who happens to be Mr Nick Alexandrides, who is the subject of some discussion in terms of amendments that will be dealt with in a moment) was making gestures to the Hon. Mr Lucas, and I seek your ruling whether it is appropriate for an adviser to a minister to make gestures to members of this chamber.



**The CHAIRMAN:** I heard the Hon. Mr Lucas making some pointed remarks in a provocative manner, and I was listening to the speaker and did not observe any improper activities by any adviser. Let me say to all advisers: when they are on the floor, whether they be departmental people or legal advisers—and they are the only people normally there; the conventions have been that departmental people or legal officers normally advise the government—whoever they are, they are to be silent and invisible, except unto the minister. They are not to enter into debate in any way.

**The Hon. R.I. LUCAS:** Mr Chairman, I must say that you must have missed the reaction from the adviser, but I did not. I admit that I was offended by the gestures from the adviser—

**The Hon. R.K. Sneath:** You are a whingeing, whining sook.

**The Hon. R.I. LUCAS:** That is probably unparliamentary, but I will not take offence. I am not thin-skinned in relation to this, but the personal abuse from the Hon. Mr Sneath in relation to this issue is on the record. The Hon. Sandra Kanck has raised this issue; that is, members have a strict protocol in this chamber in relation to potential conflicts of interest and those sorts of issues. I make no personal criticism of Mr Alexandrides in relation to this issue, but the Leader of the Government made a decision to have Mr Alexandrides on the floor as his personal political and legal adviser on this bill. He is the subject of a significant amendment which is to be moved to this legislation. Obviously, it is a somewhat controversial issue. The circumstances surrounding Mr Alexandrides are now commonly referred to as the Alexandrides affair or the Alexandrides scandal, depending on whom you are talking to. The Leader of the Government—

**The Hon. P. HOLLOWAY:** I rise on a point of order, sir. Is the Leader of the Opposition raising a point of order? If he wishes Mr Alexandrides to withdraw, that has nothing to do with the bill before us. If he wishes to raise an issue, let him do so.

**The Hon. R.I. LUCAS:** I am about to ask a question. The Leader of the Government has made a decision in relation to Mr Alexandrides's being his adviser. Does the Leader of the Government believe it is appropriate for Mr Alexandrides to be his adviser on this particular issue, when a significant amendment, which relates to the personal (in a political and governmental sense) circumstances of Mr Alexandrides, is to be debated on this issue?

**The Hon. P. HOLLOWAY:** I discussed this matter earlier today with Mr Alexandrides. When we reached that clause, I was going to ask him to withdraw because that would be appropriate. In relation to the other matters about the bill and its legal consequences, I believe Mr Alexandrides is an entirely appropriate person to provide advice. Obviously, when we come to the terms of reference, in relation to those matters it was already agreed in discussion with him that I would ask him to withdraw.

The committee divided on the amendment:

AYES (13)

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

NOES (5)

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

PAIR

Stephens, T. J.	Roberts, T. G.
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Majority of 8 for the ayes.

Amendment thus carried.

**The Hon. SANDRA KANCK:** I rise on a point of order, sir. I noticed that the ministerial adviser approached the table. Would you please give a ruling on the appropriateness of a ministerial adviser approaching the table?

**The CHAIRMAN:** When the division was called, I understand that on his way out of the chamber the adviser asked what the next clause would be. I pointed out to the ministerial adviser that it was inappropriate for him to move around the chamber. He has taken that advice on board and I am sure there will be absolute compliance with it. In fact, I assure the house that there will be absolute compliance with it. No ministerial adviser or departmental head is to move around the chamber, and I have pointed that out. It is one of those things that unfortunately has happened from time to time where a lot of advisers approach the chair trying to find out what the next sequence of amendments will be. Given the sensitivity of the situation, I have made clear that from now on—and this will apply to all advisers—any questions of the table will be asked through the minister or the Whip. That is the normal practice, but over time it has developed to a point where some advisers, in trying to do their job and find out what the sequence of amendments will be, do ask a question. That is going to stop.

Clause as amended passed.

New clause 4A.

**The Hon. R.D. LAWSON:** I move:

Page 2, after line 26—Insert:

4A—Hearings in public or private.

The Special Commissioner may obtain evidence and evidentiary material for the Inquiry by means of hearings conducted in public or private.

This amendment seeks to give the inquiry the same powers as that of a royal commission. The clause is the same as section 6 of the Royal Commissions Act, which provides:

The commission may, in connection with the exercise of their functions, take evidence in public or in private.

We are not suggesting that all hearings of this inquiry should be in public—that will be a matter for the inquiry to determine—but we believe that an open and public inquiry is the only way to satisfy public interest in this matter, and that is why the courts of law are open and why royal commissions are open, although from time to time evidence is taken in closed session. It might be appropriate for an inquiry, like an Ombudsman's inquiry or investigation, to be conducted behind closed doors, but it is not appropriate for an inquiry of this kind to be conducted as an administrative exercise behind a desk. We seek the support of the committee to give this additional power. It clearly contradicts the powers envisaged by this government, because the conditions of inquiry set out in the resolution are specifically that it will be in private. But the statute should override that.

**The Hon. SANDRA KANCK:** I indicate Democrat support for the amendment. I think having the hearings in public is important, if we can achieve it. Yesterday, I wrote to the Premier indicating that I would be willing to negotiate with him on his bill, and what I was prepared to negotiate, if he widened the terms of reference and was to consider having

the inquiry in private. Given that there has been no positive move from the Premier in that regard, I support the opposition's amendment.

**The Hon. P. HOLLOWAY:** At the risk of being accused of making personal attacks on the Hon. Sandra Kanck, as I am sure she would never do that, I remind her that, yes, she wrote to the Premier and, within a very short time of receiving her letter, the Premier's office was approached by members of the media seeking his comment in response to her proposal. This is another publicity stunt. If we are to negotiate on bills, we can do so when parliament has considered this bill. However, we have essentially covered the debate in relation to this amendment on the previous item, and I will not repeat the arguments.

New clause inserted.

Clause 5.

**The Hon. R.D. LAWSON:** I move:

Page 3, lines 5, 6 and 7—Delete subclause (2).

This amendment deletes proposed clause 5(2), which is another of the clauses that is inconsistent with an open inquiry. Clause 5(2) modifies the usual requirement that documents that are required to be produced are produced to the inquiry itself. That is the way courts, inquiries and royal commissions work, that is, if you are required to produce a document, you produce it to the tribunal or to the commissioner. In effect, clause 5(2) provides that a person who is required to produce documents to this inquiry can hand them over to a messenger, or whoever. On the advice of parliamentary counsel, we believe that this clause is really inconsistent with our notion of an open inquiry.

**The Hon. SANDRA KANCK:** I indicate Democrat support.

**The Hon. P. HOLLOWAY:** I indicate that the government opposes the amendment. It is an extraordinary position that is being put forward. Basically, it states that we should invite someone along to make an outrageous allegation that they engaged in a criminal conspiracy and, as a result, they could get the other person into strife and then walk out.

**The Hon. R.D. LAWSON:** That is not this amendment.

**The Hon. P. HOLLOWAY:** This is 6A, isn't it?

*The Hon. R.D. Lawson interjecting:*

**The Hon. P. HOLLOWAY:** I thought that was the one we just voted on.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Well, we have already discussed that in earlier clauses. Essentially, this amendment is consequential, and I again indicate the government's opposition to it, but I will not delay the committee by dividing. Our opposition is clear.

Amendment carried; clause as amended passed.

Clause 6.

**The Hon. R.D. LAWSON:** I move:

Page 3, after line 26—Insert:

6A—Statements by witness not admissible against witness

A statement or disclosure made by a witness in answer to a question put to the witness, or in evidentiary material produced by the witness, for the purposes of the Inquiry will not (except in proceedings for an offence against this Act or for contempt) be admissible in evidence against the witness in any civil or criminal proceedings in any court.

The effect of the amendment is to include in this bill section 16 of the Royal Commissions Act, which provides:

A statement or disclosure made by any witness in answer to any questions put to him by the commission or any of the commissioners shall not (except in proceedings for an offence against this Act) be

admissible in evidence against him in any civil or criminal proceedings in any court.

This is a protection for witnesses. It is designed to encourage witnesses to come along and tell the full story without fear or favour and without fear of persecution or prosecution thereafter. It is an entirely appropriate clause.

**The Hon. Caroline Schaefer:** Protection for witnesses.

**The Hon. R.D. LAWSON:** Yes—protection for witnesses. I note that, when the Hon. Patrick Conlon introduced his bill in March 2001 for the establishment of the Motorola inquiry (it was not proceeded with, because the government bill was carried), he thought it was appropriate to include a similar provision, namely, clause 3(3) of that bill, which provided that a person could be required to answer questions, produce documents, etc., even though the information might result in or tend towards self-incrimination.

The clause that the Hon. Patrick Conlon found acceptable provided that, if that person objects to answering a question, the answer will not be admissible against the person in any criminal proceedings, except for perjury under the section—an entirely similar form of proposal. It is important that witnesses have the opportunity to testify and not be subjected to the sort of threats in which we know that this government would engage. It is the standard provision which applies in the McGee royal commission at the moment and which this government has set up. It applies to all royal commissions. It is entirely appropriate that it should apply here.

**The Hon. P. HOLLOWAY:** That is just an outrageous suggestion that was made by the deputy leader in relation to what this government does. After all, it is the DPP who decides who to prosecute; in fact, on reflection, that might have been an interesting thing if part of this investigation considered why the DPP undertook a prosecution in this case. However, that is not before us—an interesting question, though. My advice is that, while it may have been in a bill that was originally drafted by the Hon. Patrick Conlon when this matter came up, in fact, he did not support that part; instead, he supported the then Liberal government's bill, which did not contain this provision. In the government's view, this is an extraordinary proposition, because it basically suggests that you should invite someone along to make an outrageous allegation that they engaged in a criminal conspiracy as a result of which they can get the other person into strife and walk out. It is a great way—

**The Hon. R.I. Lucas:** Is that what happened in McGee?

**The Hon. P. HOLLOWAY:** The McGee case was about an entirely different matter. It is a completely different set of circumstances. Members opposite keep talking about McGee and Nemer. Maybe there is some relationship between the Nemer and McGee cases and this one; maybe there is some connection.

**The Hon. R.I. Lucas:** A veiled threat from the DPP to you.

**The Hon. P. HOLLOWAY:** No; I am just saying that maybe there is a connection, but it is not readily apparent that the two are related because, in both the Nemer and McGee cases, the people were guilty of an offence. No-one would doubt that McGee ran over the cyclist, and no-one would doubt that Nemer shot Mr Williams. The purpose of the committee was the outcome of the sentencing as a result of that. However, in the case of Mr Ashbourne, he was found not guilty, and that is an entirely different matter. We certainly oppose that in relation to this issue. Obviously, the opposition and other parties support this because they think

that it would be great if someone who is aggrieved threw around a whole lot of allegations and not be held responsible. It is a great invitation to settle a few old scores without having to be held accountable as to whether or not they are true or whether or not they can be proved. It is quite transparent—that is why it has been proposed—and, obviously, we are opposed to it.

**The Hon. SANDRA KANCK:** Last week I convened a meeting to which I invited all members of the Legislative Council to discuss what we thought should be the terms of reference for an inquiry into this matter. Unfortunately, it was not attended by any Labor MPs. However, in the discussion that we had, the key issue that arose was the need for this particular clause from the Royal Commissions Act to be put into any—

*The Hon. P. Holloway interjecting:*

**The CHAIRMAN:** Order! The cameraman in the gallery will not film members sitting in their place who are not speaking, and nor will he take any broad ranging shots. There is a protocol of which all journalists are aware. While I am on this subject, on a number of occasions, I have brought this to the attention of the media and, after having given those directions, they have printed inappropriate pictures in contravention of the rules. It will stop or access will be denied.

**The Hon. SANDRA KANCK:** As I was saying, at this meeting that we had last week—and, by the way, it was not attended by the Hon. Terry Cameron, in response to the interjection from the Hon. Paul Holloway, because he was not well at the time—we came to the conclusion that it was vital that this clause from the Royal Commissions Act be put into any motion or bill about this inquiry because we believe that this is probably the only way that Ralph Clarke will give evidence, given his unwillingness to even make any statements to the police up to the present time. So, clearly, we support this amendment.

The committee divided on the new clause:

*While the division was being held:*

**The CHAIRMAN:** Order! Turn the camera off. The cameraman will remove himself from the chamber.

AYES (13)

Dawkins, J. S. L.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Lawson, R. D. (teller)	Lensink, J. M. A.

AYES (cont.)

Lucas, R. I.	Redford, A. J.
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Xenophon, N.	

NOES (5)

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

PAIR

Stephens, T. J.	Roberts, T. G.
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Majority of 8 for the ayes.

New clause thus inserted.

Progress reported; committee to sit again.

*[Sitting suspended from 1.05 to 2.18 p.m.]*

### COOBER PEDY GAMING MACHINES

A petition signed by 945 residents of South Australia, concerning poker machines in Coober Pedy and praying that the council will call on the government to introduce legislation to enable all poker machines to be removed from Coober Pedy, was presented by the Hon. Nick Xenophon.

Petition received.

### QUESTIONS ON NOTICE

**The PRESIDENT:** I direct that written answers to the following questions be distributed and printed in *Hansard*: Nos 192, 193 and 221.

#### SPEED CAMERAS

192. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding between 50-60 km/h in South Australia between 1 January 2005 and 31 March 2005 by:

- (a) speed cameras; and
- (b) other means?

2. How much revenue was raised from these speeding fines by:

- (a) speed cameras; and
- (b) other means?

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

The Commissioner of Police has advised the following:

Number of motorist caught speeding (1/1/05 to 31/3/05)

	Detections			Value of Expiation Notices Issue (\$)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
50 kph	21 388	2 295	23 683	2 418 504	363 099	2 781 603

The revenue from Expiated Notices includes the levy to the Victim of Crime Fund.

193. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding in South Australia between 1 January 2005 and 31 March 2005 by:

- (a) speed cameras; and
- (b) other means?

for the following speed zones:

- 60-70 km/h;
- 70-80 km/h;
- 80-90 km/h;

90-110 km/h;

100-110 km/h;

110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by:

- (a) speed cameras; and
- (b) other means?

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

The Commissioner of Police has advised the following:

Number of motorist caught speeding (1/1/05 to 31/3/05)

	Detections			Value of expiated notices issued (\$)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	29,960	3,976	33,896	3,089,368	593,056	3,682,424
70 kph	669	360	1,029	73,277	55,872	129,149
80 kph	1,740	1,458	3,198	195,065	234,359	429,424
90 kph	546	243	789	68,452	34,938	103,390
100 kph	555	1,379	1,934	68,963	236,883	305,846
110 kph	374	4,440	4,814	42,234	737,959	780,193
Grand Total	33,844	11,856	57,516	3,537,359	1,893,067	5,430,426

The revenue from Expiation Notices includes the levy to the Victim of Crime Fund.

#### ROBERTS, Hon. T.G.

221. **The Hon. R.I. LUCAS:** How many written representations from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, have been received since March 2002?

**The Hon. CARMEL ZOLLO:** The Minister for Emergency Services has received no written representation from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, since March 2002.

#### HOON DRIVING

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I lay on the table a ministerial statement on hoon driving made by the Premier today.

#### DEFENCE INDUSTRY

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I lay on the table a ministerial statement on the next phase in South Australia's defence push made by the Premier today.

#### PUBLIC SECTOR SALARY OUTCOME

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I lay on the table a ministerial statement on public sector salary outcome made by the Hon. Michael Wright MP, Minister for Industrial Relations.

#### QUESTION TIME

##### de CRESPIGNY, Mr R.

**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 Mr Robert Champion de Crespigny.

Leave granted.

**The Hon. R.I. LUCAS:** On 28 June this year I asked the minister to give an assurance to the council that Mr Robert Champion de Crespigny had not had any discussions with officers or ministers in the development of the government's royalty policy over the last two years. The minister replied:

Yes; I can give that assurance. . .

The minister then went on to say:

. . . although it has been in the public domain, and we have had negotiations with the industry. However, within government, he has not been involved.

That was the answer the minister gave on 28 June. The

following day, the minister came back to the chamber with a correction to that answer. The correction deletes—I am not sure whether it deletes; I guess that will be part of my question. The question does not refer to the 'yes'. In his correction, the minister said:

Industry has been consulted through several representative bodies including—

and one of them is the South Australian Minerals and Petroleum Expert Group of which Mr Robert Champion de Crespigny is a member. The minister said:

Mr Champion de Crespigny has had no direct role in the setting of the proposed new royalty rate—

and I interpose to say that that was not the question—

However, his views have been canvassed along with many other industry representatives as part of the wider consultation process and discussions held following the government's decision to amend the royalty provisions.

My questions specifically to the minister are:

1. In that reply that he gave on 29 June, is the minister retracting the unequivocal 'Yes, I can give that assurance,' which he gave on 28 June to my original question?

2. The minister referred in his subsequent reply on 29 June to the fact that Mr Champion de Crespigny was a member of the SA Minerals and Petroleum Expert Group. Is the minister now saying with respect to his answer on 29 June that Mr Champion de Crespigny was consulted only as part of a general consultation with that expert group; that is, he expressed his views only through that expert group, or was Mr Champion de Crespigny consulted separately in relation to this issue of royalty rates?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** The reason why I made that restatement was to clarify the answer that I had given. I said no, but I had qualified that by saying that there had been consultation—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Whatever it was—yes; but I did qualify that answer. On looking at the answer in *Hansard* I thought that it could be a little ambiguous because of the—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** But I did qualify it in relation to the other groups that were circulating, because I did know that there had been discussion in relation to that. That is why I specifically went away, had it checked and brought back the answer the next day. I must say that that was a supplementary question to a question which really had nothing to do with a question the Hon. Caroline Schaefer had asked me about some figures that alleged that there was a

large error in the funds received by the government in royalties. That somewhat threw me, I have to say.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Well, it did throw me. The suggestion was that it was about \$60 million, but it turned out that it was a completely wrong interpretation of the figures. But that was a supplementary question. The question itself from the Leader of the Opposition was a little ambiguous, but—

**The Hon. R.I. Lucas:** No, it was not.

**The Hon. P. HOLLOWAY:** Well, it was not quite clear exactly what he was asking, and whether it was about what involvement Mr de Crespigny had.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Well, you asked me whether I could give an assurance that he had not, and the answer I gave made it clear that there had been broad consultations. The honourable member has asked a specific question about whether Mr de Crespigny was asked through SAMPEG or whether he was written to separately as part of the group. I will have to take that question on notice and find out because, obviously, that would have been undertaken through the department. The important part of the answer that I brought back on 29 June is this:

Mr Champion de Crespigny has had no direct role in the setting of the proposed new royalty rate.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** But the question was supposed to be a supplementary in relation to the overall setting of royalties. I accept that the original answer could have been taken ambiguously because I said yes, and then qualified it. One of the reasons, as well as clarifying the other issue the Hon. Caroline Schaefer raised, that I used the opportunity to clarify that answer was so that there could be no ambiguity. But I will follow it up and take the question on notice that the leader asked about the specific form of communication and whether it was done individually with members of SAMPEG or whether it was done collectively.

### VICTIMS OF CRIME

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

Leave granted.

**The Hon. R.D. LAWSON:** The Victims of Crime Act 2001, passed by the previous Liberal government but coming into force during the term of this government, provides in section 15 that an advisory committee may be established by the Attorney-General to advise on practical initiatives that the government might take to ensure that victims of crime are treated with proper consideration and respect, to help victims of crime recover from harm suffered by them, to advance the interests of victims of crime in other ways, and any other matter which might be referred by the Attorney-General for advice.

An advisory committee was established under the previous legislation and, according to the Victim Support Service (a service which is most effective in representing the interests of victims in this state), that was a very effective and worthwhile committee. However, since this government has come into office, the Attorney-General has not established any advisory committee under this legislation and, of course, it means that the previous advisory committee has not met.

The Victim Support Service considers that this is a grave deficiency and that cooperation between various agencies of government—the police, the DPP, the health and education departments and other departments which have an involvement in victims' issues, very often at a peripheral level—are no longer coordinated and their voices not heard. My questions to the Attorney-General are:

1. Will he confirm that no advisory committee has been established?

2. Will he state to the people of South Australia, including the victims of crime in South Australia, why he has not seen fit to establish an advisory committee?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will refer that question to the Attorney-General and bring back a reply.

### SALT INTERCEPTION SCHEMES

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the minister representing the Minister for the River Murray a question.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** On 23 May the Minister for the River Murray (Hon. Karlene Maywald) released a press release about the Riverland, which states:

... site G [which is the Lowbank's site and which was discussed as a possible salt disposal basin] is unlikely to be required as a salt disposal basin for at least the next two decades, if at all. . . . Associated investigations on the long-term disposal needs for the salt interception schemes between Kingston and Cadell indicate there'll be increases in the volumes of water requiring disposal, but the capacity of the Stockyard Plain disposal basin will not be reached for at least 20 to 30 years. . . . This reduces the urgency in finalising any decisions about future disposal basins. . . . Further investigations of other possible disposal basin options of land of lower agricultural value will be explored as soon as possible.

The minister very much relieved the anxiety of the farmers in that area, although they have continued to express concern to me. Certainly, I think they have been given the impression that no further salt disposal basins will be constructed in that region. However, one of the targets for 2005-06 of the Department of Water, Land and Biodiversity Conservation states:

... to commence the construction of one new salt interception scheme in the Riverland.

My questions are:

1. Has a location for that new salt interception scheme been decided?

2. Will the minister confirm or deny that inquiries are being made to purchase land in the Bookpurnong area?

3. Will the minister confirm or deny that prices being discussed are in excess of five times the market value for land in that region?

4. Have neighbours of the land in question been informed that such construction will take place?

5. When will this construction begin?

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

### PLACES FOR PEOPLE PROGRAM

**The Hon. R.K. SNEATH:** I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the government's Places for People program.

Leave granted.

**The Hon. R.K. SNEATH:** As members of the council would be aware, the Places for People program is funded through contributions made to the planning and development fund. I understand that the minister recently approved the final round (round 7) of Places for People funding for the 2004-05 financial year. Will the minister provide members of the council with some more information on how and where this money is being spent, and whether the government intends to continue with the program?

**The Hon. P. HOLLOWAY (Minister for Urban Development and Planning):** I would be delighted to update the council on the projects that have been funded under the program in the 2004-05 financial year. Before I do that, I advise that the government will continue this very successful program as one means of ensuring that moneys collected through the planning and development fund are put back into supporting local government in building and revitalising their local communities. In order to provide the council with some background, Places for People is one of the programs funded out of the planning and development fund. Since the inception of this program in January 2002, seven rounds of funding have been granted to local government throughout the year over the four financial years to the end of the 2004-05 financial year.

The key objective of the Places for People program is to create or revitalise areas of the public realm within communities as a catalyst for improving the social, cultural and economic well-being of those communities. The program also aims to foster an urban design culture in order to promote strategic and collaborative practices with local government organisations, which in turn are more likely to result in high quality and sustainable outcomes supported by communities, businesses and organisations.

