

LEGISLATIVE COUNCIL

Tuesday 14 July 2009

The **PRESIDENT (Hon. R.K. Sneath)** took the chair at 14:18 and read prayers.

ANSWERS TO QUESTIONS

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

MARINE PROTECTED AREAS

215 The Hon. D.G.E. HOOD (25 March 2009). Can the Minister for Environment and Conservation advise, within Marine Park plans currently in development, what percentage of the Parks in total do Sanctuary Zones comprise?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):

1. Sanctuary zones in marine parks are established through the management planning process. The Marine Parks Act 2007 requires that the outer boundary of a marine park is established and consulted on prior to the commencement of the development of management plans with zoning. Management planning for marine parks will involve extensive consultation with the community, and that consultation process will determine the size and location of sanctuary zones.

MAGILL TRAINING FACILITY

244 The Hon. D.G.E. HOOD (25 March 2009). Can the Minister for Correctional Services advise the average cost to keep one youth at the Magill Training Facility for the year 2008?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Families and Communities has advised that the average cost of keeping one youth in the Magill Training Centre for the year 2008 was \$248,172.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J.M. GAZZOLA (14:20): I bring up the annual report of the committee for 2007-08.

Report received and ordered to be published.

PAPERS

The following papers were laid on the table:

By the President—

Legislative Council of the Parliament of South Australia—Report, 2007-08
Corporations—

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

Department of Trade and Economic Development Report—2007-08 Addendum
South Australian Election Report: From By-election—Electoral Commission SA
Details of all appointments to the Minister's personal staff—Section 69 of the Public Sector Management Act 1995

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

Proposal to vary Fencing at the Gawler Police Station—Report

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Deaths in Custody of Andrew Stephen Gill and Simon Schaer—Report prepared by the Department for Correctional Services of actions taken following the Coronial

Inquiry dated June 2009

Deaths in Custody of Andrew Stephen Gill and Simon Schaer—Report prepared by SA Health of actions taken following the Coronial Inquiry dated 26 May 2009

Regulations under the following Acts—

Harbors and Navigation Act 1993—Restricted Areas

Motor Vehicles Act 1959—Self-propelled Elevating Work Platform

Nursing and Midwifery Practice Act 2008—General

Australian Children's Performing Arts Company—Charter as at 28 April 2009

Department for Environment and Heritage—A Review of Nullarbor Regional Reserve—1999-2009

TransAdelaide Corporation Charter

Twenty-Ninth Report of the Social Development Committee: The Review of the Department of Health's Report into Hypnosis—South Australian Government Response

By the Minister for Consumer Affairs (Hon. G.E. Gago)—

Regulations under the following Act—

Liquor Licensing Act 1997—Streaky Bay High School

QUESTION TIME

TRANSPORT-ORIENTED DEVELOPMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about transport-oriented developments.

Leave granted.

The Hon. D.W. RIDGWAY: About four to six weeks ago the Minister for Urban Development and Planning and the Minister for Infrastructure went on an extensive tour of the world, focusing mainly on the United States and Europe. In particular, they were looking at transport-oriented developments. A number of public servants accompanied the two ministers on the tour, as well as a number of industry stakeholders.

I participated in a UDIA debrief a few days after their return, and it was interesting to note that the view of the participants at that debrief was that, of the transport-oriented developments that they had seen in the US and Europe, the only ones that actually worked were CBD or very near CBD; not one of them had been profitable for the developers and every one of them had required significant underpinning or anchoring by the government.

Given the knowledge gained on that trip, I note with interest that in the 30-year plan released by the minister last week—incidentally, released when the opposition was preoccupied with other things, so I guess it was trying to sneak it under our radar—the government plans to create 13 new transit-oriented developments, with only one of those being either near or in the CBD. My questions to the minister are:

1. How does the government expect to successfully establish TODs that are not CBD or near CBD?
2. With what activity does the government intend to anchor or underpin the first TOD planned at the Clipsal site?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:28): This is absolutely extraordinary. I am being accused for releasing the 30-year plan, the preparations for which have been underway for some time, because the Liberal Party happened to be going through the middle of a leadership crisis. If the government worried about the Liberal opposition every time we released a policy, we would never release any policies at all, because there is always so much internal strife.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The leader was the one who raised it in his question; it was part of his question and I am answering it. The Leader of the Opposition in this place accuses the government regarding the timing of the release of a major report such as this simply because the Liberal Party happened to be in the midst of a crisis.

I know the preoccupation of some of those members; they were working out who to vote for, because obviously some of them who voted for Vickie Chapman on Saturday decided to vote against her when it came to Wednesday's ballot. Clearly, there was a lot of confusion, but to say that that preoccupation should mean that the government ought to delay the release of such an important report is quite extraordinary. In any case, that 30-year plan will be available for public consultation until the end of September, so there will be plenty of time for discussion. In relation to TODs, the honourable member also—

The Hon. J.M.A. Lensink: How much are you spending on advertising?

The Hon. P. HOLLOWAY: What is your problem? Do we have a problem here?

The Hon. J.M.A. Lensink: Millions of dollars on advertising it.

The Hon. P. HOLLOWAY: Millions of dollars on what?

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

The PRESIDENT: Order! The Hon. Ms Lensink will come to order.

The Hon. P. HOLLOWAY: You want people to have a say in it, so you put out a major report for 30 years. When you put out a plan for Adelaide for 30 years, you place advertisements at bus stops and other areas advising people where they can get the plan so they will comment on it. It is a plan that affects every South Australian—the most significant planning document since at least the 1960s—and members opposite are saying that we should not advertise it. The priorities of those opposite are really extraordinary, but while they are having their leadership squabbles this government is getting on with the business of governing the state and putting up real policies and platforms that will guide the state's future. This state does need to move away from its reliance on the motor vehicle, which was the essential element of the plans that have guided Adelaide since the 1960s. One of the key reasons we have transit-oriented developments is to start steering the development of Adelaide away from—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I do not think anyone on that tour would have said that the total transit style development—that is, the shift away from motor vehicles towards the use of light rail in cities—had not been a success. If you are looking at the funding of these TODs, yes, there are a number of issues. The United States had one particular model in which the people who went on the tour with us were obviously interested. Of course, the US has a somewhat different system in relation to funding these models, and that will not apply within Australia. The first TOD which this government has chosen—of course, a list of 13 have been put out in the plan—and which, of course, was foreshadowed earlier in the planning review, is at Bowden/Brompton, which is on the fringe of the city. That should be an absolutely ideal site and I would be surprised if anyone who went on that tour would have suggested otherwise. What we saw in other cities—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I would encourage the Leader of the Opposition to go on his own fact finding mission. Perhaps he should go to San Francisco. In relation to the city of San Francisco, the Bay area rapid transit system (BART), at the time (and I remember when I was a student at university in the 1970s), was the state-of-the-art public transport system. The BART system was designed on much the same model that we have—car dependency. It provided underground transport through San Francisco and relied on park 'n' ride to feed into that public transport system. What we are seeing now is that high density is developing at the stations where formerly there were park 'n' rides, because the value of the investment that those cities made many years ago is now being greatly appreciated. As well, in the 1981 San Francisco earthquake, the freeway that was built around the edge of the city (rather like Brisbane's) collapsed. There was significant debate in that community about whether they would go back to the motor vehicle. They did not. They went to light rail and no-one would question that.

In relation to the economics of it, yes, of course, if you are to have high quality development, it will be expensive. It goes without saying that high quality urban form is more expensive