The projects undertaken under the Places for People banner include strategic urban design frameworks, urban design guidelines, detailed design, contract documentation and capital works. It is possible for councils to apply for funding over more than one round in order to stage the design and implementation of specific projects. In the first six rounds of funding since 2002, \$3.2 million has been provided by the government for 65 projects across the state. The latest approval of \$1.23 million of state government funding to local government in round 7 brings the total state government contribution over the life of the program to \$4.43 million. The \$1.23 million funded an additional 19 projects, bringing the total amount of projects across the state since 2002 to 84.

Members of the council might deduce from these figures that the 2004-05 contribution has been significantly higher than previous years. In the 2004-05 financial year the total funding committed by the state government equalled \$2.33 million, which represents over half the total funding over the life of the program. This can clearly be attributed to the increased moneys being paid into the planning and development fund over the past couple of years as a result of not only the exceptional economic performance of the state, which has also resulted in great confidence in this state in terms of urban development, but also rising prices.

The government is making good use of this extra revenue by putting back into local government, and therefore into local communities, constituencies shared by all spheres of government through the various programs funded by the planning and development fund. In particular, regional councils have been big recipients in the 2004-05 financial year, with 24 of the 32 grants approved in the past financial

year going to regional councils. This represents over two thirds of the total funding approved for the 2004-05 financial year. So, let it not be said that this government does not care about regional areas. Regional councils included in the latest round of grants—

*The Hon. D.W. Ridgway interjecting:*

**The Hon. P. HOLLOWAY:** I think that the Hon. David Ridgway is about to claim that shortly in a motion he is about to move. I am just advancing that by showing that 24 of the 32 grants went to regional councils. Regional councils included in the latest round of grant approvals were as follows: Kangaroo Island received \$60 000 for five separate projects associated with the island's four centre frameworks; Ceduna received \$250 000 for capital works associated with its streetscape project; Barossa council commenced a master plan for Mount Pleasant with a \$12 500 contribution; the northern areas council received \$112 500 to continue work on Ayr Street and Belalie Creek revitalisation project; Port Wakefield received \$20 000 for design development of its Highway 1 and beyond project; the Light regional council will undertake an urban design framework for Greenock township with a \$12 500 contribution; Ororoo Carrieton received \$47 445 and will undertake capital works to enhance the Ororoo townscape; the Flinders Ranges council will improve town entrances with signage and streetscaping, with a \$7 500 contribution; and Coorong council will commence design development for Tailern Bend with a \$10 000 contribution.

Metropolitan councils have not missed out, with Holdfast Bay, Port Adelaide, Enfield and Onkaparinga receiving funding for projects, including important capital works at Moseley Square and Semaphore Road. In the outer metropolitan area the Adelaide Hills council will progress a master plan for Lobethal and Woodside to the design development stage with a \$35 000 contribution. As members can see, the projects are far ranging across the state, but it is particularly important to highlight the contribution the government is making in some of these regional areas where local government may not have the resources and skills necessary to get some of these projects off the ground. Although these projects may not be seen as providing crucial services to these communities, they can be important catalysts to stimulate local economies through improvements to the public realm, making the local environment a better place to live, work and visit. I am very pleased to have the opportunity to provide that information to the council.

## GENETICALLY MODIFIED CROPS

**The Hon. IAN GILFILLAN:** I seek leave to make an explanation before asking the Minister for Emergency Services, representing the Minister for Agriculture, Food and Fisheries, a question about genetically modified crops in South Australia.

Leave granted.

**The Hon. IAN GILFILLAN:** On 28 June this year, the federal minister for Agriculture, Fisheries and Forestry (Hon. Warren Truss MP) issued the following press release:

States should end ban on GM food cultivation.

Australian Agriculture Minister Warren Truss today called on State and Territory governments to end their moratoria on the cultivation of GM crops if they are at all serious about making their jurisdictions investment centres for biotechnology.

Three days later, the ABC reported that the Western Australian agriculture minister (Hon. Kim Chance MP) had

stepped up to the plate to respond. The ABC online article states:

Western Australian Agriculture Minister Kim Chance says the government has no—

I repeat the word ‘no’—

intention of changing its stance on genetically modified GM crops.

Further, he says:

I can see no reason to change our present position. . .

Many in the farming community believe that that really shows GM free guts from the Western Australian government. The South Australian Minister for Agriculture, Food and Fisheries (Mr McEwen) has been resoundingly silent on the subject. We have heard no response to Mr Truss, but we have heard that there is now a commercial winter planting of genetically modified canola in the ground in the South-East. On 23 June, I was attacked by a quite vicious media release issued by the minister, which stated:

Bayer has yet to advise the agency if they intend to make any winter sowings this year, but if they do, the full details of site locations will be posted on the PIRSA website.

However, the PIRSA web site was vacant in relation to any details until possibly two days before the planting (and we are not sure about that). There is a federal requirement that plantings must be notified at least 14 days before they go into the ground. My questions are:

1. When will the minister show Mr Truss that South Australia will not be bullied into GM contamination?

2. When was he notified of the 1 July genetically modified canola planting?

3. Had his department been notified before he said, in his media release attacking me, that BayerCropScience had not announced plans to plant GM canola on 1 July?

4. Has he notified the neighbours of this six-hectare planting of their proximity to a genetically modified crop? If not, why not?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I thank the honourable member for his questions in relation to genetically modified crops. I will refer them to the Minister for Agriculture, Food and Fisheries in another place and bring back a reply.

### HOMELESSNESS

**The Hon. A.L. EVANS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, a question about homeless children.

Leave granted.

**The Hon. A.L. EVANS:** It was disappointing to read a media report in the *Sunday Mail* of 3 July 2005 about children as young as 12 deliberately getting drunk so that they could be provided with a bed at Mission Australia's Hindmarsh sobering-up centre during the cold winter. There is no doubt that homelessness is a problem in our state. Homeless men and women are an issue that South Australia must deal with quickly. Leaving aside the significant side-effects of alcohol abuse, it is even more disturbing that these young children are homeless in such a progressive Western society as ours. It also seems that Mission Australia has found a niche in our state in which it can fulfil its mandate of providing a safe place for young people struggling with drugs and alcohol abuse. My questions are:

1. What does the minister propose to do to fulfil the government's promise of halving the number of homeless in South Australia?

2. What does the minister propose to do to fulfil the government's promise of halving the number of people sleeping rough by 2010?

3. Will the minister increase funding for Mission Australia to assist the homeless people in the Adelaide and metropolitan area?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will refer those questions to my colleague the Minister for Families and Communities in another place. I know that this government has done a significant amount, assisted by the Social Inclusion Unit, to address the issue of homelessness. I am sure that my colleague would be pleased to advise the member on those matters.

### CAMPBELLTOWN CITY COUNCIL

**The Hon. J.F. STEFANI:** I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Treasurer, questions about the administration of Campbelltown City Council.

Leave granted.

**The Hon. J.F. STEFANI:** Yesterday, during matters of interest, I placed on the public record a number of issues relating to the administration of Campbelltown City Council. I am informed that a police complaint has been lodged by one of the councillors relating to a physical assault that occurred during a special council meeting held on 28 June 2005. During my speech in parliament, time did not permit me to detail many other significant concerns that have been brought to my attention by the ratepayers of Campbelltown council during the past 12 months. These concerns relate to the principles of good public administration when dealing with the allocation and expenditure of public funds, including the obligation that befalls public authorities, as well as their chief executive officers, to discharge the mandated legislative requirements through responsive and proper accountability regarding the expenditure of public moneys.

By way of example, some of the concerns that have been expressed to me about the administration of Campbelltown council relate to the purchase of 14 new staff vehicles without the call of a public tender, which I am advised is contrary to the council's policy. A further issue that has been raised with me relates to a legal opinion provided to the council by Norman Waterhouse solicitors on 6 November 2003. The legal opinion dealt with the extension of the loan facility to the Athelstone Football Club for an additional amount of \$60 000, which was recommended by the CEO under agenda item 18, for consideration at the full council meeting held on 2 September 2003.

The legal opinion advised the council that, because it had notified the club that it had agreed to a further extension of the loan by an undated letter after its meeting on 2 September 2003, the council was legally bound to advance the money to the club, otherwise it would be liable in damages to the club for that amount. Because of the many aggregated facts, arrangements, understandings and agreements surrounding many of these matters, and in view of the prudential requirements of the Local Government Act and the provisions contained in the Criminal Law Consolidation Act under sections 237, 238, 251, 252 and 253, will the Treasurer request the Auditor-General to examine the accounts of the Campbelltown City Council as well as the efficiency and

economy of its activities in accordance with section 32 of the Public Finance and Audit Act 1987?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will refer that question to the Treasurer and bring back a response. I think that, before the Treasurer would contemplate taking such action, it would require some evidence to do that. I am also not entirely sure whether or not the minister for local government should be involved in such matters. If allegations are made against a particular council, I believe that the minister for local government may also have a role—

*The Hon. J.F. Stefani interjecting:*

**The Hon. P. HOLLOWAY:** I will ensure that the matters are passed on to the responsible minister in another place and bring back a reply.

### SUPPRESSION ORDERS

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Attorney-General, a question about suppression orders.

Leave granted.

**The Hon. A.J. REDFORD:** On Tuesday evening I raised a matter regarding a murder case which took place in our Supreme Court in October 2002. I advised the council that the case was and continues to be indefinitely subject to over 20 suppression orders. I am in a position where I cannot say anything about the name of the case, nor can I do anything but be deliberately vague about the circumstances of the case; otherwise, I run a real risk of breaching the suppression orders. However, I will give the minister information about this later.

**The Hon. Nick Xenophon:** Is the case still before the courts?

**The Hon. A.J. REDFORD:** No; there is nothing in relation to this matter still before the courts. This case raises a number of issues, and in my view represents greater injustice than that which we saw in the Nemer case or, indeed, in some of the other highly publicised cases that have occurred over the past 12 months.

As a consequence of this case, a family who lost their son has suffered great distress, hurt, anger and a real sense of injustice in relation to how the matter was handled by the South Australian justice system. Some of the issues arising out of this case include: plea bargaining; a failure to properly resource the Director of Public Prosecutions; a reliance on a police informer, who happens to be the biggest thug, drug dealer and protection racketeer in his area; the protection of that thug's identity; the protection of his role in the murder and his subsequent role; a lack of information as to how much he was paid for the privilege of being a police informer; and the fact that he swore at the court, at one stage admitted that he would not tell the court the truth and indeed went on and refused, despite being a registered police informer, to cooperate by properly and adequately answering questions.

A further issue is the protection by the courts of the identity of this person and of many of the circumstances in this case, despite this person's conduct, as part of the suppression orders. Finally, there was the failure by the Premier, because of an absence of publicity, to properly and adequately deal with this matter, despite the family's entreaties.

**The Hon. Nick Xenophon:** Who asked for the suppression orders?

**The Hon. A.J. REDFORD:** The suppression orders were initially sought by the DPP. In that respect, earlier this year I made an application to lift those suppression orders, and that application was opposed by the Director of Public Prosecutions, the police, a person's lawyer and the Attorney-General, so I failed. Every argument I put has been suppressed. The reasons for the decision, as I understand it, have been suppressed, and at one stage it was suggested that as a member of parliament I had no right to make such an application. My questions are:

1. Why did the Attorney-General send his lawyers down to the Supreme Court to oppose the lifting of the suppression orders?

2. Has the Attorney sent lawyers down in any other case to keep matters secret?

3. Is the Attorney concerned that in a homicide case the wrong man was charged and ultimately—and in my view correctly—acquitted; a guilty person was let off with a six-month gaol term; and another possibly guilty person got off scot-free and got a payment? Does the Attorney agree that that should be kept secret?

4. Does the Attorney wish to keep this secret because it shows that the DPP lacked resources way back in 2002, allowing murderers to escape justice?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** If the DPP lacked resources back in 2002, it would have been as a result of the previous government. Since this government has been in office, the DPP has had an increase of something like 40 per cent and, just recently, the DPP's office was given a further half a million dollars to improve the—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** On the contrary, the DPP seems to be a publicity agent. I think there are some things in the tone of the honourable member's question that need to be addressed. He brought in the Premier and was accusing the Premier of being involved. That is extraordinary. If there is a matter before the courts—

*An honourable member interjecting:*

**The Hon. P. HOLLOWAY:** Well, there was a matter before the courts, obviously. If there was a suppression order, the rest of we members of parliament listening to this have no idea what the background to it is, what security issues exist, or a whole lot of other issues. There may very well be very good reasons. If both the DPP and the police are applying for orders presumably there are very good reasons, but I will refer the question to the Attorney-General and bring back a response.

**The Hon. NICK XENOPHON:** I have a supplementary question. Will the Attorney refer this matter to the Solicitor-General for a preliminary investigation so that a thorough report can be prepared and forwarded to the Attorney in relation to the matters raised?

**The Hon. P. HOLLOWAY:** I will certainly pass that request on to the Attorney-General. I have no knowledge of the matters, but in his question the Hon. Mr Redford talked about the Attorney-General sending his lawyers down. These sorts of matters would be, one would think in the vast majority of cases, handled by the DPP's office, and appropriately so, and in matters of prosecution the DPP is rightfully an independent statutory officer.

**The Hon. A.J. REDFORD:** I have a supplementary question. Is the Attorney-General not aware that in this



particular case separate lawyers representing a separate interest to that of the Director of Public Prosecutions attended, put arguments and opposed the lifting of the suppression order?

**The Hon. P. HOLLOWAY:** That does not in any way change the point I was making that the lawyers who would have been representing the government, if I can put it that way, in court, would be, of course, the prosecution and they would be prosecutors from the DPP's office one presumes and, therefore, they are independent statutory officers.

#### BUSHFIRE MITIGATION PROGRAM

**The Hon. J. GAZZOLA:** I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the National Bushfire Mitigation Program.

Leave granted.

**The Hon. J. GAZZOLA:** I am aware that in September 2004 the Australian government announced \$24 million in funding over three years to assist local communities to better prepare for bushfires, with \$15 million allocated towards the Bushfire Mitigation Program. My question is: will the minister advise the council whether any of the commonwealth funds from the National Bushfire Mitigation Program are being spent in South Australia?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I thank the honourable member for his question. Applications for funding under the National Bushfire Mitigation Program are assessed and prioritised through assessment committees in each state. The South Australian Assessment Committee is chaired by South Australian Country Fire Service chief officer Mr Euan Ferguson and includes representatives from the Security Emergency Management Office, the Local Government Association, the Department for Environment and Heritage, Forestry SA and SA Water. The commonwealth also has observer status on the committee.

Following the approval of cabinet, the Bushfire Mitigation Program funding agreement between the state and the commonwealth was signed by me on behalf of the state government. South Australia applied to the commonwealth for \$425 000 in funding to be used for fire trails on SA Water, Department for Environment and Heritage and Forestry SA land. The state also sought funding of \$100 000 for the strategic assessment of the private and public land fire track network in the Mount Lofty Ranges. I am pleased to confirm that the commonwealth allocated a total of \$502 000 in Bushfire Mitigation Program funding for South Australia, which will be used for eligible projects.

Eligible projects must fall within the scope of the definitions of 'bushfire mitigation' and 'fire trail'. They may include construction of a fire trail in an area identified as needing to be accessible for fire suppression and/or mitigation purposes; maintenance of existing fire trails where there is a demonstrated need for access for fire suppression and/or mitigation purposes; erection of signage to identify fire trails; turn-out bays on fire trails; the provision and upgrade of water points on trails and associated accessibility measures; and fire trail risk assessment.

The Bushfire Mitigation Program complements existing fire risk management activities in South Australia and works in conjunction with the state's bushfire mitigation priorities and assessment procedures. As such, the bushfire mitigation

program will help to enhance the safety of the South Australian community.

#### ANANGU PITJANTJATJARA LANDS

**The Hon. KATE REYNOLDS:** During NAIDOC Week, I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about recent deaths on the Anangu Pitjantjatjara Yankunytjatjara lands.

Leave granted.

**The Hon. KATE REYNOLDS:** On 15 March last year, following four suicides on the lands, the Deputy Premier (Hon. Kevin Foley) announced (while the Premier was overseas) that self-rule was finished on the AP lands and that the Executive's time was up. Jim Litster was then appointed as the coordinator of the lands. He lasted, as members will remember, a matter of days. On 7 April 2004, Bob Collins was appointed by the Premier as a coordinator for the lands. He lasted a matter of weeks. On 25 August 2004, the Premier announced that he had appointed Professor Lowitja O'Donohue and the Reverend Tim Costello as his special advisers on ways to improve the lives of people living on the lands.

In October they recommended that a coordinator with the powers of an ombudsman be appointed and located on the lands. In June this year, just a matter of weeks ago, the federal government announced the appointment of two service coordinators but provided no detail about their role or location. Last Saturday *The Australian* newspaper announced that, under a deal between the state and federal governments, the federal health minister (Hon. Tony Abbott) now oversees all government services on the APY lands. In fact, Matt Price refers to the minister as the 'quasi governor' of the lands.

A second article by Matt Price in that same newspaper described how he had accompanied minister Abbott on a visit to the lands. Referring to the period just before the Deputy Premier made his announcement, Mr Price said that two years ago a spate of suicides had rocked the Pit lands and disheartened community leaders. Just as an aside, I would note that, if he had talked to people on the lands, Mr Price would have understood that the Pitjantjatjara Yankunytjatjara people found the use of the term 'Pit lands' most offensive. Mr Price said that the suicides had stopped, but, in fact, there have been two suicides in just the past two months—the most recent being a young man who hanged himself whilst minister Abbott and Matt Price were on the lands just last week. My questions are:

1. Will the Premier table in parliament the number of suicide attempts and the number of deaths in the first half of 2005 for all communities on the APY lands?
2. Given that this is NAIDOC week (and I still have no answers to my previous questions), will the government release a statement detailing how its policies on Aboriginal affairs differ from those of the Howard Liberal government?
3. Will the government investigate claims that 11 families at Amata each received \$9 000 of store profits from the Amata store, which of course would have been in clear contravention of the Mai Wiru stores policy?
4. Given that the most recently announced service coordinators are appointed under cooperative arrangements between the state Labor and federal Liberal governments, will the Premier provide information about the terms of reference, job

descriptions, appointment processes and the location of these coordinators?

5. Is the Reverend Tim Costello still a special adviser to the Premier, and when did he last meet with or report to the Premier or the government?

6. Does the South Australian Rann Labor government endorse the use of the term 'governor of the AP lands' to describe the federal health minister?

7. Has the state government in fact handed responsibility for all government services on the lands to the federal health minister; and, if not, has the Premier corrected the claim made by Matt Price of *The Australian* newspaper.

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I think that question is properly directed to my colleague the Hon. Jay Weatherill, who is the acting minister for aboriginal affairs and reconciliation. I will refer the question to him.

### ADELAIDE CASINO

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Gambling, questions about Sky City Adelaide Casino.

Leave granted.

**The Hon. NICK XENOPHON:** I recently received from what I believe can only be described as a 'whistle-blower source' a printed copy of an email from May 2003 that states it is from a senior manager of Sky City Adelaide Casino sent to two other senior managers of the casino. I do not propose to name the individuals or the organisation concerned in the email, but I am in the process today of providing copies of the email to the Liquor and Gambling Commissioner, the Independent Gambling Authority and SAPOL. The contents of the email include the following:

I would just like to inform of an incident relating to the function last night in Marble Hall. At 8.30 p.m. surveillance noted a suspicious male on the north-east balcony. Observations quite clearly supported that he was involved in drug use nasally by snorting an illegal substance.

The email goes on to refer to the unnamed male as being part of a function for a major sporting club, and then states:

I received a phone call at home and advised, given the circumstances, that I did not feel it was appropriate for security to take any action.

The author of the email went on to state:

This decision was based on our desire to continue positive relationships with such clubs and, further, to promote the Marble Hall function experience as a place of fun and entertainment. I believe any action taken last night could have seriously impacted us achieving these goals and caused a major issue that potentially would have soured the function. I hope you agree with the decision.

The casino is the state's largest gambling establishment and one of the state's largest, if not the largest, licensed premises. I have been advised today that, in policy terms, the Liquor and Gambling Commissioner's office takes the issue of illicit drug use in licensed premises very seriously and, in fact, the code of conduct under the Liquor Licensing Act makes reference to licensees' obligations, both in specific and general terms, in relation to illicit drug use. I also note the clear link between being under the influence of alcohol and/or drugs and the impact that can have on someone gambling in terms of fuelling serious problem gambling behaviour. My questions to be directed to the Minister for Gambling are:

1. Will he seek a comprehensive report from the Liquor and Gambling Commissioner's office and the Independent

Gambling Authority in relation to the matters raised in the email referred to? Will the minister advise in due course whether the casino took any action as a result of the email referred to, and whether the casino advised the casino inspectorate, or any other authority, of what had occurred and, if so, when?

2. Has the casino's management advised any government office, including the Liquor and Gambling Commissioner's Office and the Independent Gambling Authority, of the incident of May 2003 and, since that time, of any reports of illicit drug-taking on its premises? Has the casino's policy of drug use on its premises been the subject of any and, if so, what review since May 2003, and has the Liquor and Gambling Commissioner's office and the Independent Gambling Authority been advised of any such review?

3. What assurances can the minister give to the public that the apparent attitude of the casino senior manager in May 2003 to turn a blind eye to illicit drug use is something that is no longer tolerated in the casino?

4. Will the minister advise whether the Liquor and Gambling Commissioner's office and the Independent Gambling Authority will investigate this matter with a view to establishing whether there has been any breach of the approved licensing agreement for the casino, the codes of practice applying to the casino, the Casino Act and the Liquor Licensing Act?

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

### HIGHWAYS, NAMING

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about the naming of highways.

Leave granted.

**The Hon. J.S.L. DAWKINS:** On 21 September 2004, I asked questions of the minister representing the then minister for transport about the working party to assess possible highway names for unnamed major routes in South Australia. In 1999, under the previous government, the working party was established with representatives from Transport SA, the South Australian Tourism Commission, the Local Government Association of South Australia, the Outback Areas Community Development Trust and the Geographical Names Advisory Committee. In May 2002 I sought information in this council about the progress of the consultation process. I received an answer in August that year, which detailed the announcement of the Birdseye Highway on Eyre Peninsula, and negotiations taking place between the working party, local government and the Outback Areas Community Development Trust in relation to a number of other routes.

**The PRESIDENT:** Order! The guy up there with the camera has been given a copy of the rules. The rules do not provide your taking film of people, other than those on their feet, or broad shots. You will cease.

**The Hon. J.S.L. DAWKINS:** My questions on 21 September 2004 were: first, will the minister indicate which routes have been named since August 2002; secondly, will the minister provide details of the implementation of signage to reflect the names of these routes, as well as the Birdseye Highway; and, thirdly, will the minister indicate the progress and consultation with relevant local authorities regarding the possible naming of other routes.

Members will not be surprised to learn that I am yet to receive a response. However, it would seem that recently the government has provided information about the naming of highways to the media. *The Plains Producer* of 29 June under the title 'Highways named' states that the naming of selected major routes across the state has been announced by the state government. Among them are St Vincent Highway (between Pine Point and Warooka on Yorke Peninsula), Thiele Highway (between Morgan and Gawler via Eudunda and Kapunda) and World's End Highway (the road from Eudunda, passing through Robertstown). In addition, an article in *The River News* of 6 July includes references to the newly named Wilkins and Goyder highways. My questions are:

1. When will the minister provide answers to my questions of 21 September 2004?

2. What action has been taken by Transport SA to install adequate signage to reflect the highway names chosen by the working party?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will refer that question on to the Minister for Transport and bring back a reply.

#### MARINO TO WILLUNGA RAIL TRAIL

**The Hon. SANDRA KANCK:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about development along the Marino to Willunga rail trail.

Leave granted.

**The Hon. SANDRA KANCK:** This rail trail follows the path of two old railway lines from Marino to Willunga. It is a sealed bitumen surface with a white line down the centre. Because it has replaced old railway lines, it has a very gentle gradient and crosses few roads by comparison to what it would be if one was on a road. It is ideal for families on bicycles to ride with points of interest, breathtaking scenic views and a very sheltered safe environment. The person who has drawn this to my attention said to me that this is one of South Australia's jewels, which should be held up proudly as an example of cycle and ecotourism of a world standard.

All this is under threat. The South Australian Democrats have been approached by a reliable source to warn us that a sweetheart deal is in the making. It appears that A. V. Jennings has his eyes on a piece of land in Huntfield Heights for a development and, in its eyes, a bike path for family rides is a nasty intrusion. The developer is keen to push the family and recreational cyclists onto a path adjacent to South Road—so the youngsters can be terrorised by cars and trucks and labour along on their bikes with lungs full of pollution. My questions are:

1. Is the minister considering the disposal of this important stretch of Transport SA land that is part of the Marino to Willunga rail trail to support a real estate development?

2. Has the minister considered the health and tourism implications of tearing up this important resource—one of the very few opportunities for families to cycle in safety and comfort?

3. Will the minister completely rule out the possibility of forcing cyclists from that safe environment to the horrors of South Road?

4. Will the minister completely rule out the possibility of forcing family cyclists from the gentle terrain of the rail trail to adjacent much steeper areas.

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

**The Hon. IAN GILFILLAN:** By way of supplementary question, will the minister take himself and his family for a bike ride on the threatened area of bike track?

**The Hon. P. HOLLOWAY:** I will refer the question to my colleague the Minister for Transport in another place and he may contemplate whether he wishes to take that course of action.

#### MARKET ACCESS AND SOUTH AUSTRALIA PROMOTION PROGRAMS

**The Hon. R.K. SNEATH:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question on the Market Access Program and the South Australia Promotion Program.

Leave granted.

**The Hon. R.K. SNEATH:** Following advice from the Export Council, the government established the Market Access Program and the South Australia Promotion Program, which was also discussed at the Premier's Food Council. How many South Australian companies have received assistance under the Market Access Program and the South Australia Promotion Program?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** The Market Access Program (MAP) was established in July 2004 and the South Australia Promotion Program (SAPP) was established in March 2005, so both programs are relatively new. The aim of the Market Access Program is to assist new and smaller exporters, particularly those who do not spend enough on export promotion to qualify for assistance from Austrade. An important aim of the South Australia Promotion Program, besides helping companies build their presence overseas, is to strengthen the awareness of South Australia and its industries in our key overseas markets.

Applications for both programs are considered every three months. To date there have been three rounds of applications under MAP and one round of applications under SAPP. As of May 2005, grants under these programs have been approved for South Australian exporters of over \$500 000. In developing the grants programs, the government has taken great care to ensure that the application process is fair and equitable and that no industry sector is privileged or disadvantaged. This is borne out in the distribution of grant approvals to date. Companies in a wide range of industry sectors have received assistance, including agrifood, automotive, building and construction, defence, education, gem stones, health, ICT, creative industries, manufacturing, recreation and sport, services, tourism and wine. Grants were approved for activities in a wide range of export markets such as the USA, the United Kingdom, Europe, India, China, Hong Kong and Japan. A significant proportion of grants have gone to businesses in regional South Australia, which comes back to the point we made earlier that this is a government for all South Australians.

More than 100 South Australian exporters have been approved grants to date under the Market Access Program alone. Approximately half the companies are receiving support for individual activities, while the other half are for group activities. This assistance has helped ensure a strong showing of South Australian exporters at key industry trade

shows in target markets, such as the European Seafood Show in Brussels, the London Wine and Spirits Fair, the Anzatech technology showcase in Silicon Valley, the E3 computer games event in Los Angeles and the inaugural Shanghai International Arts Festival. I thank the honourable member for his interest in the subject.

#### TELEPHONE REFERRALS

**The Hon. J.M.A. LENSINK:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about telephone referrals.

Leave granted.

**The Hon. J.M.A. LENSINK:** On Monday 27 June—a day many in this chamber will never forget—I asked a question of the Minister for Industry and Trade in relation to phone calls that are being directed to his office through no fault of his own but through a mistake in the telephone directory, which lists my telephone number as 8303 2500. I stated in my question that I had received a couple of complaints from constituents who tried to contact me. They had dialled the number, but the staff were reluctant, or unaware, and not very helpful. The minister replied, ‘I suggest the honourable member writes a letter on it, or put a question on notice.’ The following day (28 June), Mrs S. tried to contact me. She eventually got through to Parliament House and to one of the assistants, who sent me an email to convey her message to me. The email stated, ‘Mrs S. rang to speak to you or Lauren,’ my assistant, ‘about a matter of gross inequity in the disability area’. Somebody had suggested that I might be able to assist her.

Mrs S. said that she had rung the White Pages number first, but the man who answered had no idea who Michelle Lensink was and then took ages to find the number. He eventually came back with the Parliament House number. She said that he was very unhelpful and was aged about 40 plus. Finally, Mrs S. said, ‘Who is Paul Holloway anyway?’ and was astounded when I told her all his portfolios. She then commented, ‘You’d think that a member of the Legislative Council’s minister’s staff would know the names of other Legislative Council members,’ and I was asked to ring her about a disability matter. My questions are:

1. Will the minister instruct his staff that there has been an error in the telephone book and that my number is 8237 9434?

2. Does he still expect me to write him a letter or put the question on notice before the matter will be rectified or before I get a reply?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I can inform the honourable member that my office manager has been asked to advise all staff to forward calls for the Hon. Michelle Lensink directly through to her office on the telephone number she provided. I trust they would do that courteously, as I expect they would deal with all incoming telephone calls.

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#### HERITAGE (BEECHWOOD GARDEN) AMENDMENT BILL

In committee.

Clause 1.

**The Hon. NICK XENOPHON:** I did not have the opportunity to speak to this bill in the second reading debate, so I will make a brief contribution in relation to this matter now. I have been contacted by a number of residents who are concerned about the initial steps that were taken a number of months ago with respect to Beechwood Garden being under private control in terms of that arrangement. I want to put on the record that a number of residents in that area have been very unhappy about what has occurred. It is important to note that they feel that they have lost public and community space, and it is important that their concerns are noted. They regard the agreement entered into previously as a sweetheart agreement, in their words, which has been mentioned in the correspondence that has been sent to me, and that it was a favourable deal for the people who now have access to the Beechwood Garden estate.

I note that this bill relates to a promise made by the government to have certain arrangements in place and that the Hon. Michelle Lensink will move an amendment that the member for Heysen previously moved in another place to allow for some further scrutiny with respect to a significant variation. The emails that I have received pertain to the significant variation, itself, being too vague. However, on reflection, it would at least be some further tightening and improvement on the existing legislation. I would be grateful if I could hear from the government in due course what it considers with respect to the Hon. Michelle Lensink’s foreshadowed amendment.

The final comment that I wish to make is to reiterate that, amongst a number of residents—I believe quite a few residents in that area—there is a profound sense of loss of this public space, and they feel let down by the process. This is something that ought to be acknowledged and respected. I hope that this bill will at least ameliorate those concerns to some small degree, but I do not believe that it will take away from that profound sense of loss of public space and community facility that many residents feel has occurred.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Page 3, lines 10 to 18—

Delete subclause (3) and substitute:

(3) For the purposes of subclause (1), a significant variation of a heritage agreement is a variation—

(a) that makes provision with respect to—

(i) the division of the prescribed land (being a division of land within the meaning of the Development Act 1993); or

(ii) the granting of any lease, licence, easement or other right relating to the use, occupation or control of the prescribed land; or

(b) that provides for or permits a significant alteration of the garden constituted within the prescribed land; or

(c) that otherwise significantly varies the agreement, but does not include a variation that only makes provision with respect to a transfer of the prescribed land to a new owner.

The legislative history of this small bill is that it was introduced by Isabel Redmond, the local member who represents that area, as she gave a commitment that some additional protections would be provided to the gardens. The minister moved an amendment which in effect has limited this bill by placing a couple of prescriptions in it. The particular wording that we have been interested in is in relation to ‘significant variations’ and, while we do not want rats and mice issues to

all be brought back to the parliament, we do not want to just limit it to the two conditions that the government inserted into this bill. The amendment is not enormously or radically different from the wording as it entered this chamber, but the wording of paragraphs (b) and (c) are the additional words in that. I indicate that the member for Heysen negotiated those with parliamentary counsel to ensure that they would meet the wishes of the local residents and ensure that broader protection for the garden.

**The Hon. P. HOLLOWAY:** I have been just been supplied with this information from my colleague the Minister for Environment and Conservation. When this matter came before the parliament some time ago, both houses agreed to de-proclaim Beechwood Garden, and that allowed the government to sell the garden to the current owners of the house associated with the garden. There was an undertaking to maintain the garden in its current or similar form on an ongoing basis, and that was achieved by the use of a heritage agreement. At the time, the opposition expressed its agreement with the government's position but asked that there be put in place legislative protection for that heritage agreement. The Minister for Environment and Conservation said he would support that proposition provided the government had a chance to look at the language that the member for Heysen was proposing and that the owner of the property was happy with the amendments. Remember, the property has been sold and there is a legally binding contract in place.

On 9 March 2005 the Minister for Environment and Conservation moved an amendment to the private member's bill in the lower house to ensure that significant variation to the heritage agreement would require the approval of parliament. The government is proposing that only significant issues would need to come before the parliament and more mundane, day-to-day management and operational issues would be agreed on by the minister of the day. The heritage agreement is a contract between two parties, that is, the minister and the landowner, and it can be varied by consent of the two parties. What the opposition wants and what the government amendment seeks to do is to increase protection of the garden, and that is still the case, except that on substantial or significant issues the parliament will have to agree to the variation.

The previous amendment to the bill moved by the Hon. John Hill on 9 March provides a clear definition on what a significant variation to the heritage agreement is. The amendments that are proposed to this bill by the Hon. Ms Lensink introduce an element of ambiguity and individual interpretation, particularly regarding significant alteration of the garden and what may constitute a significant variation to the agreement. I am advised by the minister that he has also sought agreement with the owner of Beechwood Garden, Mr David Rice, who has indicated that he does not support the proposed amendment. On this basis, given that there is a legally binding agreement, the government cannot support the proposed amendments.

**The Hon. SANDRA KANCK:** I have received no correspondence on this bill, even though it has been in the parliament for a number of months, and this amendment has not been here for a considerable time, although I think what I see on the bottom of this sheet says 20/5, which means it has been around for about six weeks; nor have I received any correspondence from anyone about the amendment. Nevertheless, having listened to the Hon. Paul Holloway's arguments, I will not be supporting the Hon. Michelle Lensink's amendment.

Amendment negatived; clause passed.

Title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

#### SELECT COMMITTEE ON THE STATUS OF FATHERS IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. C. Zollo:

That the report of the committee be noted.

(Continued from 4 May. Page 1763.)

**The Hon. KATE REYNOLDS:** I indicate support for the motion. I will speak for a few minutes about an issue which the select committee did not cover, but I have spoken with a number of members who were very keen that I put some comments on the record. On 8 June the Hon. Nick Xenophon organised a forum to be held in the Old Parliament House chamber to discuss a range of issues which had been brought not only to his attention but also to the attention of some other members of parliament on behalf of grandparents who were caring for their grandchildren in the absence of the children's own parents.

In many of these households the grandparents and other relatives are the primary care givers—or what some people term 'kinship' care givers—for children whose parents cannot or will not care for them due to substance abuse, illness and death, abuse and negligence, perhaps economic hardship, imprisonment, divorce, domestic violence or other family and community crisis. I attended this forum and listened to a number of the stories told by grandparents. I then stayed on for some of the general discussion about what action could be taken to assist these grandparents. In fact, one couple attended the forum who, I think, were in their early 70s, perhaps their late 60s. They were pretty fit.

They looked pretty robust kind of people but, nonetheless, they are parenting a five-month old baby girl because their own child is not able to parent the baby. It was a very moving experience and, I must say, a very motivating experience listening to the stories these grandparents had to tell. It highlighted to me that the select committee had inadvertently overlooked the needs of grandfathers when we considered how we can better support fathers in their role. At that forum I undertook that, when I spoke on the report of this select committee into the status of fatherhood, I would raise the issue.

I draw to the attention of the council a report that was published in July 2003. It is called Grandparents Raising Grandchildren. It is a report of a project that was commissioned by the former federal minister for children and youth affairs (Larry Anthony). The investigation that resulted in this report was carried out by the Council of the Ageing (COTA), the national seniors' body. It was asked to carry out this project and to talk to grandparents (who are raising their grandchildren) about their existing support mechanisms, what additional support they might require, the financial and legal issues they may be facing and concerns they may have about the wellbeing of their grandchildren.

The reason I am referring to this report is that it provides a very neat summary of the issues that were raised at that forum in South Australia. Clearly, these issues are experienced by parents all over Australia and, whilst the work of the select committee, I think, was very thorough in investigating some of the major issues for fathers, this area of omission is

significant, and I think it is important that we correct that. The focus of the project done at the national level was on grandparents who are raising their grandchildren full time. It did not include grandparents who are doing a bit of child care on a Saturday night.

It refers to grandparents who are primary care givers for extended periods of time. Also, it covered grandparents of grandchildren considered to be at risk when their parents have a mental illness. Hopefully, members would know that many grandparents take on the role of raising their grandchildren (as they have throughout the ages), but the difference now is the effect, of course, of things such as parental drug abuse, which has resulted in a recent and rapid increase in the number of children being raised by their grandparents. That was an issue that grandfathers and grandmothers highlighted at that forum. They talked about how drug use had diminished or even destroyed the ability of their sons to father, parent and care appropriately and adequately for their children. In some cases they also talked about how it had destroyed their daughter's ability to do that, too. It was very sad.

So, grandparents of course can suffer considerable strain as they try to cope with children who have been traumatised by a whole range of experiences. As some of the grandfathers told us, their grandchildren may come to them quite unexpectedly, usually very stressed and bewildered and often without even the basics of adequate clothing, bedding, school uniforms, and so on. As the grandfathers told us at the forum, grandparents have to readjust and try to cope with accommodating this new young person, child or even baby into their lives at the same time they are trying to cope with their own sense of grief and loss—and often anger at being placed in this situation by their own adult children.

I quote now from the national report because it provides a very useful and succinct summary of the issues raised by grandparents, and especially grandfathers, when they spoke at the forum here in Adelaide. It states:

Grandparents have said they felt let down by governments, both state and commonwealth, because they take in their grandchildren, often at the request of the state child protection authorities, and then get little support and recognition in caring for their traumatised grandchildren. In most states, foster and kinship care payments and support services are restricted to carers of children for whom a care and protection order is made, and commonwealth family tax benefits and other Centrelink payments are assessed on the grandparents' means. Many grandparents who plan to be self-funded retirees say they are fast spending or have already used all of their retirement savings on the grandchildren and do not know how they will survive. They would like the same support that foster carers receive.

All that was certainly reinforced at the forum. Apart from the financial and legal issues that grandparents face, the following points were raised at every workshop in every state that the project consulted in, so that includes South Australia. The points are:

- Governments need to acknowledge and recognise grandparents raising grandchildren as a special group requiring assistance. Grandparents need parity with foster carers in terms of payments and support services for their grandchildren.

As an aside, I expressed the view at the forum that, in fact, those grandparents should not be settling for just what foster parents receive in the way of subsidies, because they are clearly inadequate for anyone to raise a child on. The other points that were raised are:

- Information about and access to benefits and support services available to grandparents and grandchildren need to be widely promoted.
- There should be access to legal aid, and especially to provide representation for the grandchildren but also for the grandparents trying to secure the grandchildren's safety.
- Respite care is urgently needed for the grandchildren with carers trusted by both grandparents and grandchildren—and that included suggestions such as camps and school holidays programs; and overnight care in emergency situations is also urgently needed.

The national report went on to make 21 recommendations, and I suggest that any honourable member and the ministers responsible for such issues have a really close look at those recommendations.

The good news is that, as a result of that forum organised by the Hon. Nick Xenophon and attended by me and also Isobel Redmond (the member for Heysen)—and I understand that the minister was there for about 45 minutes—Isobel Redmond, the Hon. Nick Xenophon and I have agreed to work together to identify the legislative and administrative changes that could be made here in South Australia, and also to identify what changes we believe the state government should recommend to the federal government to improve the circumstances of the grandfathers and the grandmothers who spoke to us at that forum.

I thank all honourable members who participated on the committee with me: the Hon. Carmel Zollo (the chairperson), the Hon. John Dawkins, the Hon. Andrew Evans, the Hon. John Gazzola and the Hon. Michelle Lensink. We met on 18 occasions. We had some robust debate, but, nonetheless, very amicable meetings. I place on the record my thanks to Ms Noeleen Ryan, secretary of the committee, and, especially, Ms Monika Schofield, our research officer. There was an extraordinary amount of work to do and she did it with great professionalism and good humour. I look forward to having the opportunity to work with her in the future.

In closing, I urge the government to both adopt and act on the recommendations made in the report. I also request the government take note of the recommendations by the national Grandparents Raising Grandchildren Report in order to assist grandparents who have taken on the daunting challenge of parenting their own grandchildren.

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I echo the comments of the Hon. Kate Reynolds in relation to the important work that the committee undertook. I acknowledge the work of the Hons John Dawkins, Andrew Evans (the select committee was his idea), John Gazzola, Michelle Lensink and Kate Reynolds; also our secretary Ms Noeleen Ryan and Ms Monika Schofield, our research officer. The report is an important one and the recommendations have been brought to the minister's attention. Certainly, we were all pleased to participate in the robust work of the committee. Again, I thank everyone who was involved with it.

Motion carried.

#### APPROPRIATION BILL

Adjourned debate on second reading.  
(Continued from 5 July. Page 2313.)

**The Hon. CAROLINE SCHAEFER:** This year's budget is unlike any other in one way. There is no less, or very little less, spending in the primary industries area than there was last year, but, given that the department has been gutted over the past four years, had there been much less, the government may just as well have scrapped the entire department. There are times when I wonder what the purpose of that once proud department of primary industries is, but of greater concern is the winding back of all consideration for rural and regional South Australia. Given that over the years the South Australian Farmers Federation has not been particularly generous in its praise of the Liberal Party, I find it worth quoting, in its entirety, the South Australian Farmers Federation news release of 27 May on this year's budget. The news release, which is headed, 'Inequitable budget misses opportunity to build the bush', states:

Yesterday's state budget was a missed opportunity to build on the economic potential of rural and regional South Australia, says the South Australian Farmers' Federation. 'While we are pleased to see that no existing programs have been cut there are very few new initiatives that show a commitment to the sustainability of areas outside of Adelaide,' SAFF Junior Vice President Gary Burgess said. He said there was no reinvestment for the rural future in the budget. 'And when you look more closely at the programs for rural SA, most of the funding is over a period of four years and sometimes that includes the past two years.' Mr Burgess said—

and he is so right as this is very much a budget of smoke and mirrors—

if the government was serious about capitalising on regional tourism it needed to inject considerable funds into the rural road network, but this had not eventuated in the latest budget. 'Only \$3 million has been allocated to two new overtaking lanes on rural roads while a massive \$9 million has been put into speed and red light detection devices,' he said.

Mr Burgess said he was pleased that the government had recognised the plight of Eyre Peninsula farmers affected by the January bushfires and also provided a road, rail and water strategy for the region but these infrastructure needs existed in other regions as well. 'It looks as though these other areas of the state will now have to look to next year's budget in the hope that they will get a slice of the pie,' he said.

Mr Burgess said SAFF was particularly concerned by the inequitable allocation of spending in the health budget. 'There is increased spending on hospital and mental services, but apart from work on the Murray Bridge Hospital all the money is going to metropolitan Adelaide,' he said.

Further to that, a press release the previous day stated:

The South Australian government has virtually ignored non-metropolitan communities in today's budget, spending only \$55 million on rural and regional programs out of a capital works program totalling around \$1 billion. The Federation's Junior Vice President Gary Burgess said farmers would be extremely disappointed by the government's failure to seize the opportunity to fill vital infrastructure gaps, and instead rest on its AAA rating laurels, while prioritising city-based projects.

'More money will be spent on completing the new car park at the Flinders Medical Centre (\$6.6 million) than any other project in rural and regional SA, apart from the new headquarters of Forestry SA in Mount Gambier (\$8.8 million)—an investment in bureaucracy,' Mr Burgess said.

That pretty well sums up my view of this budget as it applies to rural and regional South Australia. The only additional road funding is \$3 million for two passing lanes on the road to Victor Harbor. There is no additional funding for rural and regional roads anywhere in South Australia other than a touted \$1.5 million for the upgrades of Kangaroo Island roads out of the Department of Transport, Energy and Infrastructure. However, when one looks at the details in the government's own regional statement, there is only \$117 000 to be spent in this year's budget. The remaining is spun out, as Mr Burgess has pointed out, to 2008-09.

Further, there is some spending on Kangaroo Island on some road infrastructure, but it is to be paid for by a levy on landing boats at Kangaroo Island. Given that it is now sitting on \$2.2 billion more in income than was the case when we lost government, that is, \$2 200 million per year more, and has a much lower debt ratio, one would think—

**The Hon. R.K. Sneath:** Good management.

**The Hon. CAROLINE SCHAEFER:** No, good luck. One would think they could have been a little less mean with their expenditure. Given that everyone here knows my concern for regional South Australia, it is interesting to look at the Regional Statement in some detail. One of the areas of expenditure for regional development is \$250 000 this financial year, \$256 000 next financial year, \$263 000 in 2007-08, and \$269 000 in 2008-09 to establish an information and booking outlet at the new Adelaide Airport. I am quite sure that, if it is used, it will have some spin-off for regional South Australia, but it will be certainly less spin-off than that for metropolitan South Australia, yet it is quoted as one of the highlights of regional spending in South Australia.

Some effort has been made in the APY lands and, of course, we have heard over a long period of time in this place how desperately needed it is. However, we read that one of the strategies for the APY lands is to establish employee housing there and, in particular, some way in which the South Australia Police can have resident police officers on the lands. This is something we and the community have been crying out for, as was this government when in it was in opposition. It is one of the strategies in the Regional Statement, and that is wonderful.

The sum of \$180 000 has been allocated for 2005-06, but there is nothing from then on. One then reads that the \$180 000 is there because the government has not started building any housing for the police force on the APY lands, and it does not intend to start building in the foreseeable future. It is not in its capital works program, nor is it in its Aboriginal affairs program. So, the \$180 000 is for flying police officers in and out of the lands. Mr President, I know that you have been up there, and I have been there, too. We know how vast and sparse the area is, and we know how far away it is. Frankly, for all the use flying a police presence in and out is to those people when they most need it, they may as well email their complaints to central headquarters in Adelaide.

Further, re-announced with much fanfare is the sum of \$4 700 000 on one line and operating expenses of \$132 000 to upgrade police aircraft. It is only when you read further that you find that that is actually \$1.8 million, because the \$1.8 million allocated last year has not been spent, as they have not done anything to upgrade police aircraft. But we know what they are going to do now is buy one bigger, flashier aircraft, instead of the two they were going to buy last year. If we have the misfortune to have this government in power this time next year, we can expect to hear this announcement again—because we hear it most years.

As I mentioned, \$3 million has been allocated to road safety, and the line is entitled 'Road safety: expansion of rural overtaking lane program.' This comprises two new lanes on the Noarlunga to Cape Jervis road and an extension to an existing lane of the Noarlunga to Victor Harbor road. As the government states in its Regional Statement, roads with overtaking lanes have up to a 25 per cent lower crash rate than those without. What I find really interesting is how much has been allocated to regional overtaking lanes in 2006-07,

2007-08 and 2008-09—that is, absolutely zip, nothing. There is nothing in that line past the \$3 million for this year.

I note with interest that, with this lazy extra \$2.2 billion swimming around in South Australia, we cannot spend money on rural and regional hospitals nor can we spend money on rural and regional schools, but we can find an additional \$11 million, which is not even mentioned in the budget—in fact, \$1 million has been allocated in the budget—to reduce the number of licensed commercial net fishers. However, minister McEwen was able to find an additional \$11 million swimming around in loose cash. While I think that particular scheme has been successful, one wonders what else could have been done with an additional \$11 million. One would assume that it would probably be for another four passing lanes or a school or a hospital.

It is also interesting to note the \$2.5 million allocated for the re-establishment of biodiversity on Lower Eyre Peninsula following the fires. It was announced in the statement that this was an additional \$4.3 million, \$2.6 million of which was provided by the commonwealth government as a tied grant. So, the government has come out saying how generous it is to Lower Eyre Peninsula farmers and, if you recall, sir, at the time, I called for a large injection of money into re-establishing the biodiversity on Lower Eyre Peninsula, some of which I think has probably been permanently destroyed.

It is interesting to note that the funding for this was dragged kicking and screaming out of this government, because it was not going to get the \$2.7 million from the federal government if it did not match it. So, it has actually put in \$2.3 million; then, in the statement, the government states that \$400 000 is to be redirected from other state programs, but it does not indicate to what state programs it refers. The government also says that the direct grants will require a co-investment from the landowner. I do not know whether the government has noticed, but the landowners over there, right now, do not have a lot of surplus cash, so I am hoping that that co-investment is in kind because, if not, I cannot see that money being spent.

It will be interesting to see in which byline the government hides the unspent money next year because, when one goes through the budget, much of the expenditure that is allocated each year is money that was unspent from the year before. It is also interesting to note the half a million dollars, which the government has announced as follows:

Additional resources of \$500 000 to establish a water supply pipeline from Roxby Downs to Andamooka and to undertake investigations to enable the Outback Area Community Development Trust to progress other priority water supply infrastructure projects. . .

It has been announced as \$500 000 but, in fact, it is \$200 000, because the other \$300 000 was not spent when it promised to do it last year. The list goes on. It is interesting to note, as I have said on numerous occasions, that there is virtually no expenditure on rural and regional schools.

However, there is a bit. Kapunda High School is touted to get \$2.3 million for the replacement of chemistry and general laboratories and associated storage and teacher preparation, which is great, except that for 2005-06—if the government actually spends it—they will actually get \$300 000. The other \$2 million does not come in until the following year, when, as I said, I hope this government does not have control of the coffers. Similarly, Nuriootpa High School, which has been waiting for this promised money for near enough to four years now, gets \$100 000 for the provision of a new specialist technology teaching area, then—some time in the never—

never—in 2006-07, \$1 million; 2007-08, \$2.5 million. It is a pea and thimble trick. Similarly, the Pitjantjatjara Anangu School gets \$100 000, followed by \$1 million the following year—maybe. Similarly, Victor Harbor High School gets \$650 000 for the provision of new senior school accommodation and a resource centre and an upgrade of the administration area. The rest comes in the following years. So, what they say and what they provide are two very different things.

I think that is no more clearly shown than the completely out-of-the-blue promise to provide \$45 million and some \$28 million additional funding for a 90-kilometre pipeline from Iron Knob to Kimba. While most of us would agree that desalination is our long-term aim, this would certainly provide some emergency water to upper and central Eyre Peninsula, except that I know that country pretty well, and there is no pipeline surveyed. No tenders have been called, most of that country has up to four native title claims over it and much of it is national park; yet minister Wright has announced that that pipeline will be commissioned in 2007 and the money spent in 2005-06. All I have to say to that is that the little pigs have boarded and are ready to fly. I do not think anybody on Eyre Peninsula believes him, and I certainly do not.

It is of some interest to me: if you take notice of the trifling amounts of money that are being touted for capital works outside metropolitan Adelaide, you see that that particular piece of expenditure is a major piece of capital works expenditure, all to be done in one year. I cannot help noticing that that announcement was made after Mrs Tina Wakelin announced her candidature for the state seat of Giles, and Kimba just happens to be in the state seat of Giles, as does Andamooka. I am going to Kimba the weekend after next, and I look forward to seeing the bulldozers clearing the native vegetation to run the pipe from Iron Knob to Kimba. There is a big, sweeping bend around Iron Knob, and the reason that that big, sweeping bend is on Highway 1 is that the road had to be deviated, because there is a site of Aboriginal significance in that area. Has minister Wright checked on that? I would be very surprised. I look forward to being at the commissioning of that pipe. I look forward to seeing the tap turned on, but I do not expect to live long enough, and I certainly do not expect it to be next year. The boldness of the government making a statement like that, to me, is quite fascinating.

I commend the government for its initiative with the wine cluster at Waite. However, again, I look forward to seeing it operative and to seeing what develops from that. Other than that, there is essentially nothing I can talk about out of the funding for agriculture, food and fisheries. Ms Kendall Jackson of the South Australian *Country Hour*, who interviewed me after the budget, must also have interviewed minister McEwen, because this is the transcript of what she said on the *Country Hour* on Friday 27 May:

The state government's \$10 million budget was handed down yesterday, and the agriculture and wine sectors have received \$38 million.

None of it new, just operating capital, but nevertheless that is what she said. It continues:

\$10 million has been allocated to the wine precinct of the Waite Institute.

I think that is \$7 million, but even then \$7 million is a lot of money for this government to spend on something that might benefit anything outside the city. It goes on:



The South Australian Research and Development Institute has received its usual \$25 million—

that is, nothing over and above what it usually gets—

and the State Food Plan will get \$600 000 more than last year—

I looked that up and, in fact, the State Food Plan gets nearly \$500 000 less out of \$4.5 million—

taking its total in the budget this year to \$4 million.

Except that it is taking it from \$4.5 million to \$4 million. Ms Jackson continued:

Agriculture minister Rory McEwen managed to get another \$1 million for the net buyback.

As we have heard, he got a lot more than that. I do not think Kendall Jackson made those figures up. I think those figures were reported to her by the minister. You and I both know Kendall Jackson, sir. We know that she is an honest, hard-working, rural journalist. However, when I had the question asked in estimates as to how minister McEwen arrived at \$600 000 extra for the Food Plan, he totally denied having ever said it and said that it was an urban myth. I do not believe that. I believe that is what he told Kendall Jackson off the record.

I must say that I am very disappointed that this government has seen fit to wind back the State Food Plan. This state has really only two or possibly three industries on which it is dependent. It is dependent increasingly on the royalties it receives from Roxby Downs. It is dependent on primary industries and the value-adding thereof, and it is dependent, unfortunately less and less, on manufacturing. Under our government, we had a State Food Plan that put us at the forefront of value adding and marketing, particularly niche marketing, of primary produce overseas and interstate. As I recall, our gross value when we left government was \$9.8 billion. It is now \$8 billion. We have slipped behind every other state in Australia in food exports, and this government has seen fit to wind back even further what is a very small budget in the overall picture of things.

I know that the morale in some of those areas is at an all-time low and I am not surprised by that. What concerns me is that, as we begin to slip and lose our markets overseas, at a time when countries like China are continuing to grow as export entities, we may never catch up again, and this government will wear that as a badge of honour in its dying days.

I have heard my colleagues at some length and can only reiterate what many of them have said. Of the \$2.2 billion extra that this government now has to play with, what have we seen in the last four years? We have seen a massive amount of planning, lots of plans, lots of thinkers, but not many doers, and this budget bears that out. It is interesting to note that this is the government that was going to cut back on fat cats, this is the government that was going to reduce the number of public servants who earned over \$100 000 by multiple per cent—I cannot remember how many multiples, whether it was by 20 per cent or by half that Treasurer Foley was going to reduce the number of those fat cats. He had no time for fat cats. We now have 1 800 more public servants than were budgeted for and, when we have asked questions in each of the departments as to what they are doing, the ministers have not been able to tell us. Each one of those ministers has had to say, 'I'll get back to you.'

We do have the figures. We do keep our eye on how many policemen we have on the beat, and there are not too many of those. In fact, we all know that they are barely keeping up with attrition. There are not too many more teachers, as we

saw outside on the steps this week. Those teachers are not saying that they have lots of extra colleagues and smaller class sizes, so that is not where they are. What is really disturbing is that the ministers do not know where they are—1 800 more public servants and no-one can tell us where they are, who they are or what they do.

That almost sums up my concern. It is either a government that does not care or it is a government that does not know and, either way, South Australia is a small state with a small economy. We cannot afford such inefficiencies. Just to top it off, and just to leave members with something else to think about, we now have an unfunded superannuation liability that has gone from \$3.2 billion—which is a bit scary; you would have to say that \$3.2 billion is a bit scary—to \$6.7 billion in four years. It has doubled in four years. We have an unfunded superannuation liability of that, and we have a corresponding WorkCover unfunded liability of \$631 million. We are going right down the path of another State Bank.

I hope sincerely that I do not see that happen, but there is nothing in this budget that would indicate to me that anything has changed. We have the same old Labor hacks in different clothes.

**The Hon. R.D. LAWSON:** I rise briefly to speak on the Appropriation Bill in relation to the two portfolio matters for which I have responsibility. In both those areas this government's budget this year has again been a disappointment. First, I deal with the justice portfolio and remind the council that this government in its first budget cut funding for local crime prevention. It cut funding for Operation Challenge and other programs within our prison system. It cut funding for psychological services to prisoners, and that funding has not been restored. In those areas we have gone backwards.

This government is not committed to crime prevention. It does not want to build a fence at the top of the cliff: it would rather have a couple of ambulances at the bottom of the cliff. It is not interested in preventative or innovative measures. We hear the Attorney-General on radio regularly saying that—

*The Hon. R.K. Sneath interjecting:*

**The Hon. R.D. LAWSON:** I am glad to say that, if appropriate, I am always happy to retract. The honourable member opposite would not know whether it was appropriate. The Attorney-General says that young Aboriginal offenders are responsible for most of the car thieving that has taken South Australia to the top of the tree in the field of car theft. What is this government doing about innovative programs to give those young Aboriginal children the sort of support they need if they are going to lead useful lives in our community?

What are the educational programs, what are the social programs and what are the employment and training programs to help those young men get on the right track? This government is not interested in those matters. It is not interested in funding programs of that kind. It is more interested in talking tough and rhetoric, and increasing penalties without providing the police with additional resources. This budget is a budget full of missed opportunities in the justice area. For example, the figures show that our criminal courts have low throughput rates, and there are hefty delays in our criminal courts.

Nothing in this budget assists in that. The one court program that the justice department has been running is the redevelopment of the Port Augusta court, and that program is a couple of years behind schedule. We find the performance indicators in our criminal courts are at the low end on the national scale. We do not find the government putting in

any funds to assist. We find that the Courts Administration Authority and the Supreme Court in particular are calling for additional funds to bring our Supreme Court up to an appropriate standard. It is now standing alongside a new and magnificent federal court building, which is showing up the state for the niggardly attitude of this government and its inappropriate priorities.

We find that this government, whilst to its credit is continuing the pilot programs and other programs in diversionary courts that the former government implemented, is not expanding those programs. They are not receiving additional funding. This government is simply not committed to making the real investment that is necessary if it is to improve community safety in this state.

On the subject of Aboriginal affairs, this government has been preoccupied by what has been happening on the Anangu Pitjantjatjara lands on its watch. It is deeply embarrassed that, in September 2003, the Coroner in the notorious petrol sniffing inquest laid out a blueprint for addressing these issues. Allocations were made in the last two budgets by the government, but still services and living standards on the lands have not improved. There are plenty more committees in Adelaide and many more bureaucrats flying around the countryside, most of whom have never actually lived on the lands.

Very few of them are indigenous people themselves, but anyone who goes to the lands will realise that there have not been big improvements. One only has to read the condemnation of Professor Lowitja O'Donohue to know the abject failure of this government on the Anangu Pitjantjatjara lands. The most important aspect is that anyone would think that all Aboriginal people in South Australia live on the Anangu Pitjantjatjara lands. This government has been totally focused on that area, important though it may be.

Of the 23 000 Aboriginal people in South Australia, fewer than 3 000 live on the lands. What about the other 20 000 who are living in our metropolitan area and in rural and regional South Australia? What about services for them? What about their housing and, more particularly, what about programs to improve their health and education outcomes, their training and their employment? This government, through this Premier in particular, has taken responsibility out of the hands of the Hon. Terry Roberts, who is notionally the Minister for Aboriginal Affairs and Reconciliation. I say in passing that we on this side of the chamber—as, I am sure, all members do—wish the Hon. Terry Roberts a speedy and complete recovery.

The fact is that, on his watch and whilst this Premier has been calling the shots, the government has been focusing on high profile matters, such as Bob Collins, Tim Costello and Lowitja O'Donohue, and overlooking the real needs of people on the lands. It is a pity that the government has again in this area not made sufficient investments across other programs to help the vast majority of Aboriginal people in our state improve their lot. So this budget, both on the subject of justice and in the area of Aboriginal Affairs, is a disappointment.

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I thank all members for their contributions to the debate on the Appropriation Bill which, of course, implements the budget for 2005-06. I undertook on behalf of the government to get some responses for the Hon. Robert Lucas on a number of questions that he asked last week. I have already provided a copy of those answers to the Hon. R.

Lucas and, in the interests of time, I seek leave to have those responses incorporated into *Hansard* without my reading them.

Leave granted.

In reply to **Hon. R.I. LUCAS** (30 June).

**The Hon. P. HOLLOWAY:** In response to the question:

Rate of growth Employee Expenses

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

The Treasurer has provided the following information:

On the basis of data published in the relevant Budget Papers and Final Budget Outcome documents:

- the estimated rate of growth in employee expenses in 2002-03 at the time of the 2002-03 Budget (ie 2002-03 Budget compared to 2001-02 estimated result) was 2.9%. The actual growth rate in 2002-03 was 4.4%;
- the estimated rate of growth in employee expenses in 2003-04 at the time of the 2003-04 Budget (ie 2003-04 Budget compared to 2002-03 estimated result) was 4.7%. The actual growth rate in 2003-04 was 7.9%; and
- the estimated rate of growth in employee expenses in 2004-05 at the time of the 2004-05 Budget (ie 2004-05 Budget compared to 2003-04 estimated result) was 3.2%. On the basis of the 2004-05 estimated result as published in the 2005-06 Budget papers (given that actual data for 2004-05 is not yet available), the expected growth rate in 2004-05 will be 6.4%.

In response to the question:

Change in methodology for nominal superannuation interest expense

For 2005-06, the by \$31.9 million. Will the government provide a more detailed explanation of this change in methodology? In particular, what has brought about this change in methodology? Is it required by any conventional guideline or national agreement, or is it simply a policy decision of the government? What is its impact in the forward estimates years on the nominal superannuation interest expense, and what is the purpose of the changed methodology?

The Treasurer has provided the following information:

The 2005-06 Budget introduces a change in the methodology for calculating the nominal superannuation interest expense.

An item that was formerly classified as an "other economic flow" (and included as part of "other revaluation adjustments" in Table 5.2 of the Budget Papers "Reconciliation of general government net worth") is now treated as a transaction with a positive impact on the net operating and net lending balances.

This item reflects the net impact of the assumed earnings rate on superannuation assets being greater than the government bond rate being used to calculate the superannuation liability, in respect of both new service expense and the interest expense on the liability.

The revised methodology recognises the expected earnings on assets held by FundsSA to offset the State's superannuation liability at the long term assumed earning rate assumption of 7 per cent rather than at the liability discount rate of 5.3 per cent as reflected in previous operating balances.

For 2005-06, the change in methodology reduces the nominal superannuation interest expense by \$31.9 million (\$33 million in 2006-07, \$36 million in 2007-08 and \$39 million in 2008-09).

The treatment is consistent with that adopted by Victoria, NSW and Queensland in their 2005-06 budgets.

The correct accounting treatment of this item has only become an issue since the valuation of the superannuation liabilities has been at the risk free discount rate rather than the earnings rate in line with the new Australian Accounting Standards.

The change in treatment was adopted to ensure comparability between jurisdictions and to more accurately reflect the expected return on superannuation assets.

In response to the question:

Office of Public Transport into General Government Sector

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

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

Why was the decision taken to include the Office of Public Transport and schools in the definition of 'general government sector'?

The Treasurer has provided the following information:

As a result of amendments to the Passenger Transport Act 1994 and the abolition of the Passenger Transport Board, the Office of Public Transport was created as a business unit within the former Department of Transport and Urban Planning, effective from 1 January 2004.

Upon the creation of this new business unit, consideration was given to the appropriate sector classification having regard to the Australian Bureau of Statistics (ABS) guidelines for the classification of entities.

The Office of Public Transport was classified for budget reporting purposes to the general government sector rather than the public non financial corporations sector due to the fact that only 21% of its revenue is generated through cost recovery from the sale of Metrotickets.

Government schools have always been classified to the general government sector. Since the 2004-05 Mid Year Budget Review, estimates of schools' revenue and expenditure has been available and have therefore been reflected in budget estimates.

Budget estimates for schools were formerly presented on a net basis and reflected as grant payments to schools by the Department of Education and Children's Services.

In short a 'net' presentation has been replaced by a 'grossed up' presentation consistent with ABS guidelines with no overall impact on the budget bottom line.

In response to the question:

Change in classification for Port River Expressway

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

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

The Treasurer has provided the following information:

The Port River Expressway project was initially budgeted to provide opening road and rail bridges that would be tolled. The South Australian Infrastructure Corporation (a Public Non-Financial Corporation) was to be responsible for project delivery, the collection of toll revenue and on-going bridge maintenance.

The Corporation was budgeted to receive State and Commonwealth funding via a grant from the general government sector and to return dividends and income tax equivalent payments to Consolidated Account upon commencement of the tolling revenue stream. The Corporation was structured to contract with the former Department of Transport and Urban Planning and other external parties for the completion of project works.

In April 2005 the Government announced its decision that the road and rail bridges would be opening and untolled. As there would be no revenue stream generated by the project, Cabinet provided approval for responsibility for the project to transfer from the South Australian Infrastructure Corporation to the Department for Transport, Energy and Infrastructure.

Under these new arrangements, the project is now reflected as a major investing project of the Department within the general government sector, and will receive direct Commonwealth and State funding to complete the project.

In response to the question:

Mitsubishi Loan Agreement

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

Will the government outline the details of this variation to the Mitsubishi loan agreement?

The Treasurer has provided the following information:

The closure of Mitsubishi Motors Australia Limited (MMAL) Lonsdale engine plant and reduction in the company's workforce has resulted in a reduced capacity to add value to its product and a consequent inability to meet the 'agreed production value in 2007' nominated in the existing loan agreement between MMAL and the State Government.

MMAL has recognised it is in technical breach of the obligations and approached the State Government with a view to amending the loan to ensure conditions are under their control and within its capacity.

Cabinet approved a variation to the loan agreement whereby the value of vehicle production obligations were replaced with the following alternative obligations on the part of MMAL:

- to maintain an automotive manufacturing plant at Tonsley Park until 31 December 2010 encompassing capability in the form of pressed metal stamping, body welding, body painting and vehicle assembly processes to enable mass production of motor vehicles.
- to maintain registration under the Commonwealth ACIS scheme as an automotive manufacturer until 2010 - this requires minimum annual production volumes.
- to release for sale a Magna replacement vehicle by 31 March 2006 and by that date expend a minimum \$450 million on development and production.
- to provide a parent company guarantee from Mitsubishi Motors Corporation (MMC).

All other terms and conditions attaching to the former loan continue to apply.

In response to the question:

Correction of Classification Errors

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

The Treasurer has provided the following information:

It is important to note that the classifications made in preparing this table have no impact on the funding levels and appropriations provided to agencies.

Treasury and Finance is continually improving processes used to classify and consolidate expenses by function data. This data is used by the Australian Bureau of Statistics (ABS) and the Commonwealth Grants Commission to compare expenditures by different jurisdictions.

The source financial information is provided by agencies and classified and consolidated by Treasury and Finance.

Some classification errors were identified soon after the 2004-05 Budget and a corrigendum for the 2004-05 budget was tabled on 21 September 2004.

The preparation of the 2005-06 Budget involved further review of functional data. Where changes were made to functional classifications for the forward estimates, the 2004-05 Budget was revised accordingly.

The classification changes reflected in the 2005-06 Budget have occurred for the following reasons: better classification of agency expenditure following review with the ABS and Commonwealth Grants Commission; improved data quality from agencies; and improved processes used by Treasury and Finance to consolidate the data, in particular the functional classification of transactions between general government agencies.

Details of the changes since the corrigendum was tabled are provided in the Table 1.

Table 1: General government sector expenses by function (\$million) - variation to corrigendum tabled in Parliament on 21 September 2004

	2004-05 Budget (corrigendum)	2004-05 Budget (2005-06 Budget Statement)	Variance
General public services	312	215	- 97

Defence	—	—	—
Public order and safety	954	940	- 14
Education	2 477	2 477	—
Health	2 718	2 714	- 4
Social security and welfare	606	590	- 16
Housing and community amenities	658	711	53
Recreation and culture	252	259	7
Fuel and energy	41	38	- 3
Agriculture, forestry, fishing and hunting	163	186	23
Mining, manufacturing and construction	153	107	- 46
Transport and communications	714	711	- 3
Other economic affairs	205	181	- 24
Other purposes	628	751	123
<b>Total GFS expenses</b>	<b>9 881</b>	<b>9 881</b>	<b>—</b>

The major reclassifications relate to the following:

Grants made by SA Local Government Grants Commission were reclassified to align with the ABS treatment. General purpose grants were reclassified from General public services to Other purposes (\$82 million). Grants for roads were reclassified from General public services to Transport and communications (\$26 million).

Reclassification of Planning SA expenditure from Other economic affairs to Housing and community amenities (\$25 million) to align with ABS treatment.

Reclassification of Supported Accommodation Assistance Program (SAAP) expenditure from Social security and welfare to Housing and community amenities (\$15 million) to align to ABS treatment.

Reclassification of PIRSA expenditure due to availability of expanded program data from the agency. This led to an increase to Agriculture, forestry, fishing and hunting (\$28 million), and reductions to Fuel and energy (\$1 million) and Mining, manufacturing and construction (\$27 million).

Reclassification of expenditure made by DAIS on behalf of other agencies to the purposes of the agencies. The major impact was reductions to Mining, manufacturing and construction (\$17 million), and Transport and communications (\$38 million).

Improved data about the administered activities of agencies was collected and used for the functional classification of expenditure. The impact was minor, with a reduction to Public order and safety (\$13 million) and increases to General public services (\$13 million) and Recreation and culture (\$8 million).

Classifications of interest expenses internal to the general government sector were revised to match the ABS classifications. This meant an increase to Other purposes (\$48 million) and reductions across all other functional classifications.

In response to the question:

Speed detector equipment

On Page 2.24 there is a reference under South Australia Police, "Operating initiatives, Road Safety – speed detector equipment", of some expenditures of \$1 million, \$2 million and then \$155 000 in 2007-08. Will the government indicate why this is in Operating initiatives section, particularly as there is reference to speed detector equipment, and why it is not included in the investing section of the budget? If it relates to staffing salaries in some way, why does the quantum vary significantly from \$1 million to \$2 million, then down to \$155 000 and ultimately to nothing.

The Treasurer has provided the following information:

The amounts listed on page 2.24 relate entirely to the purchase of equipment. Salaries and wages costs are not included. The total reported expenditure was incorrectly classified as operating expenditure. Expenditure related to speed cameras and breath analysis devices will be reclassified as investing purchases. Purchases of other items of equipment such as breath analysis (alcotest) equipment are correctly reported as operating expenditure as the cost of these items falls below SAPOL's value threshold for asset recognition.

In response to the question:

Justice Portfolio – partial reversal of 2003-04 savings measure

On page 2.25 is a reference to "Justice Portfolio – partial reversal of 2003-04 savings measure". Will the government indicate in

particular what savings measure from 2003-04 was reversed and the reasons for that reversal?

The Treasurer has provided the following information:

The 2003-04 Budget provided for savings to be achieved from various Justice Portfolio agencies over the period 2003-04 to 2007-08.

The savings measures were related to:

- Fleet management in SAPOL;
- Library services across several Justice agencies;
- A reduction in adjournments/remands in Magistrates Courts;
- Shared services across the Justice Portfolio; and
- Video Conferencing of prisoner appearances in Magistrates Courts.

There have been delays in the timing and implementation of some of these projects. As a result, the 2005-06 Budget provided for full reversal of these savings measures in 2004-05 and 2005-06 and a reallocation of the residual savings targets across Justice Portfolio agencies in the remaining years of the forward estimates.

In response to the question:

Land remediation

On page 2.30 is a reference to 'Land remediation—land previously held for the Southern Expressway', and some expenditure items there. Can the government indicate the nature of that land remediation and any more detail on that expenditure line?

The Treasurer has provided the following information:

In 2004 The former Department of Transport and Urban Planning identified certain parcels of land along the Southern Expressway corridor as surplus to the Department's future land requirements.

Cabinet has provided approval for some parcels of land to be sold and others to be converted into open space.

The expenditure for land remediation referred to on page 2.30 of the 2005-06 Budget Statement primarily relates to the provision of appropriate road access, to and from nearby local roads, along the expressway corridor.

In response to the question:

Memorandum Items

On page 2.31 is a reference in the 'Memorandum items – operating initiatives section', to 'Adelaide metropolitan bus services – revised contractual arrangements'. Can the Government outline in detail the specific nature of the revised contractual arrangements? Were these contractual arrangements legally required of the Government or were they policy decisions that the Government has taken in relation to the contracts for Adelaide metropolitan bus services?

The Treasurer has provided the following information:

The revised contractual arrangements were required, as the existing contractor (Serco) did not exercise its option to seek a renewal of its current metropolitan bus service contracts for another term on the same terms and conditions.

A Request for Tender was released on 16 August 2004. Tenderers were required to base their tenders on the package of bus services currently being provided in the contract areas.

On 7 February 2005, Cabinet provided approval for the Minister for Transport to enter into contracts with the successful tenderers (Australian Transit Enterprises Pty Ltd and Torrens Transit Pty Ltd). These contracts were for the provision of bus services for the Outer

North, North South and Outer North East contract areas of metropolitan Adelaide.

The 2005-06 Budget makes provision for these new contracts.

In response to the question:

Oakden Mental Health Beds

On page 2.33 is a reference to 'Oakden mental health beds – reversal of existing savings measure', just under \$1 million. In which particular budget year was that savings measure announced and what is the explanation for the reversal of that savings initiative?

The Treasurer has provided the following information:

The savings measure of just under \$1 million at Oakden was included in the 2002-03 Budget.

In response to the question:

Department of Education and Children's Services, Operating initiatives

On page 2.42 under 'Department of Education and Children's Services, Operating initiatives', there is a reference to 'Capital program—additional program support', with nothing in the next two years and then just under \$900 000 for the final two years. In the 'Investing initiatives' section there is the same reference, 'Capital program—additional program support', again in two out years, not in the first two forward estimate years, an additional cost item of just under \$800 000 in each year. Can the government explain in both lines what the difference is and why one is in 'Operating initiatives' and one is a capital program investing initiative?

The Treasurer has provided the following information:

The DECS 'capital program' is made up of an operating component and an investing component and this is reflected in the way the program is included in the Department's financial statements.

The amounts on page 2.42 represent indexation of the DECS capital program to better reflect the cost of the program in the forward years.

The investing component reflects the information contained in the Capital Investment Statement (Budget Paper 5) and includes capital works related to the State's school infrastructure. The operating component includes a number of annual programs such as maintenance and asset funding.

In response to the question:

Justice portfolio – partial reversal of 2003-04 savings measure

Page 2.47 shows "Justice portfolio – partial reversal of 2003-04 savings measure" of \$696 000 for 2004-05. What was the partial reversal and what was the reason for it?

The Treasurer has provided the following information:

This amount relates to the 2004-05 component of the following 2003-04 Budget savings measures within Justice Portfolio agencies:

- Library services;
- A reduction in adjournments/remands in Magistrates' Courts;
- Shared services; and
- Video Conferencing of prisoner appearances in Magistrates' Courts.

There have been delays in the timing and implementation of some of these projects. As a result, the 2005-06 Budget provided for full reversal of these savings measures in 2004-05 and 2005-06 and a reallocation of the residual savings targets across Justice Portfolio agencies in the remaining years of the forward estimates.

In response to the question:

Walkerville office

On page 2.48, under the Department of Transport, there is a reference to an operating initiative 'Walkerville office – deferral of the disposal of car park land', of \$4.7 million. Can the Government outline what decision was taken and when in relation to the Walkerville office disposal of the car park land and the reasons for the deferral of the disposal?

The Treasurer has provided the following information:

The 2004-05 Budget made provision for the sale of the then Department of Transport and Urban Planning's northern car park at Walkerville. The budget reported a benefit of \$4.7 million in 2004-05.

In December 2004, Cabinet provided formal approval for the Department of Transport to enter into agreement with the City of Walkerville to sell the northern car park for \$4.7 million. The agreement provided the proceeds to be received over two financial years (\$4.0 million in 2005-06 and \$0.7 million in 2006-07).

The revised agreement reflects the Council's timeframe for the Walkerville Terrace redevelopment.

In response to the question:

Land Tax

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

The Treasurer has provided the following information:

It has been assumed that the take-up rate for the quarterly land tax instalment option will be approximately 70 per cent. This is based on the experience of Local Government. In response to the question:

PNFC Ownership framework

On page 3.26, there is a paragraph reference to public non-financial corporations (PNFCs), the changed ownership framework and the dividend payout ratios for SA Water and Forestry SA. I understand that some information has been provided in the estimates committees, but can the government outline the detail of that? Can the government also indicate, from a policy viewpoint, what was the policy imperative which drove the changed ownership framework and whether the policy imperative was simply something to generate additional dividend payout ratios from those agencies?

The Treasurer has provided the following information:

The ownership framework arrangements cover capital structure, dividend payment arrangements and community service obligations, not simply dividend payout ratios.

The framework allocates risk in a manner comparable with shareholder risk in publicly listed companies. Accordingly, future dividend payments will be based on actual business outcomes rather than budget forward estimates. Capital structures under the new framework are also based on the same general factors that influence the debt and equity position of publicly listed companies – primarily business risk and capital intensity. Community Service Obligations will be output based, under long term agreements subject to regular review.

The policy objective of these changes was to improve PNFC financial performance and to maintain a transparent, arms length commercial relationship between PNFCs and Government.

In response to the question:

Royalty Revenue

On the same page, there is a reference to royalty revenue being expected to exceed budget in 2004-05. Can the government outline, in the forward estimates, what are the current assumptions in relation to the Olympic Dam expansion? I understand that this question was in part touched on by way of questions in this council by my colleague the Hon. Caroline Schaefer.

The Treasurer has provided the following information:

No provision has been made in the forward estimates for royalty from the Olympic Dam expansion.

In response to the question:

Average costs for public servants

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

The Treasurer has provided the following information:

Agency budgets are not developed on the basis of estimated movements in the average cost of full time equivalents. Hence, forecasts of average cost of employees are not a parameter used in budget development.

Estimates of employee entitlements are made on the basis of actual salary levels for employees and actual employee numbers published by the Office of the Commissioner for Public Employment.

In response to the question:

PPPs

In relation to public-private partnerships, I specifically seek a response from the government whether or not it is correct that the government has been taking advice on the prospects of a public-private partnership for the extension of tram networks above and beyond the currently publicly announced extensions through to North

Adelaide. In particular, has this government, in its three years in office, taken advice from leading financial and accounting advisers on the cost of extending the tram network down Port Road—and, indeed, any other extension of the tram network—and has the government made a policy decision on the possibility of public private partnerships being involved in that way?

The Treasurer has provided the following information:

The potential for the use of a public-private partnership (PPP) for the tram extension was considered as part of the overall costing estimate for the project. This is consistent with the government's policy to investigate alternative procurement options for major projects.

The government took advice from internal and external sources on this matter. KPMG was appointed by the former government to investigate the potential for a PPP to deliver the Glenelg to Victoria Square project.

KPMG continued to provide advice to the Department of Transport on a number of extension options, which included the North Adelaide and Port Adelaide extensions. However, by this time the Department had employed in-house financial expertise to assess

alternative procurement options, so that KPMG's further involvement in the project was largely ad hoc.

No policy decision has been taken to involve PPPs in any extension of the tram network, nor has a policy decision been taken to extend the network beyond North Adelaide

In response to the question:

Capital Works

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

The Treasurer has provided the following information:

Table 2 presents the capital works program as described in the Capital Investment Statement. Prior to 2002-03 the split between General Government and Public Non Financial Corporations is not available, and actuals data was not published. The total budget information prior to 2001-02 is not comparable with that from 2002-03 onwards as it includes some operating expenditures.

Table 2: Capital Works Program as published (\$m)

	Gen Government		PNFC		Total <sup>(1)</sup>	
	Budget	Actual	Budget	Actual	Budget	Actual
1997-98	—	—	—	—	1,141	—
1998-99	—	—	—	—	1,163	—
1999-00	—	—	—	—	1,150	—
2000-01	—	—	—	—	1,003	—
2001-02	—	—	—	—	1,035	—
2002-03	544	421	295	282	839	703
2003-04	532	506	356	345	889	849
2004-05	625	677 est	328	300 est	950	975 (est)
2005-06	634	—	406	—	1,040	—
2006-07	794	—	355	—	1,149	—
2007-08	763	—	324	—	1,087	—
2008-09	701	—	294	—	996	—

(1) May not add due to eliminations between sectors or rounding.

Table 3 presents the capital works program as defined by expenditure on the "Purchases of Non-Financial Assets". This information is consistent with the current presentation of the capital works program in the Capital Investment Statement.

Table 3: GFS Purchases of Non-Financial Assets as published (\$m)

	Gen Government		PNFC		Total <sup>(1)</sup>	
	Budget	Actual	Budget	Actual	Budget	Actual
1997-98	689	522	359	285	1,048	807
1998-99	612	382	308	370	919	751
1999-00	633	511	423	334	1,056	838
2000-01	535	432	259	284	829 <sup>(2)</sup>	716
2001-02	557	470	322	272	879	741
2002-03	544	421	295	282	839	703
2003-04	532	506	356	345	889	849
2004-05	625	677 est	328	300 est	950	975 (est)
2005-06	634	—	406	—	1,040	—
2006-07	794	—	355	—	1,149	—
2007-08	763	—	324	—	1,087	—
2008-09	701	—	294	—	996	—

1. May not add due to eliminations between sectors or rounding.

2. As published. An error was later discovered in the data. Correct figure \$794m.

In response to the question:

Land Tax collections

Regarding land tax collections, my question is similar to one that I understand has already been asked by my colleague the Hon. Julian Stefani. Can the Treasurer provide the breakdown details of the latest

estimates of land tax paid by private landowners on residential and commercial land and all other taxable land for the year 2004-05—that is, a breakdown of the \$150.9 million as reported in the 2005-06 budget? Will the Treasurer also provide the breakdown details of the latest estimates of land tax paid by private landowners on residential and commercial land and all other taxable land for the years 2005-06, 2006-07, 2007-08 and 2008-09?

The Treasurer has provided the following information:

	2004-05	2005-06	2006-07	2007-08	2008-09
	\$m	\$m	\$m	\$m	\$m
Collections by aggregated ownership:					
Residential only ownerships	44.6	46.0	47.1	48.2	51.0
Non-residential only ownerships	61.9	68.6	72.6	75.6	78.8
Mixed ownerships (residential and non-residential)	44.3	51.3	53.3	54.9	57.0
Total collections	150.9	165.9	173.0	178.7	186.8

Totals may not add due to rounding

NOTE: Forward projections are based on aggregated ownerships. The category "residential only ownerships" understates total land tax collections from residential properties because there are residential properties also in the "mixed ownership" category. For example, where an ownership comprises a commercial property, a holiday shack and a residential investment property, that aggregated ownership falls into the "mixed ownership" category.

In response to the following questions:

SAICORP

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

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

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

The Treasurer has provided the following information:

During the 2004-05 financial year SAICORP conducted an investigation of industry key performance indicators. Search results revealed software packages available to commercial insurers and other indicators which focused on the return on shareholders funds. These results were assessed as not suitable for SAICORP.

SAICORP's performance in the 2004-05 financial year reflects strongly against SAICORP's existing key performance indicators as published in the 2004-05 Portfolio Statements. (Budget Paper 4, Volume 1, page 3.12)

Over the past two financial years, the SAICORP Board has pursued an increased reporting regime from its actuary, including free reserve targets, premium pool calculations, and periodic monitoring of its claim liabilities. These targets and monitoring tools provide SAICORP with a performance based mix of indicators against which the Board measures SAICORP's financial performance.

During 2004-05, SAICORP continued to promote the involvement of Government agencies in the South Australian Chapter of the Risk Management Institution of Australasia, RMIA and it will continue to support RMIA in 2005-06.

SAICORP continued to provide extensive advice and assistance to agencies, particularly in relation to risk management issues and indemnity and insurance provisions of Government contracts and requests from contractors for limitations of liability. These activities will continue in 2005-06.

In 2004-05, SAICORP provided funding of \$50,000 to the Department of Health to support an Open Disclosure Pilot Project in connection with the implementation of the Australian Health Ministers' Advisory Council's National Open Disclosure Standard.

The General Manager SAICORP has been asked to represent the government and treasury managed funds as a member of the Steering Committee established by the Australian Health Ministers' Conference to steer the priority of the AHMAC National Open

Disclosure Standard.

In 2004-05, SAICORP also provided funding of \$20,000 to the Department of Environment and Heritage as the second of three funding instalments for bushfire research programs to be undertaken by the Bushfire Cooperative Research Centre.

SAICORP provided funding of \$2,500 to the Department of Health in connection with the Department's 2005 Medico-Legal Conference and Workshop.

SAICORP provided funding to meet the costs for an officer from the Security and Emergency Management Office and an officer from the Department of Treasury and Finance to attend the National Disaster Relief Arrangements (NDRA) Review meeting in Brisbane.

In 2005-06, SAICORP will continue to provide funding to agencies for approved risk management initiatives.

In 2004-05, SAICORP continued to promote and support the activities of the Australasian Society for Healthcare Risk Management, AuSHRM and will continue to support AuSHRM in 2005-06.

During 2004-05, SAICORP worked with the Department of Health regarding Root Cause Analysis investigations and provided risk management reports to the Department in connection with the management of medical malpractice claims. These activities will continue in 2005-06.

During April, May and June 2005, the lead underwriter of the Government's property reinsurance program, Vero, conducted surveys of significant government assets. Vero's report is due to SAICORP in the last week of August 2005 and its findings will be reported to and discussed with the agencies concerned.

SAICORP's General Manager is involved with a group being co-ordinated by the Department of Premier and Cabinet to develop a Government Risk Management Framework and to review the Government's Risk Management Policy Statement.

In relation to the measurement of the effectiveness of its risk management program, SAICORP requests reports from agencies about the projects for which it provides funding and collects data from agencies about their risk management policies and activities through SAICORP's annual insurance and risk management questionnaire

A trial of the clinical risk management officer position was conducted from September 2004 to January 2005. The trial was originally intended as a part-time twelve month trial, however, the clinical risk management officer was recruited mid-trial by a legal firm external to the public sector.

The role of the clinical risk management officer was to assist in the minimisation of the incidence and severity of medical indemnity claims through the identification and analysis of clinical risks that have resulted in adverse events and potential large claims.

The role encompassed working in conjunction with the aims and objectives of the South Australian Patient Safety Framework through the Department of Health, Clinical Systems.

The following benefits resulted from the trial:

- involvement in the development of processes to improve the correlation between incident review activities across the public health system ;
- involvement in the development of processes for the conduct of reviews of relevant health units systems and processes as part of the legal investigation regarding potential claims;
- review of existing medical indemnity claims with a view to identifying and providing advice in relation to specific clinical risk management issues; and,
- improved communication and interface between the Department of Health - Clinical Systems, Insurance Services, claims managers and health units insured by the Government regarding patient safety, clinical risk management and claims management activities.

As part of a broader redevelopment of the Treasury and Finance (DTF) external web site conducted in 2004-05, SAICORP reviewed and upgraded its portion of the DTF external website. The SAICORP review began in February 2005 and was completed in June 2005.

The 2003-04 annual report is now available on the upgraded external DTF website.

The purpose of populating SAICORP's web site with up-to-date data is to provide SAICORP's reinsurers with accurate information regarding the Government's assets and risks.

Following the update of the whole of Treasury website, the SAICORP web site has been populated with the 2004-05 data as declared by government agencies in the SAICORP annual insurance and risk management questionnaire. This data will be updated in late July /early August with the data from the 2005-06 questionnaires.

The Government's Strategic Asset Management Information System (SAMIS) went live in April 2005. Discussions will be held with the DAIS SAMIS Service Team and agencies regarding the download of data from SAMIS into SAICORP's web site.

Access to this area of the web site is by password which is provided to the Government's reinsurers for the appropriate sections. This area is not for general access.

In response to the question:

SAFA

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

The Treasurer has provided the following information:

SAFA has been managing the implementation of the Australian equivalents of International Financial Reporting Standards (AIFRS) for the past 18 months.

As stated in Note 1 of SAFA's 2003-04 financial statements, SAFA established a project team to ascertain the impact of AIFRS and the preliminary review indicated that changes to SAFA accounts would be minimal as SAFA was already market value accounting its assets and liabilities.

Over the last 12 months, SAFA has continued work on the project to ensure compliance with AIFRS.

The work has involved liaising with other central borrowing authorities throughout Australia to assess their approach to implementing the requirements of AIFRS and also the Auditor-General, who will be responsible for auditing SAFA's accounts under the new standards.

The additional work has confirmed SAFA's position to market value account its assets and liabilities. There are some minor issues that SAFA is still discussing with the Auditor-General relating to the use of mid prices to value assets and liabilities and also some disclosure requirements relating to changes in the market value of SAFA's liabilities relative to a benchmark. These issues will be resolved over the next few weeks. In response to the question:

Sub program 2.1 – Maintaining Roads

Page 6.22 of Budget Paper 4 shows that in 2005-06 a net cost for sub-program 2.1 is \$53 736 000. Is it an estimated underspend of \$53.7 million in 2005-06? What are the total revenue costs associated with this particular sub-program?

The Treasurer has provided the following information:

Sub-program 2.1 is titled "Maintaining Roads" and reflects the Government's provision of services to maintain the State's road and bridge infrastructure.

Revenue reported within this sub-program consists primarily of Commonwealth contributions, motor vehicle registration fees and drivers licence fees, and totals \$285.8 million in 2005-06. Commonwealth revenue accounts for \$103.7 million of the total revenue reported within this sub-program. Of this amount, \$67.2 million relates to investing expenditure which is excluded from the net cost of services. Consequently revenues exceed operating expenditure and result in a negative net cost of services. This expenditure is reported in the Statement of cash flows of the Department in 2005-06.

In response to the question:

Program structure

On what basis the decision was taken to no longer show sub-programs revenues and costs?

The Treasurer has provided the following information:

The new Government decided to show information by program/sub-program rather than output class/outputs. In doing so it was decided to improve the information by having a summary statement of financial performance for each program, which gave significant detail on the items of expenses and revenues that was not formerly provided for output classes.

**The Hon. P. HOLLOWAY:** Again, I thank members for their contributions.

Bill read a second time.

In committee.

Clause 1.

**The Hon. R.I. LUCAS:** I thank the Leader of the Government and, through him, the Treasury officers who have provided answers to some of the issues raised in the second reading. I have not had the opportunity to go through all of those answers in detail. Certainly, as one would imagine, there will be some issues that I would want to pursue. The Treasurer and Treasury have not really answered some of the issues, but I guess I can do that in the September session through questions and questions on notice.

However, there is one particular issue that I want to place on the record and I ask the Leader of the Government to take on notice and, through his good offices, to try to get answers through correspondence for me. That issue is in relation to the extent of on-costs for public servants. As I understand it, the government's position is that it is very hard to give an average level of on-costs for public servants, so can I put some specific questions to the minister?

In relation to the Department of Treasury and Finance, can the minister provide the specific on-costs for an officer at each level of the administrative range—that is, ASO1 through to ASO8—and the two bottom levels of the executive officer range? This is clearly something within the Treasury portfolio. They are specific classification grades.

**The Hon. P. Holloway:** Do you want them across government, or just in Treasury?

**The Hon. R.I. LUCAS:** Just in Treasury. I presume they will not be too different for every other department. Figures have been provided previously that say the average on-costs for public servants is 25 per cent or 30 per cent. There is 9 per cent superannuation, worker's compensation and a variety of other costs. As I understand the government's answer, at the moment it is impossible to do it for an average public servant, so let us just take the Treasury department. The Treasurer must know, in relation to its own employees, that if it employs an ASO4 at \$45 000 a year, that will cost Treasury another \$15 000 a year, or 33 per cent on-costs.

Secondly, in relation to teachers, to save the work load, can I take the top classification of classroom teacher? It is the classification level that minister Wright has used in the current dispute with the AEU as an example of where the teachers are located on a national scale at the moment. It used to be classification 12, I think, but I expect it has all changed in recent times. But, in terms of seniority, through years of service, teachers eventually get to a certain level without any promotion. So, for the particular teacher that minister Wright is arguing is being paid in the \$50 000s now and under the government's proposal will be paid in the \$60 000s, what is the level of on-costs for a teacher at that classification level?

I do not have as much knowledge of nurses and police officers, but I ask a similar question for one particular classification of nurse which might be deemed to be a typical nurse's classification. Again, what is the estimated on-costs for that nurse's classification that the health department uses? Finally, in relation to police officers, again not for promotion positions but for a typical police officer classification, what is the level of on-costs that the Police Department uses for a police officer? That is the only area. There are a number of other areas I will pursue in the September session when I have had a chance to go through the answers in greater detail. If the leader is prepared to take that on notice and, either through him or the Treasurer, correspond with me during the



eight or nine week break, I am happy not to delay the committee stage of the Appropriation Bill.

**The Hon. P. HOLLOWAY:** I am happy to give the undertaking that Treasury will provide that information to the leader over the break. I thank him for his consideration in order to allow the speedy passage of the bill.

Clause passed.

Remaining clauses (2 to 8), schedule and title passed.

Bill reported without amendment; committee's report adopted.

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

That this bill be now read a third time.

I thank the officers from Treasury for their assistance in meeting those time deadlines and, of course, for all the work they have done in preparing the budget.

Bill read a third time and passed.

### SPECIAL COMMISSION OF INQUIRY (POWERS AND IMMUNITIES) BILL

In committee (resumed on motion).

(Continued from page 2409.)

Clause 7 passed.

Schedule.

**The Hon. R.D. LAWSON:** I move:

No. 6—Page 3, after line 36—

Insert:

Schedule 1—Terms of reference

To inquire into and report upon the following matters:

(1) Whether the Premier or any Minister, ministerial adviser or public servant participated in any activity or discussions concerning:

- (a) the possible appointment of Mr Ralph Clarke to a government board or position; or
- (b) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with a defamation action between Mr Clarke and Attorney-General Atkinson

(The activity and discussions and events surrounding them are referred to in these terms as "the issues".)

(2) If so, the content and nature of such activity or discussions.

(3) Whether the Premier or any Minister or ministerial adviser authorised any such discussions or whether the Premier or any Minister or ministerial adviser was aware of the discussions at the time they were occurring or subsequently.

(4) Whether the conduct (including acts of commission or omission) of the Premier or any Minister or ministerial adviser or public servant contravened any law or Code of Conduct; or whether such conduct was improper or failed to comply with appropriate standards of probity and integrity.

(5) Whether the Premier or any Minister or ministerial adviser made any statement in relation to the issues which was misleading, inaccurate or dishonest in any material particular.

(6) Whether the actions taken by the Premier and Ministers in relation to the issues were appropriate and consistent with proper standards of probity and public administration and, in particular:

- (a) why no public disclosure of the issues was made until June 2003;
- (b) why the issues were not reported to police in November 2002 and whether that failure was appropriate;
- (c) why Mr Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate;

(d) whether the appointment of Mr Warren McCann to investigate the issues was appropriate;

(e) whether actions taken in response to the report prepared by Mr McCann were appropriate.

(7) What processes and investigations the Auditor-General undertook and whether the Auditor-General was furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter dated 20 December 2002 to the Premier.

(8) Whether adequate steps were taken by Mr McCann, the SA Police and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues.

(9) Whether the processes undertaken in response to the issues up to and including the provision of the report prepared by Mr McCann were reasonable and appropriate in the circumstances.

(10) Whether there were any material deficiencies in the manner in which Mr McCann conducted his investigation of the issues.

(11) Whether it would have been appropriate to have made public the report prepared by Mr McCann.

(12) Whether Mr Ashbourne, during the course of his ordinary employment, engaged in any (and, if so, what) activity or discussions to advance the personal interests of the Attorney-General and, if so, whether any Minister had knowledge of, or authorised, such activity or discussion.

(13) Whether Mr Ashbourne undertook any and, if so, what actions to "rehabilitate" Mr Clarke, or the former Member for Price, Mr Murray DeLaine, or any other person into the Australian Labor Party and, if so, whether such actions were undertaken with the knowledge, authority or approval of the Premier or any Minister.

(14) With reference to the contents of the statement issued on 1 July 2005 by the Director of Public Prosecutions, Mr Stephen Pallaras QC:

- (a) what was the substance of the "complaint about the conduct of the Premier's legal adviser, Mr Alexandrides";
- (b) what was the substance of the "telephone call made [by Mr Alexandrides] to the prosecutor involved in the Ashbourne case";
- (c) what were the "serious issues of inappropriate conduct" relating to Mr Alexandrides;
- (d) whether the responses of the Premier, the Attorney-General or any Minister or Mr Alexandrides or any other person to the issues mentioned in the Director of Public Prosecutions' statement were appropriate and timely; and
- (e) whether any person made any statement concerning the issues referred to in the Director of Public Prosecutions' statement which was misleading, inaccurate or dishonest in any material particular.

(15) Whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of a Minister or ministerial adviser (that has not already been referred to the police) to the Solicitor-General in the first instance for investigation and advice.

(16) If the reference of such an allegation to the Solicitor-General would not be appropriate (in general or in a particular case) or would not be possible because of the Solicitor-General's absence or for some other reason, who would be an alternative person to whom it would be appropriate to refer such an allegation in the first instance for investigation and advice.

(17) What action should be taken in relation to any of the matters arising out of the consideration by the Inquiry of these terms of reference. The Special Commissioner must not, in the Inquiry or report on the Inquiry, purport to make any finding of criminal or civil liability.

I do not seek in this committee stage to enlarge greatly upon the terms of reference, which are now included in this schedule. However, the terms of reference, which are incorporated in this schedule, include the five terms of reference that the government originally proposed for the very narrow inquiry that the government envisaged.

The first government term of reference, No. 1, appears as subclause (9) of the schedule; the second as subclause (10); the third as subclause (11); the fourth as subclause (15); and, the fifth as subclause (16) in the schedule. The terms of reference now included will include not only the very narrow process issues that the government wishes to have determined—in fact, the government does not seek to have those questions determined at all because it knows the answers to them—in the interests of ensuring that this inquiry will cover the ground the government wanted to include, but also all the other outstanding issues that ought be answered.

In order to address the complaint of the minister that this inquiry is simply attempting to retry Randall Ashbourne, I have included the words ‘the special commissioner must not purport to make any finding of criminal or civil liability’. We accept the decision of the jury and that is not to be revisited, but many other things should be visited for the first time.

**The Hon. P. HOLLOWAY:** There is no point in prolonging the debate at this stage as we have had it earlier. The government opposes these terms of reference. We believe that some, as I indicated in my second reading response last night, particularly those of the Hon. Sandra Kanck, are absurd, particularly the one looking at whether Mr Nick Alexandrides had contributed to drafting the bill. I made the point when Mr Alexandrides was advising me that of course he did, as that is what he is paid to do. If we are to have investigations and pay senior counsel the sort of rates we would expect to pay—in excess of \$5 000 a day, plus costs—it is absurd to look at many of the issues suggested in these terms of reference. The government accepted long ago that there was a need to have an independent inquiry into the administrative processes—

*The Hon. R.D. Lawson interjecting:*

**The Hon. P. HOLLOWAY:** Well, quite a lot.

**The Hon. R.D. Lawson:** It's all right when you are examining others.

**The Hon. P. HOLLOWAY:** You are quite happy to pay the commission of inquiry, but to look at whether Mr Alexandrides contributed to writing the legislation really is going right over the top. I can give you the answer now: it is yes. Similarly, there are many other points. We know where this bill is going. The sooner it gets back to the House of Assembly and there is some appropriate action and discussion taken—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** It was drafted long before. Let us let this measure take its course. The government is opposed to this matter. The sooner it gets back to the House of Assembly and a final decision made between the two houses the better.

**The Hon. SANDRA KANCK:** Having listened to what the Hon. Rob Lawson has said, I will move my amendment in a amended form, as follows:

Page 3, after line 36—

Insert:

Schedule 1—Terms of reference

To inquire into and report upon the following matters:

- (1) Whether the Premier or any Minister, ministerial adviser or public servant participated in any activity or discussions concerning:
  - (a) the possible appointment of Mr Ralph Clarke to a government board or position; or
  - (b) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with a defamation action between Mr Clarke and Attorney-General Atkinson

(The activity and discussions and events surrounding them are referred to in these terms as "the issues".)

(2) If so, the content and nature of such activity or discussions.

(3) Whether the Premier or any Minister or ministerial adviser authorised any such discussions or whether the Premier or any Minister or ministerial adviser was aware of the discussions at the time they were occurring or subsequently.

(4) Whether the conduct (including acts of commission or omission) of the Premier or any Minister or ministerial adviser or public servant contravened any law or Code of Conduct; or whether such conduct was improper or failed to comply with appropriate standards of probity and integrity.

(5) Whether the Premier or any Minister or ministerial adviser made any statement in relation to the issues which was misleading, inaccurate or dishonest in any material particular.

(6) The failure of the Premier, the Deputy Premier, the Attorney-General and the, then, Minister for Police to report the issue in the first instance to the Anti-Corruption Branch of the SA Police.

(7) Whether the actions taken by the Premier and Ministers in relation to the issues were appropriate and consistent with proper standards of probity and public administration and, in particular:

(a) why no public disclosure of the issues was made until June 2003;

(b) why Mr Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate;

(c) whether the appointment of Mr Warren McCann to investigate the issues was appropriate;

(d) whether actions taken in response to the report prepared by Mr McCann were appropriate.

(8) What processes and investigations the Auditor-General undertook and whether the Auditor-General was furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter dated 20 December 2002 to the Premier.

(9) Whether adequate steps were taken by Mr McCann, the SA Police and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues.

(10) Whether the processes undertaken in response to the issues up to and including the provision of the report prepared by Mr McCann were reasonable and appropriate in the circumstances.

(11) Whether there were any material deficiencies in the manner in which Mr McCann conducted his investigation of the issues.

(12) Whether it would have been appropriate to have made public the report prepared by Mr McCann.

(13) The matters investigated and all the evidence and submissions obtained by the Anti-Corruption Branch of the SA Police.

(14) Whether Mr Ashbourne, during the course of his ordinary employment, engaged in any (and, if so, what) activity or discussions to advance the personal interests of the Attorney-General and, if so, whether any Minister had knowledge of, or authorised, such activity or discussion.

(15) Whether Mr Ashbourne undertook any and, if so, what actions to "rehabilitate" Mr Clarke, or the former Member for Price, Mr Murray DeLaine, or any other person into the Australian Labor Party and, if so, whether such actions were undertaken with the knowledge, authority or approval of the Premier or any Minister.

(16) The propriety of the Attorney-General contacting journalists covering the Ashbourne case in the District Court, during the trial, and the nature of those conversations.

(17) With reference to the contents of the statement issued on 1 July 2005 by the Director of Public Prosecutions, Mr Stephen Pallaras QC:

- (a) what was the substance of the "complaint about the conduct of the Premier's legal adviser, Mr Alexandrides";
- (b) what was the substance of the "telephone call made [by Mr Alexandrides] to the prosecutor involved in the Ashbourne case";
- (c) what were the "serious issues of inappropriate conduct" relating to Mr Alexandrides;
- (d) whether the responses of the Premier, the Attorney-General or any Minister or Mr Alexandrides or any other person to the issues mentioned in the Director of Public Prosecutions' statement were appropriate and timely; and
- (e) whether any person made any statement concerning the issues referred to in the Director of Public Prosecutions' statement which was misleading, inaccurate or dishonest in any material particular.
- (18) Whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of a Minister or ministerial adviser (that has not already been referred to the police) to the Solicitor-General in the first instance for investigation and advice.
- (19) If the reference of such an allegation to the Solicitor-General would not be appropriate (in general or in a particular case) or would not be possible because of the Solicitor-General's absence or for some other reason, who would be an alternative person to whom it would be appropriate to refer such an allegation in the first instance for investigation and advice.
- (20) Whether Mr Alexandrides assisted in framing the Terms of Reference for the Inquiry proposed by the Government in the resolution of the House of Assembly passed on 5 July 2005.
- (21) What action should be taken in relation to any of the matters arising out of the consideration by the Inquiry of these terms of reference. The Special Commissioner must not in the inquiry or report on the inquiry, purport to make any finding of criminal or civil liability.

I will explain the difference between my set of amendments and the Hon. Robert Lawson's. My amendment No. 6 refers to the failure of the Premier, the Deputy Premier, the Attorney-General and the then minister for police to report the issue in the first instance to the Anti-Corruption Branch of the SA Police. Amendment No. 13 refers to the matters investigated and all the evidence and submissions obtained by the Anti-Corruption Branch of the SA Police. Amendment No. 16 relates to the propriety of the Attorney-General contacting journalists covering the Ashbourne case in the District Court during the trial and the nature of those conversations. Amendment No. 20, to which the Hon. Mr Holloway has referred and which is not vitally important as he said that the answer to it is yes, deals with whether Mr Alexandrides assisted in framing the terms of reference for the inquiry proposed by the government in the resolution of the House of Assembly passed on 5 July 2005.

Of those extra four terms of reference that I have compared with Mr Lawson's, the most crucial is No. 13, referring to the matters investigated and all the evidence and submissions obtained by the Anti-Corruption Branch of the SA Police. I referred to them at some length in my second reading speech last night. It is essential that that material becomes part of the inquiry. Hence, I ask members to support my amendments in preference to those of the opposition.

**The Hon. R.I. LUCAS:** I raise one issue: the Leader of the Government's stunning revelation that Mr Alexandrides helped draft the legislation before us this afternoon. The

Leader of the Government seems to be saying, 'So what? What's wrong with that?'

**The Hon. Carmel Zollo:** Well, he is the legal adviser.

**The Hon. R.I. LUCAS:** The Hon. Carmel Zollo interjects that he is the legal adviser. I think that this government, and some of its ministers, has lost all sense of what is right and wrong in relation to some of these issues. What we have here is Mr Alexandrides drafting terms of reference that specifically exclude any consideration of the matters relating to his role in some of these important issues raised by the Director of Public Prosecutions. Significant issues will be considered if these amended terms of reference moved by the Hon. Sandra Kanck and the Hon. Robert Lawson are accepted by this chamber.

What we have is the Leader of the Government saying that Mr Alexandrides is drafting the terms of reference. Of course, if you are Mr Alexandrides, you will draft terms of reference that do not refer to any consideration of your role or questions raised by the Director of Public Prosecutions of considerable concern about a telephone discussion between you and a prosecutor during the state's first political corruption trial. Where is the sense of right and wrong of this government and its ministers that they can say, 'So what? He is the senior legal adviser. We'll let him draft the terms of reference so that they specifically exclude any consideration of the questions raised about him'? Where is this government's sense of right and wrong?

It is extraordinary that minister Holloway and minister Zollo can say, bald-faced in this chamber, 'So what? What's wrong? He is the senior legal adviser.' I cannot put it any more simply than that. With the greatest of respect to Mr Alexandrides, when you are drafting terms of reference, you do not get someone who is the subject of some criticism from the Director of Public Prosecutions to draft the terms of reference for the commission of inquiry. I cannot put it any more simply than that. There is something wrong with this government, its ministers and advisers when they can shrug their shoulders and say, 'So what? What's wrong? He is the senior legal adviser. Let him do what he wants in relation to the drafting of the terms of reference. So what if they happen to be drafted to ensure that there is no consideration of the issues of considerable concern in relation to his activities?' There is something wrong, and there is something rotten, and that is the reason why the government's terms of reference ought to be rejected and the terms of reference of the Hon. Mr Lawson and the Hon. Sandra Kanck accepted.

**Honourable members:** Hear, hear!

**The Hon. CARMEL ZOLLO:** I think it is worth while putting facts on the record. I know that my colleague the Hon. Paul Holloway has already done so, but I need to remind the Leader of the Opposition that this inquiry was promised by the Premier in the other place—

*Members interjecting:*

**The Hon. CARMEL ZOLLO:** He did promise this inquiry in relation to the terms of reference with respect to Ashbourne, Clarke and Atkinson—and we have delivered. What the Leader of the Opposition is now bringing up in relation to a private conversation between two people really has nothing to do with the terms of reference of this inquiry.

*The Hon. R.I. Lucas interjecting:*

**The Hon. CARMEL ZOLLO:** Well, there is just nothing in it, and the fact that members opposite deem it appropriate to make them the terms of reference really shows how desperate they are.

**The Hon. NICK XENOPHON:** I direct my question to the Hon. Mr Lawson. I have previously said on the record that I support the inquiry's being open, with broader terms of reference and the powers of a royal commission so that there is immunity for anyone giving evidence. I have made that very clear. However, I question the relevance of proposed term of reference 14. In 2003, I signed up with other cross-benchers for an inquiry to be conducted, and I have absolutely no problem with that, but I question whether this is going beyond that and that we are going so far ahead in time, beyond the key issues of what triggered this whole incident in the first place.

My view is that the inquiry ought to be broader, open and transparent and have the powers of a royal commission, but I have some reservations about the term of reference involving Mr Alexandrides and whether the inquiry should spread itself thinly in terms of that issue. At the end of the day, I am inclined to oppose it, but I have some reservations I want to put on the record, as I think it is getting into the realms of a highly political exercise, rather than getting to the substance of the issues of conduct and related matters, which I think are quite legitimate for this inquiry.

**The Hon. R.D. LAWSON:** The matter to which the Hon. Nick Xenophon refers is clause 14 of our terms of reference, which seeks to address the matters raised by the Director of Public Prosecutions on 1 July this year—only last week. The most serious allegations were made in that quite unprecedented statement of the Director of Public Prosecutions. The statement in itself would be justification for a separate and independent inquiry at the highest possible level. However, given the fact that, on the Premier's own promise, there is already to be an inquiry into the Atkinson-Ashbourne affair, it is only sensible to incorporate an inquiry, which would have been a separate inquiry, on the matters raised by the Director of Public Prosecutions last week. That is why we have included these matters in the terms of reference.

Remember that the Director of Public Prosecutions is not a political figure. The Hon. Nick Xenophon says that this is too political. Mr Pallaras was not making a political statement at all: he was making a statement that might be taken by the Premier to be a political statement or attack. He was making a statement about the conduct of a court case in this state where he alleged, to use his words, serious issues of inappropriate conduct. That matter must be investigated and determined. Plenty of people on the government side say that there was really nothing in it and that was not all that serious. Maybe they are right, but that certainly was not Mr Pallaras' view. He called them serious issues of inappropriate conduct. He would not have made that public statement unless it occurred and he had good grounds for making it. Let us give him an opportunity in an appropriate inquiry to state the reasons for it. That is the reason that we believe this particular term of reference is appropriate. We would not have thought of it before last week because, frankly, it did not surface until then.

I also indicate that I will withdraw the amendment that I have moved. The Hon. Sandra Kanck's amendment includes all our terms of reference, and it includes another five that the honourable member considers to be appropriate. The minister denigrates them, for example, wondering why we should ask what hand Mr Alexandrides had in drawing up the terms of reference, because that will only waste time. It will not waste any time at all because the government acknowledges that he actually drew up the terms of reference, so that will not add anything to the inquiry. The question is—and the inquiry will

determine it—was that appropriate for a government that claims to have high standards of probity and integrity? I withdraw my amendment, and the opposition supports the Hon. Sandra Kanck's amendment.

**The Hon. NICK XENOPHON:** In relation to the Hon. Sandra Kanck's terms of reference at clause 13, and I would be grateful if the Hon. Sandra Kanck could elaborate on this, it states:

The matters investigated and all the evidence and submissions obtained by the Anti-Corruption Branch of the SA Police.

Would that also include any recommendations made, because there has been some media speculation that the Anti-Corruption Branch made a recommendation that the matter not be taken further? Would that term of reference cover that in terms of the process of the investigation by the Anti-Corruption Branch, and any investigation, or would it fall short of that?

**The Hon. SANDRA KANCK:** I am not sure that it would cover that. It is interesting that the honourable member asks a question like that because, when I spoke with ministers Maywald and McEwen on Monday night, they were arguing that those very vague terms of reference of the government that they were supporting would allow the commissioner to look at anything that the Anti-Corruption Branch had. What I have here is obviously much more specific, but I could not guarantee that it would require the Anti-Corruption Branch to hand over the recommendations. I think that would—

*The Hon. Nick Xenophon interjecting:*

**The Hon. SANDRA KANCK:** I would have no problems if the member wanted to amend this to specifically state that.

**The Hon. NICK XENOPHON:** Given that the Deputy Leader of the Opposition has taken the lead on this for the opposition, would he have any difficulty if clause 13 of the Hon. Sandra Kanck's amendment simply encompassed 'any recommendations made'? Would he have an issue with that? I would have thought that it would provide a way to get the full story from the Anti-Corruption Branch. It could be that it made a recommendation that it should be prosecuted and that the media reports are not accurate, but I simply raise that so that we can get the full story in terms of what the Anti-Corruption Branch recommended. It talks about the evidence, submissions and all the work that the Anti-Corruption Branch did but, presumably, to get the full story, it ought to include any recommendations made.

**The Hon. R.D. LAWSON:** I think that the Hon. Nick Xenophon raises an interesting point. We would all have seen press reports about suggestions that a recommendation to a certain effect was made, although I have seen no verification of that. Our interest is only in getting to the truth of all relevant matters. I think that if we want to ensure that that recommendation was revealed, we should actually insert the words 'and recommendations made' after 'submissions obtained'. I think it is a good idea and that the honourable member should move an amendment to that effect.

**The Hon. NICK XENOPHON:** Mr Chairman, may I move an amendment from the floor? I move:

That the words 'and any recommendations made' be inserted after the words, 'submissions obtained by' and after those words and just before the words 'the Anti-Corruption Branch of the SA Police'.

So, the proposed amended subclause would read:

the matters investigated and all the evidence and submissions obtained by and any recommendations made by the Anti-Corruption Branch of the SA Police.

I hope I have not caused any anxiety for parliamentary counsel in drafting that.

Amendment to amendment carried.

The committee divided on the amendment as amended:

AYES (12)

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

NOES (4)

Gazzola, J.	Holloway, P.
Sneath, R. K.	Zollo, C.

PAIR

Stephens, T. J.	Roberts, T. G.
Lensink, J. M. A.	Gago, G. E.

Majority of 8 for the ayes.

Amendment as amended thus carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

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

That this bill be now read a third time.

I indicate that the government is very disappointed with the amendments that have been made. They are unacceptable to the government. However, we will see what happens when the bill passes down to the House of Assembly but, clearly, the bill in its present form is not acceptable to the government.

Bill read a third time and passed.

#### McEWEN, Hon. R.J.

**The Hon. D.W. RIDGWAY:** I move:

That this council condemns the Hon. Rory McEwen, Minister for Agriculture, Food and Fisheries, Minister for State/Local Government Relations and Minister for Forests and member for Mount Gambier, as the longest serving rural member of the National-Labor coalition cabinet, for neglecting the needs of all rural and regional South Australians.

Mr McEwen was elected some eight years ago to represent the electorate of Gordon, as it was known then, and now the electorate of Mount Gambier. I seem to have suffered the similar fate to that of the Hon. Carmel Zollo in having misplaced one of my important pieces of paper. I looked through the honourable minister's maiden speech, which document I hoped to have in hand. There were a number of matters and I was going to quote them into *Hansard*, but from memory they spoke about his fierce independence and that he would always remain independent, would always vote with his conscience and always stick up for rural and regional South Australia.

*Members interjecting:*

**The Hon. D.W. RIDGWAY:** The Hon. Rory McEwen, Minister for Agriculture, Food and Fisheries, Minister for State/Local Government Relations and Minister for Forests. So I thought I would highlight some of the things where the member for Mount Gambier has failed himself, when we look back at his maiden speech. One of the major issues which we have all been aware of in this chamber, for nearly all the time that I have been a member of the parliament, is the deplorable

state of the Mount Gambier hospital. In the member's maiden speech he indicated that there were a number of concerns and he expected that he would fix the problems of the Mount Gambier Health Service. I notice that in his report to the householders in his electorate, his first ministerial report card, he said that one of his challenges for 2004—we are now in the middle of 2005—was to conclude the negotiations on the future directions of the health services of the region.

As we discovered only last week, the Mount Gambier hospital and, in fact, the Jamestown hospital and the Mannum hospital are among the 26 worst hospitals in Australia. We have something like 7 per cent of the population but we have 11 per cent of the worst hospitals in the nation. The Premier (Hon. Mike Rann) has said that his cabinet has a rural flavour now and is well represented on rural and regional issues by the member for Mount Gambier, yet now we have the largest percentage of the worst hospitals in the nation. My view, and the view of the Liberal Party, is that Mr McEwen has failed all of regional and rural South Australia on the matter of health. In her speech on the Appropriation Bill just an hour or so ago, the Hon. Caroline Schaefer talked about the budget Regional Statement, and in that statement the word 'hospital' does not appear anywhere.

Another issue right across rural and regional South Australia is regional bus services, and we have a number of concerns in the Mount Gambier area, the Hon. Rory McEwen's own area. I have had a number of representations from other regional cities in South Australia which have concerns about funding cuts in their regional bus services. So, again, the member for Mount Gambier, in his capacity as a rural and regional member of cabinet, has not been arguing strongly enough for the provision of adequate public transport services in regional areas.

Another issue which alarmed a number of people in the South-East, who are not on reticulated River Murray water, was the honourable member's comments that the River Murray levy is only worth a cappuccino a day. It has often been said in Mount Gambier that it rains for nine months of the year and the water drips off the trees for the other three months of the year. Given that the residents of Mount Gambier pay a levy on something they do not use, it is quite unbelievable that the minister has not argued more strongly for an exemption for SA Water clients who are not using River Murray water.

Recently, the Environment, Resources and Development Committee (of which I am a member) has had a number of issues raised with respect to the Upper South-East Dryland Salinity Scheme about which a number of anomalies and concerns are starting to arise. The scheme is quite complex, as most members know, but the Minister for Agriculture, Food and Fisheries has been almost silent in his role in at least helping the people in the zone C levy area of that scheme as well as the Marcollat catchment.

Rural and regional South Australia has suffered a number of budget cuts in road maintenance. There is a tremendous backlog of road maintenance—some \$160 million is quoted in the draft transport plan with respect to road maintenance. This minister is a member of a cabinet that is more than happy to waste \$100 million on opening bridges. That would almost pay for two-thirds of the backlog of road maintenance.

**The Hon. J.F. Stefani:** What about the \$80 million tunnel?

**The Hon. D.W. RIDGWAY:** The Hon. Julian Stefani interjects about the \$80 million tunnel. Road safety is one of the biggest factors. I met this morning with the Freight

Council. Robert Brokenshire (the member for Mawson and Liberal Party shadow transport minister) recently attended a Local Government Association roads conference in Tasmania. If you break road safety up into percentage terms and if you look at achieving a 100 per cent safe outcome on country roads, 40 per cent of that 100 per cent is attributable to poor maintenance. That is, poor shoulders, no shoulder sealing, pot holes and routine maintenance.

If \$100 million were injected into road maintenance (where we find that 40 per cent of traffic accidents can be attributed to lack of maintenance), I am sure that would have a significant effect on accidents, and particularly fatalities in rural and regional South Australia. Of course, if you did not spend that \$100 million on roads, it could be spent on other areas as I mentioned earlier, such as the Mount Gambier Health Service, the Jamestown Hospital and the Mannum Hospital. I am sure that a number of other under-funded rural hospitals could benefit from some additional funding.

I turn now to the issue of freight management in South Australia as our freight task doubles over the next 10 years. We will have increased road movements, especially heavy transport movements on our roads. This is very apparent in the South-East when some one million tonnes of blue gum chips will come on stream shortly. The member for Mount Gambier has not shown any leadership in coming up with a satisfactory plan that will efficiently show the way forward for that region.

There have been discussions about a border road and rail, and there have been discussions about the Riddoch Highway. The minister has been a local member there for eight years. He was involved in local government. He spoke at length in his maiden speech about all that he had learnt in local government and how that would benefit him in his present role as a member of parliament, yet we still have no clear outcome as to what we are to do in that area; and, of course, we have a number of other issues in South Australia.

I mention the eastern bypass in the Adelaide Hills for freight travelling from Langhorne Creek and the Southern Vales up to the Barossa. We can link those wine-growing regions together because there are economies of scale in terms of manufacturing and processing of the grapes. Of course, that makes those industries much more efficient and takes the traffic off busy and sometimes unsafe roads through the Adelaide Hills between McLaren Vale and the Barossa Valley.

Some 9 per cent of trucks and heavy freight that come through the toll gate has no destination in Adelaide. It is just through-traffic going, for example, from Melbourne to Perth. A heavy freight bypass would take close to 10 per cent of the heavy vehicles out of Adelaide that are coming onto the South-Eastern Freeway. Again, one can see that this minister has not stood up for rural and regional South Australia. He has let them down. This is wonderful; I have just received the minister's maiden speech. Although I note that the copy I have received does not have the highlighted areas that I would have liked. The second paragraph of the minister's maiden speech states:

I am proudly independent. I will proudly vote on my conscience on every issue.

We dealt only yesterday with the commission of inquiry where the member for Mount Gambier did not have a vote. Well, he had a vote but he did not exercise it. Does he not have a conscience? I am not sure. His electorate of country people—not only his electorate but all of rural and regional

South Australia, and the Hon. Bob Sneath knows this—are pretty much honest, decent people who do not like cover-ups. They like to see open and accountable government, and the Hon. Rory McEwen who, as the Premier says, represents rural and regional South Australia in his cabinet, did not vote. He chose not to vote.

He did not have the courage to vote. He hid somewhere else. He was paired out and did not vote. It is interesting to note that, as recently as 31 May this year, the Attorney-General said:

The Labor Party is the party for regional South Australia now that we are in coalition with the National Party.

He made no mention of the Independent member for Mount Gambier, so we are only to assume that, in the eyes of the government and the Attorney-General (who is very close to the Premier and the Deputy Premier), he is now looked upon as being a member of the Labor government. The Attorney-General mentioned those same words 'a National-Labor coalition' a number of times in that speech. It is interesting to note that the Labor Party has not preselected a candidate in Mount Gambier. In fact, I believe that, during the recent Regional Sitting of the House of Assembly in Mount Gambier, the Premier had dinner with the sub-branch members and told them that there would not be a preselection. I suspect they will end up with a university student or somebody who does not live in Mount Gambier as a token candidate, just to satisfy their need to run a candidate down there and, of course, in an effort to get some Legislative Council votes. So, they may just scrape in with four members of the Legislative Council to bolster their ranks when they are back on the opposition benches.

**The Hon. R.K. Sneath:** Do you want to have a wager on Rory?

**The Hon. D.W. RIDGWAY:** No, I am not a gambling person. Recently—in fact, only last week—in *The Border Watch* (the Mount Gambier newspaper), an article stated that \$10 million is owed to the community under the heading 'South-East potato industry thrown into turmoil'. It talks about the new French fry processing facility which was opened amid much political fanfare in May last year, promising a significant new export venture for the state and a windfall for local growers. I know the government will say, 'This was a Liberal-backed initiative by the previous government', and it certainly was, but the article says:

Regional growers yesterday called on the state government, which financed \$11.3 million in the factory building, to find a new operator to help salvage the business and process thousands of tonnes of potatoes still in storage.

It goes on to say that many farmers who had expanded to meet the demand of this factory were now facing financial ruin.

Further down the front page is the response from the member for Mount Gambier under the heading 'Snuggery venture destined to fail'. The article says that the member for Mount Gambier (Rory McEwin) claimed the collapsed Snuggery potato processing plant was destined to fail and that it was approved by the state parliament during the former Liberal government. He went on to have a big slag at the former Liberal government. Not once does he mention the 150 or so farmers, the 60 jobs that have been lost and the \$10 million owed to the community. All he was interested in was having a whack at the previous government. He was not sticking up for rural and regional South Australians. He just turned his back on the people who elected him to represent them. Again, that demonstrates that this person does not

support the interests of rural and regional South Australia. I know those opposite will think this is just my view and maybe the view of the Liberal Party but, on 24 June, there was another article in *The Border Watch*—

**The Hon. R.K. Sneath:** Another article.

**The Hon. D.W. RIDGWAY:** Another article. The Hon. Bob Sneath talks about the number of articles I have read. I can actually read. I have seen him flipping through the papers, but I do not think he has ever been able to read.

**The Acting PRESIDENT (Hon. J.S.L. Dawkins):** The honourable member would be wise to ignore interjections.

**The Hon. D.W. RIDGWAY:** This article mentions that the Australian Democrats' Hon. Kate Reynolds was in Mount Gambier, and I will quote some of the things she said about the member for Mount Gambier and, in particular, the government's response to rural and regional South Australia.

**The Hon. R.K. Sneath:** Why don't you use some of your own words?

**The Hon. D.W. RIDGWAY:** The words that I will be using are my words, but I will quote some of the article, all the same. The article says:

Ms Reynolds claimed the state government was solely focused on winning marginal seats in metropolitan Adelaide and that the South-East was suffering as a consequence.

In fact, I am sure all regional South Australia is suffering as a consequence. She said that her party—and she is entitled to be campaigning—would campaign to save the Mount Gambier bus service, and for better funding for schools, hospitals and the disabled in the lead-up to the March election. In fact, she went on and raised a couple of other points that I thought were interesting—that is, the fact that there is not one resident psychiatrist south of Adelaide, and that people in the South-East (and, I assume, in the Riverland and other parts of rural South Australia) sometimes have to wait up to six or seven months to see someone. It is simply not acceptable. I am also told that the waiting list for health card recipients is 12 months for dental work. She then goes on to say:

Why is it the state government fully funds a bus service around Adelaide but not in the South-East? The answer, of course, is that Mike Rann and transport minister Patrick Conlon simply don't care.

You would have to say that the member for Mount Gambier simply does not care about rural and regional South Australia. He has very happily taken his wonderful pay rise and all the perks that go with being a minister. I look at his first report card to his electorate, and there is only a small portion of it that shows what he has done for his electorate and for regional and rural South Australia. The rest of it is all about promoting the Labor government. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

### POVERTY INQUIRY

Adjourned debate on motion of Hon. K.J. 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.

(Continued from 5 July. Page 2329.)

**The Hon. KATE REYNOLDS:** The minister was going to make a short remark or two, but I think it has taken him three days to try to get some words. He is happy for this to proceed, so I am happy to make a couple of short remarks and for it to go through. I thank the Hon. David Ridgway for his

contribution to this motion. I am assuming that the government intends to proceed with its support. The Hon. David Ridgway did mention that the government had not tabled a response to the Social Development Committee's report, but in fact it had—as I mentioned when I first spoke on this motion and as I have mentioned to the minister since. I think the minister was a little confused about whether or not the government had responded. As I said in my earlier remarks, the government's response within that three-month period, or whatever it is, notes the establishment of the social inclusion initiative and board. It does not make any specific remarks on acting on recommendation No. 1, which is to establish an anti-poverty strategy for the state.

When the Premier launched the State Strategic Plan earlier this year, he said that the plan was intended to be 'a goad to action'. In fact, to quote page 1 of the State Strategic Plan, he said:

Most of all I want this plan to be a goad to action. South Australia has had so many plans and we have been consulted to death. What we have lacked over the decades is a comparable zeal for implementation let alone setting ourselves clear and hard targets.

I remind all members that in moving this motion, the intention of the South Australian Democrats was to goad the government to act on recommendation No. 1, and, without delay, develop a comprehensive strategy to address and reduce poverty in South Australia.

Motion carried.

### CITRUS INDUSTRY BILL

The House of Assembly agreed to the bill without any amendment.

### PARLIAMENTARY SUPERANNUATION (SCHEME FOR NEW MEMBERS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

### HERITAGE (HERITAGE DIRECTIONS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

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

That standing orders be so far suspended as to enable the sitting of the council to be extended beyond 6.30 p.m.

I move this motion to enable the business of the day to be concluded.

Motion carried.

### SPECIAL COMMISSION OF INQUIRY (POWERS AND IMMUNITIES) BILL

The House of Assembly disagreed to the amendments made by the Legislative Council.

Consideration in committee.

**The Hon. P. HOLLOWAY:** I move:

That the council do not insist on its amendments.

In doing so, I make the point that we have had the debate on the merits—or the demerits would be more to the point—of the amendments that have been made. I point out that, if the committee rejects my motion, that will be the end of the committee of inquiry and this government has fulfilled its

obligations. We have fulfilled our promise. We proposed an independent committee of inquiry. If members do not want to, if they want to go down the track of some other—

**The Hon. Sandra Kanck:** It is a disgraceful sham.

**The Hon. P. HOLLOWAY:** We will see a sham in committee in a moment if this goes down. I just want every member to be aware of what is at stake here. If this motion is lost, that is it. This council will be effectively rejecting the establishment of a committee of inquiry, which would have had the same powers and general conditions as applied in the Motorola inquiry. I hope that all members are aware of that when they vote.

**The Hon. R.D. LAWSON:** This is an appalling attitude exhibited by the minister and this government. They have made absolutely no attempt to reach agreement on the terms of reference. If there were particular terms with which the government was not happy, one would have expected there to have been discussions. If the government were truly interested in honouring the promise that Mike Rann made for a full inquiry, one would have expected the government to be engaged in discussions rather than spitting the dummy as it is now. It is not on the head of this council: it is on the head of this government that it is intransigent and determined not to have a full and complete inquiry into this matter. The ball is firmly in the government's court. It has adopted the strategy of thinking it can stare down the Legislative Council. I do not believe we should be stared down.

**Honourable members:** Hear, hear!

**The Hon. SANDRA KANCK:** You can be assured that the South Australian Democrats do not support this motion moved by the minister. I have only one thing to say and that is a question, which I think encapsulates what this is all about. Why is the government scared of having Ralph Clarke come and give evidence? The answer to that question will tell us all that we want to know.

**The Hon. KATE REYNOLDS:** I place on the record a couple of sentences spoken in the other place earlier this week, on Tuesday, as follows:

South Australians have the right to have confidence and trust in the integrity and honesty of their government. No office within government is more important in terms of honesty, integrity and the pillars of government than the office of the Premier of the state.

Those words were spoken by the member for Newland. Immediately after she opened her remarks with those words, the Attorney-General, the Hon. Michael Atkinson, interjected with 'Hear, hear!' The member for Newland replied:

I am glad that the Attorney-General said, 'Hear, hear!', because they are not my words. They happen to be the Deputy Premier's words when he spoke on Tuesday 23 October 2001 when we were talking about another little inquiry they had earlier in the piece.

I would like to express my absolute support for the words spoken by the Deputy Premier back in 2001 and for those words spoken again in the other place earlier this week. My position has not changed. We must have a full inquiry. We must have the evidence presented to the people of South Australia. I express my disappointment that the government has not been willing to take up the opportunity to negotiate wider terms of reference. As the Hon. Sandra Kanck has said on numerous occasions, we were prepared to compromise, but we were not prepared to compromise away wider terms of reference. I do not support the motion.

*Members interjecting:*

**The CHAIRMAN:** Order! I remind the cameraman of his responsibilities. I am sure that he is aware of the proceedings today.

**The Hon. R.I. LUCAS:** This government, this minister, and a number of ministers, including the Premier, are guilty of a shameful cover-up. As the Hon. Sandra Kanck has indicated, albeit with different words, what is it that Premier Rann and this government has to hide? Why are they not prepared to support a properly constituted inquiry with wide terms of reference and appropriate powers? The simple answer is that Premier Rann, Treasurer Foley, Attorney-General Atkinson and other ministers have something to hide that they do not want to be revealed.

If this is going to be the response from the Rann government—and as my colleague the Hon. Mr Lawson has said, we saw a hissy fit from the government earlier in the week and now we have a dummy spit from the Rann government in relation to this issue—then if the Rann government is going to go down this path it will have a properly constituted, very powerful Legislative Council select committee looking at these issues. It will have wide terms of reference, and it will be an opportunity for people such as Ralph Clarke and others who for a variety of reasons have been unprepared or unwilling so far to give their version of events.

**The Hon. R.K. Sneath:** It'll come up with nothing, and you'll have egg all over your face.

**The CHAIRMAN:** Order! The Leader of the Opposition has the call.

**The Hon. R.I. LUCAS:** I do not know what witnesses like Ralph Clarke and others will say, but what we are prepared to do is to give them the opportunity for the first time to be able to provide evidence to a properly constituted inquiry. The Hon. Bob Sneath professes to know what Mr Clarke will give as evidence. So be it; that is his claim. I do not claim to know what Mr Clarke will give as evidence; the Hon. Bob Sneath may well know.

**The Hon. R.K. SNEATH:** I rise on a point of order, sir. The opposition leader keeps misquoting people. What I said was that it will come up with nothing and he will have egg all over his face.

**The CHAIRMAN:** There is no point of order.

**The Hon. R.K. Sneath:** No, but it is in *Hansard*.

**The Hon. R.I. LUCAS:** So is the original interjection, because I responded to it. The Hon. Bob Sneath was indicating what he believed Ralph Clarke would give by way of evidence to the inquiry. He might be right, but I do not know what evidence Mr Clarke will give, but at least we are prepared to listen to all the facts, whatever they are. We are prepared to listen to them, whether or not they support our view. We are prepared to listen to all the arguments and all the evidence; this government is unprepared to listen to all of the evidence from all of the witnesses and all of the people in relation to this issue.

*The Hon. R.K. Sneath interjecting:*

**The CHAIRMAN:** Order! The Hon. Mr Sneath should come to order and allow the speaker to be heard. I am sure opportunities will be given to others to make contributions. The Leader of the Government had a reasonably fair go, and others should have the same.

**The Hon. R.I. LUCAS:** I will be interested in the contribution from the Hon. Mr Sneath to see whether he can string a few words together while he is on his feet in relation to this issue. We look forward listening to the Hon. Mr Sneath make a contribution on this issue. So, that is the



Liberal Party's position, and the Australian Democrats have put their position. This Legislative Council and the opposition and Independent members will not be bullied by the Rann government. It is too used to getting away with bullying and intimidation, whether it be of individuals or associations and others, but this chamber will not be bullied by the Rann government on this issue. If it is going to dummy-spit on the issue of an inquiry, then the Legislative Council will proceed with the motion and, should be it supported by a majority of members, that committee will be in operation as of this evening, and we look forward to the assiduous endeavours of all members of that select committee.

**The Hon. A.L. EVANS:** I will make a contribution on this aspect of this debate. I have watched and listened very carefully to all sides. The first time I heard about it was when I got a call from Mr Rann right in the beginning, when he said to me that immediately he heard of it he reported it, and I believed him. I believed what he said. I watched it as it went through and as I listened to the arguments by the Labor side I thought that the case was clear cut. The courts said that he was innocent, there was nothing to talk about and no concern.

If I was on their side I would welcome an open inquiry because it would clear the air totally if there is nothing to be concerned about. I have personally been accused of wrongdoing at various times and I have welcomed everyone putting in their bit because, when you are cleared, you stand there with integrity. I urge the government to rethink its position. We would like it to go to the next election and say, 'We gave this a fair go, everyone had their chance, all their opportunities, and, look, we are clean skinned.' Then the community would say that this is a government of integrity. My plea is to reconsider.

**The Hon. P. HOLLOWAY:** I appreciate the contribution made by the Hon. Andrew Evans. I point out that, apart from the three inquiries we mentioned, there was the court case. The Premier and the Deputy Premier appeared in court in relation to that case. It is all very well to talk about integrity, but I have been around politics long enough to know that regardless what the committee came up with members opposite would not be satisfied. No matter what terms of reference we had it would be a cover-up. They are like an alarm clock that goes off on cue: 'It's a cover-up.' It would not matter what was said. They will not be happy, whatever any inquiry says, whether it be a select committee or any other inquiry. This government has honoured what it promised to do.

The Leader of the Opposition was talking about this council not being bullied. The House of Assembly need not be bullied by this council, either. I was there for the vote and every single Independent in the House of Assembly voted with the government to reject what the Legislative Council has done. The people in this place, with eight-year terms and without electoral offices, are sadly out of touch.

**The Hon. A.J. REDFORD:** And there we see it: the Leader of the Government in this place—I cannot say he is misleading us—but I clearly saw the member for Hammond, Mr Lewis, voting with the opposition. But of course we get this statement from the government, which is untrue. That was a measure of his performance. I say to the Hon. Andrew Evans that it is quite clear that the government does have something to hide and that is why it does not want this inquiry. It does not want an open inquiry. It has at every step of the way sought to avoid openness in relation to this. The secret inquiry, the failure to tell parliament—and this goes on to this very day. We moved a motion in another place. We are

inviting ministers Foley and Atkinson and Premier Rann to give evidence to a Legislative Council committee that we will set up shortly. What did they do? They voted it down!

They will do everything in their power to avoid giving their evidence in an open forum. We even get a situation where one of the Premier's staff members rings the Director of Public Prosecutions and puts pressure on him so that the Premier can avoid giving evidence in public. This is unusual behaviour for this Premier because normally when there is a television camera around you go, 'Hey, presto' and he is popping up in front of it. On this occasion he wants to hide.

Why would he want to hide? What rational explanation does the government give for the actions of the Premier, his staff and, ultimately, his party? The answer is: no explanation at all. They are hiding, and they are limping and skulking away at the end of this parliamentary session. They do not have the guts to give their evidence to a Legislative Council select committee. All I can say is that they have something to hide. Contrast this with what they did in the Kapunda Road Royal Commission, which was a recent experience. It was an open inquiry, where witnesses were subject to cross-examination and lawyers were not paid for. There is one rule for our police and another for the government. So, we can bring hypocrisy into this argument as well.

We will remind the people of South Australia on a daily basis of how this government skulked away and hid from an open inquiry. If there is not an open inquiry, the people of South Australia will go to the next election with a question mark over the integrity and honesty of this government. The Hon. Paul Holloway grins, and I know that he will talk about the fact that someone might have misled the house. But I will tell you what did not happen with the former government: we did not have the police called in every other day. How many times have the police been called in relation to this government? They have almost pitched tents outside the front of each and every one of the government's offices. That is the nature of this government—it says one thing but does another; it spins it out but does something else. This government is all talk and no action, and it seeks to hide. It will skulk out of this parliament tonight condemned for its secrecy and the fact that it wants to hide everything.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** No; it is Angus Redford who needs to apologise for just having misled the council in relation to the claims he made about Mr Alexandrides. He did not contact someone in the DPP's office; the officer rang Mr Alexandrides. That is the first fact that needs to be corrected. It just goes to show that these people are setting this up on misinformation, and they have been doing it all day—and they have been doing it for weeks.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** He did not do that. If the Hon. Angus Redford repeated that comment—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** No; you go outside and say it, and you will be in court tomorrow. You go outside and tell that story. This is what we are looking at. We have already had one quick example in the past few moments of the sort of thing that will happen—total misrepresentation of the truth by members opposite.

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. KATE REYNOLDS:** As to corrections, I would like to check some information with the Hon. Paul Holloway. If I heard him correctly (and I know that other

honourable members were listening, so they might be able to help), he said that all the Independents supported the rejection of our amendments in the other place. I was in the gallery when the vote was taken, and I can tell honourable members that, unless they were wearing some sort of invisible attire, the member for Mount Gambier (Hon. Rory McEwen) and the member for Chaffey (Hon. Karlene Maywald) were not present.

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. KATE REYNOLDS:** I assume that they were paired, but I am not 100 per cent positive. I understand that the members for Mitchell and Hammond voted with the opposition. So, they held firm. I would appreciate it if the Hon. Paul Holloway could check this.

**The Hon. P. HOLLOWAY:** The member for Mitchell—

*Members interjecting:*

**The CHAIRMAN:** Order! If we need any commentators, we will get Laurie Oakes.

**The Hon. P. HOLLOWAY:** The member for Hammond may have voted with the opposition. The other two were paired, is my understanding. I forgot the member for Hammond, I must admit. I do not know how I could have done it, but I forgot that the member for Hammond was Independent.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** We just heard the Hon. Kate Reynolds. The Hon. Kate Reynolds got it completely wrong.

*The Hon. Kate Reynolds interjecting:*

**The Hon. P. HOLLOWAY:** No. You said Kris Hanna, and you were wrong.

**The CHAIRMAN:** Order! I bring to the attention of the committee the subject of the debate. I think that we are moving off into some of the merits, substantial merits and less substantial merits of arguments that people may have. We are considering the message from the House of Assembly to which the minister has moved that the council not insist on its amendments. We have had a fair-ranging debate, and I will not stop it now. I want to make a contribution. If we can stick to that at the moment, we will get through this. We will see where destiny takes us after that. If there are no further contributions, I need to put the question.

The committee divided on the motion:

AYES (4)

Gazzola, J.	Holloway, P. (teller)
Sneath, R. K.	Zollo, C.

NOES (12)

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

PAIR(S)

Lensink, J.M.A.	Roberts, T. G.
Stephens, T. J.	Gago, G. E.

Majority of 8 for the noes.

Motion thus negated.

#### CHILDREN'S PROTECTION (KEEPING THEM SAFE) AMENDMENT BILL

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

#### ASHBOURNE, CLARKE AND ATKINSON INQUIRY

**The Hon. R.D. LAWSON:** I move:

1. That a select committee be appointed to inquire into and report on all matters relating to the Atkinson/Ashbourne/Clarke affair. In its inquiry, the select committee should examine—

(a) Whether the Premier, any Minister, ministerial adviser or public servant, participated in any activity or discussions concerning:

- (i) the possible appointment of Mr Ralph Clarke to a government board position; or
- (ii) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with a defamation action between Mr Clarke and Attorney-General Atkinson.

(The said matters and the circumstances and events surrounding them are hereafter described as the issues.)

(b) If so, the content and nature of such activity or discussions.

(c) Did the Premier, any Minister or ministerial adviser authorise any such discussions, or was the Premier, any Minister or ministerial adviser, aware of the discussions at the time they were occurring or subsequently?

(d) Did the conduct (including acts of commission or omission) of the Premier, any Minister, ministerial adviser or public servant contravene any law or Code of Conduct; or was such conduct improper or did it fail to comply with appropriate standards of probity and integrity?

(e) Whether the Premier, any Minister or ministerial adviser made any statement in relation to the issues which was misleading, inaccurate or dishonest in any material particular.

(f) Whether the actions taken by the Premier and Ministers in relation to the issues were appropriate and consistent with proper standards of probity and public administration and, in particular—

- (i) Why no public disclosure of the issues was made until June 2003?
- (ii) Why the issues were not reported to the Police in November 2002, and whether that failure was appropriate?
- (iii) Why Mr Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate?
- (iv) Whether the appointment of Mr Warren McCann to investigate the issues was appropriate.
- (v) Whether actions taken in response to the report prepared by Mr McCann (the McCann Report) were appropriate.

(g) What processes and investigations did the Auditor-General undertake and was the Auditor-General furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter dated 20 December 2002 to the Premier.

(h) Whether adequate steps were taken by Mr McCann, the SA Police and the Officer of the Director of Public Prosecutions, to obtain from Mr Clarke information which was relevant to the issues.

(i) Whether Mr Ashbourne, during the course of his ordinary employment, engaged in any (and, if so, what) activity or discussions to advance the personal interests of the Attorney-General and, if so, whether any Minister had knowledge of, or authorised, such activity or discussion.

(j) Whether Mr Ashbourne undertook any and, if so, what, actions to rehabilitate Mr Clarke, or the former member for Price, Mr Murray DeLaine, or any other person into the Australian Labor Party and, if so, whether such actions were undertaken with the knowledge, authority or approval of the Premier or any Minister.

(k) With reference to the contents of the statement issued on 1 July 2005 by the Director of Public Prosecutions, Mr Stephen Pallaras, QC:

- (i) What was the substance of the complaint about

the conduct of the Premier's legal adviser, Mr Alexandrides?

- (ii) What was the substance of the telephone call made [by Mr Alexandrides] to the prosecutor involved in the Ashbourne case?
- (iii) What were the serious issues of inappropriate conduct of Mr Alexandrides?
- (iv) Were the responses and actions of the Premier, any Minister, the Attorney-General, Mr Alexandrides, or any other person, to the issues mentioned in the DPPs statement appropriate and timely?
- (v) Whether any person has made any statement concerning the issues referred to in the DPPs statement which was misleading, inaccurate or dishonest in any material particular.

(1) What action should be taken in relation to any of the matters arising out of the consideration by the Inquiry of these terms of reference?

2. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the Committee to have a deliberative vote only.

3. That this Council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

4. That Standing Order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

The terms of reference will not be as in my motion. I understand that the Hon. Sandra Kanck will be moving an amendment to the terms of reference. This inquiry will, to some extent, honour the promise which the Premier broke today by withdrawing the government's bill for the establishment of an inquiry. This inquiry is not the best form of inquiry, we accept, but it is the only form of inquiry this government will allow to examine these issues and, that being the case, the Legislative Council has no alternative but to proceed with a select committee.

**The Hon. SANDRA KANCK: I move:**

Paragraph 1—Leave out all words after 'That a Select Committee be appointed' and insert—

'to inquire into and report upon the following matters:

(1) Whether the Premier or any Minister, ministerial adviser or public servant participated in any activity or discussions concerning:

- (a) the possible appointment of Mr Ralph Clarke to a government board or position; or
- (b) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with a defamation action between Mr Clarke and Attorney-General Atkinson

(The activity and discussions and events surrounding them are referred to in these terms as 'the issues'.)

(2) If so, the content and nature of such activity or discussions.

(3) Whether the Premier or any Minister or ministerial adviser authorised any such discussions or whether the Premier or any Minister or ministerial adviser was aware of the discussions at the time they were occurring or subsequently.

(4) Whether the conduct (including acts of commission or omission) of the Premier or any Minister or ministerial adviser or public servant contravened any law or Code of Conduct; or whether such conduct was improper or failed to comply with appropriate standards of probity and integrity.

(5) Whether the Premier or any Minister or ministerial adviser made any statement in relation to the issues which was misleading, inaccurate or dishonest in any material particular.

(6) The failure of the Premier, the Deputy Premier, the Attorney-General and the, then, Minister for Police to report the issue in the first instance to the Anti-Corruption Branch of the SA Police.

(7) Whether the actions taken by the Premier and Ministers in relation to the issues were appropriate and consistent with proper standards of probity and public administration and, in particular:

- (a) why no public disclosure of the issues was made until June 2003;
- (b) why Mr Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate;
- (c) whether the appointment of Mr Warren McCann to investigate the issues was appropriate;
- (d) whether actions taken in response to the report prepared by Mr McCann were appropriate.

(8) What processes and investigations the Auditor-General undertook and whether the Auditor-General was furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter dated 20 December 2002 to the Premier.

(9) Whether adequate steps were taken by Mr McCann, the SA Police and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues.

(10) Whether the processes undertaken in response to the issues up to and including the provision of the report prepared by Mr McCann were reasonable and appropriate in the circumstances.

(11) Whether there were any material deficiencies in the manner in which Mr McCann conducted his investigation of the issues.

(12) Whether it would have been appropriate to have made public the report prepared by Mr McCann.

(13) The matters investigated and all the evidence and submissions obtained by and any recommendations made by the Anti-Corruption Branch of the SA Police.

(14) Whether Mr Ashbourne, during the course of his ordinary employment, engaged in any (and, if so, what) activity or discussions to advance the personal interests of the Attorney-General and, if so, whether any Minister had knowledge of, or authorised, such activity or discussion.

(15) Whether Mr Ashbourne undertook any and, if so, what actions to 'rehabilitate' Mr Clarke, or the former Member for Price, Mr Murray DeLaine, or any other person into the Australian Labor Party and, if so, whether such actions were undertaken with the knowledge, authority or approval of the Premier or any Minister.

(16) The propriety of the Attorney-General contacting journalists covering the Ashbourne case in the District Court, during the trial, and the nature of those conversations.

(17) With reference to the contents of the statement issued on 1 July 2005 by the Director of Public Prosecutions, Mr Stephen Pallaras QC:

- (a) what was the substance of the 'complaint about the conduct of the Premier's legal adviser, Mr Alexandrides';
- (b) what was the substance of the 'telephone call made [by Mr Alexandrides] to the prosecutor involved in the Ashbourne case';
- (c) what were the 'serious issues of inappropriate conduct' relating to Mr Alexandrides;
- (d) whether the responses of the Premier, the Attorney-General or any Minister or Mr Alexandrides or any other person to the issues mentioned in the Director of Public Prosecutions' statement were appropriate and timely; and
- (e) whether any person made any statement concerning the issues referred to in the Director of Public Prosecutions' statement which was misleading, inaccurate or dishonest in any material particular.

(18) Whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of a Minister or ministerial adviser (that has not already been referred to the police) to the Solicitor-General in the first instance for investigation and advice.

(19) If the reference of such an allegation to the Solicitor-General would not be appropriate (in general or in a particular case) or would not be possible because of the Solicitor-General's absence or for some other reason, who would be an alternative person to whom it would be appropriate to refer

such an allegation in the first instance for investigation and advice.

(20) Whether Mr Alexandrides assisted in framing the Terms of Reference for the Inquiry proposed by the Government in the resolution of the House of Assembly passed on 5 July 2005.

(21) What action should be taken in relation to any of the matters arising out of the consideration by the Inquiry of these terms of reference.'

The Select Committee must not, in the course of its inquiry or Report, purport to make any finding of criminal or civil liability.

Basically, the words here replicate what I put in in terms of the previous bill, the Special Commission of Inquiry Bill, and the important aspect of it, of course, is that the Anti-Corruption Branch material will become part of the consideration of that committee. In retrospect, when I look at what has happened over the last week, one wonders now whether, in fact, the Premier set up the situation that was going to lead to this happening anyhow by not consulting with the leaders of all the political parties and Independents in this parliament, as we had requested two years earlier. He chose terms of reference that were so narrow that the real issues were never, ever going to be examined.

As the Hon. Robert Lawson has said, this is the best that we can get. We would have liked something that had a bit more oomph to it. We know, for instance, as a select committee that we will not be able to compel the Attorney-General or the Deputy Premier, or the Premier, for that matter—

*The Hon. R.D. Lawson interjecting:*

**The Hon. SANDRA KANCK:** As the Hon. Mr Lawson says, it cannot stop us trying, and I imagine that once this committee gets off the ground we will be putting in that request for them to attend and when they refuse not to, the people of South Australia will be able to make their own judgment on that. Although recognising that the select committee is not as good as we would want, it is still important that these matters be investigated with wide-ranging terms of reference. I am sure the committee will accomplish its task.

**The Hon. R.I. LUCAS (Leader of the Opposition):** I rise to support the motion with the amendments that have been moved by the Hon. Sandra Kanck. I do not intend to go over all the detail, but I want to make some general comments. I indicate to the government that the Liberal members, and Democrats members of the same mind, will not accept any endeavours from government members to delay the proper processing and procedures of this impending select committee. I put that on the record now.

There are some suggestions that the government thinks it will be clever in relation to this matter and seek to delay or prevent appropriate meetings of this select committee. I indicate to the Leader of the Government and government members that we will not accept that. This government has prevented the establishment of an appropriate commission of inquiry. Now that we will have a select committee we will not accept endeavours by government members to prevent the proper functioning of that committee.

I flag that we will be requiring an early meeting of the select committee. At its first meeting we will be requiring another meeting of the committee and, subsequently, we will be ensuring that this committee, unlike, for example, the electricity committee, does not go for seven months without a meeting because government members are not available for the committee to meet. That will not occur in relation to this

committee. Government members need to be warned that if they want to serve on this committee, they ought to be prepared for some good, solid, hard work between now and September. We will not be accepting government members disappearing for six weeks at a time, or whatever it happens to be. They need to be prepared to work hard on this committee.

The second point I want to make is by way of a brief response to the interjections of the Hon. Bob Sneath. I repeat, again, the Liberal Party's position in relation to this matter. I do not know what evidence Mr Clarke will present. I do not know what evidence a number of other people who have not yet provided evidence will present. There have been suggestions from some members that other people are prepared to provide evidence to either a commission of inquiry or a select committee. All we are interested in is getting to the facts and truth in relation to this issue. It is not an issue from the Liberal Party's viewpoint—and I place it clearly on the record—of saying, 'Okay, we know what Mr Clarke will provide to the select committee.' We do not know. That will be an issue, if and when Mr Clarke presents the evidence to the committee, for him to answer in relation to it. Clearly, Mr Clarke is a key player in all this, but we are prepared to accept that anyone should have the opportunity to put their side of the story, when he and a number of others, evidently, so far, have not had that opportunity or been unable to put their case on the issue.

The Hon. Bob Sneath and others from the government side can claim and say whatever they want, but the reality is that we have put down our position tonight. We do not know what Mr Clarke and others will say. We are honest enough to say, 'You are a key player and you should have the opportunity to put your point of view.'

There is a potential dilemma in this select committee and this version of an inquiry, and that is, if Premier Rann, Deputy Premier Foley and Attorney-General Atkinson continue to want to hide from scrutiny in relation to this, they may well try not to appear before the select committee. That would be virtually unprecedented in South Australia's history. I indicate that a former premier, as a minister, the Hon. Lynn Arnold, gave evidence before a select committee of the Legislative Council. Which Legislative Council select committee asked John Olsen to come? Let the *Hansard* declare that the Leader of the Government was struck mute when that question was put to him. We have had the circumstance where former minister Roy Abbott gave evidence to the select committee. There have been—

**The Hon. J.F. Stefani:** A Supreme Court judge.

**The Hon. R.I. LUCAS:** I beg your pardon?

**The Hon. J.F. Stefani:** A Supreme Court justice.

**The Hon. R.I. LUCAS:**—a list of former ministers who have presented before Legislative Council select committees—

**The Hon. A.J. Redford:** The Attorney-General only a couple of years ago.

**The Hon. R.I. LUCAS:** My colleague the Hon. Mr Redford refers to an example of the Attorney-General; I am not aware of that. I am sure that there are a number of other examples where ministers have been prepared to present before a select committee. The people of South Australia will judge, as the Hon. Sandra Kanck has said. If, for some reason, the Premier, Treasurer and Attorney-General are so scared that they are unprepared to appear before a select committee for questioning, then they will be judged in those particular circumstances. If they refuse to present for

questioning, at least that aspect of the inquiry will be stymied, but it does not stymie other aspects of the inquiry, as has been flagged by my colleagues the Hon. Robert Lawson and the Hon. Sandra Kanck. I indicate, again, my support for the motion. I flag our willingness now to pursue the truth relentlessly from this night onwards after the passage of this motion.

**The Hon. A.J. REDFORD:** I will be brief. I support this, although it is not the preferred option of the opposition nor, indeed, I suspect is it the preferred option of the Australian Democrats. The government has done everything it can to hide, but it will not be able to hide from this committee. Indeed, it was so anxious to skulk away from the parliament this evening that it failed to deal with the Correctional Services (Parole) Amendment Bill, and sex offenders for another eight weeks are going to be let out automatically. That is how keen they were to get out of here.

**The Hon. P. Holloway:** After you have held it up for months. Come on!

**The Hon. A.J. REDFORD:** We have not held anything up. It has been in the House of Assembly where you have the numbers.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. A.J. REDFORD:** With those few words, all I can say is that this government might try to sneak out of this place tonight; it might try to sneak out of the parliament and the House of Assembly, and it might refuse to deal with important legislation—sex offenders are being let out automatically so that they can get out of here fast—but they will not escape this committee.

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** Yes; it is rather like the last committee we had set up. It is nearly a year now since it was set up. This was the inquiry into the Auditor-General's Report. It was one that Sandra Kanck voted for and then did not appear on. I do not know whether she is going to do that again. In setting it up and moving it, the Hon. Rob Lucas said it was going to get the scalp of at least one minister and that it was going to uncover all sorts of things. Of course, it has petered out into nothing. With all this rhetoric that we have, all we will establish here is a political media circus, just like the other committee. We have seen the incredible abuse of that committee where, although it is investigating the Auditor-General's Report, the Liberal majority refused to bring the Auditor-General along for nearly a year. This behaviour is well known around town. Of course, ministers in the other house will follow the longstanding precedent by refusing to appear.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Mike Rann does not hide: Mike Rann is available. He is available to the media. There is no other premier more available to scrutiny. They can ask him any questions at any time, and he will be there, and everybody out there knows it. He appeared in the court case, but none of that matters to those opposite.

I really think that the tragedy of what we are seeing now is very much a second-best solution. This government has tried to establish an independent commission of inquiry with exactly the same conditions and powers as the Motorola committee. Sadly, that has been rejected. The Legislative Council has prevented the establishment of that, and that is the way that it will be seen because that is the truth: the

Legislative Council has prevented the establishment of the inquiry that the government preferred. So now we are going to have this one.

The trouble that members opposite have is that they have created such a circus with other committees, like the one into the Auditor-General's Report, and I do not think that they realise just how shattered their credibility is out there in the community. Far too much time has been wasted on this matter. I suppose, in a way, that was really the intention of members opposite. Of course, they will want to work us hard over the committee. They will want to waste as much time as they can, and they will want to prevent ministers doing what they are doing to improve the economy of this state because there has been such spectacular success, so attacking and trying to make government less effective is one of the few things that they can do to try to improve their lot for the next election. They will try to do that and all the other things that we have seen, but, at the end of the day, this will wander on and this government will, as I have said all along, continue to get on with the important business of the state. I intend not to speak any longer. Far, far too much time has already been wasted on this rubbish.

Amendment carried.

The council divided on the motion as amended:

AYES (12)

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

NOES (4)

Gazzola, J.	Holloway, P. (teller)
Sneath, R. K.	Zollo, C.

PAIR(S)

Stephens, T. J.	Roberts, T. G.
Redford, A. J.	Gago, G. E.

Majority of 8 for the ayes.

Motion as amended thus carried.

The council appointed a select committee consisting of the Hons P. Holloway, S.M. Kanck, R.I. Lucas and R.K. Sneath.

**The Hon. R.K. SNEATH:** I rise on a point of order, Mr President. If the Hons Sandra Kanck and Mr Lawson are members of that committee, can they be called as witnesses?

**The Hon. R.I. Lucas:** Can Mr Holloway be called as a witness?

**The Hon. R.K. SNEATH:** I did not ask that question. You think of your own questions, mate.

*Members interjecting:*

**The Hon. R.D. LAWSON:** I would be happy to answer any questions before any parliamentary committee.

**The Hon. R.K. SNEATH:** Mr President, I asked a question of you, not of Mr Lawson, and I would like an answer.

**The PRESIDENT:** It is very unusual in my experience for a member of the committee to give evidence to the committee, but I will take advice from the Clerk as to whether there is any constitutional ability for that to occur. My understanding is that there is nothing laid down. The rules are silent and, therefore, the committee of its own motion could, I believe, call whomever it thinks can assist the committee with its deliberations.

*The Hon. R.I. Lucas interjecting:*

**The Hon. R.K. SNEATH:** The Leader of the Opposition indicates that they would vote against that, denying us the case.

**The Hon. R.I. LUCAS:** I rise on a point of order. The Hon. Mr Sneath attributed a statement to me which I did not make. I put it on the record that I did not make that statement.

*Members interjecting:*

**The PRESIDENT:** Order!

*The Hon. R.K. Sneath interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Sneath! I wrongly anticipated that the Leader of the Opposition would point out that you are entitled to ask a question. It is not a debate at this stage.

**The Hon. R.D. LAWSON:** I move:

That the committee have the power to send for persons, papers and record, to adjourn from place to place and to report on 30 November 2005.

Motion carried.

**The Hon. R.D. LAWSON:** Pursuant to standing order 385, I give notice of the fact that the first meeting of the committee will occur in the Plaza Room 15 minutes after the council rises this evening.

#### MEMBER'S REMARKS

**The Hon. R.D. LAWSON:** I seek leave to make a personal explanation.

Leave granted.

**The Hon. R.D. LAWSON:** On ABC Radio yesterday I indicated that someone in the Premier's office engaged in conduct which I characterised as attempting to pervert the course of justice. That was not my intention. I unreservedly and unconditionally withdraw that allegation and any imputation of that kind. I hope that no-one in the Premier's office has suffered by reason of it, and I apologise to them if they have.

#### CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

No.1. That the House of Assembly amend its amendment by deleting from proposed subsection (2) subclause (b) of section 66 '(but the regulations may not exclude a prisoner liable to serve a total period of imprisonment of three years or less', and that the Legislative Council agree thereto.

Nos 2 and 3. That the Legislative Council no longer insist on its disagreement to these amendments.

#### ADJOURNMENT

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

That the council do now adjourn.

In so doing, I wish everyone a productive, healthy and pleasant break over the winter period. In particular, I hope our colleague the Hon. Terry Roberts is back with us when we return. I thank all those associated with the parliament in whatever role and thank members for their cooperation during the last session.

**The Hon. R.I. LUCAS (Leader of the Opposition):** Although we are not proroguing, I nevertheless join with the Leader of the Government and thank all members and all staff for their assistance during the last weeks.

**The Hon. IAN GILFILLAN:** I indicate Democrat support for the motion and the sentiments expressed and demonstrate our sincerity by not extending the proceedings any longer.

**The Hon. NICK XENOPHON:** Ditto.

**The PRESIDENT:** I wish to make a couple of short comments on the rising of the parliament. I thank all honourable members for their general good humour throughout most of the last session. Given my commitment to maintaining the dignity of the council at all times, it is a little disappointing that in the past few weeks there has been a serious dent in the demeanour of the Legislative Council. Unfortunately, when there is blood in the air, there seems to be a deterioration in the behaviour of honourable members. I hope that, during the break, all honourable members will remember and reflect on their role in the Legislative Council and on our proud history. I am sure they will work with me to ensure that that proud history endures.

During the break, I also ask honourable members to have a thought for those in London, where, I have just been advised, there has been a serious terrorist attack in two places—an explosion in the Tube and on a double-decker bus. I ask all honourable members to reflect on the pain and suffering of our colleagues in London and on the advantages we have in Australia. I also ask that they set their minds to providing the best service they can for the true welfare of the people of this state when we resume in September.

Motion carried.

At 7.41 p.m. the council adjourned until Thursday 8 September at 2.15 p.m.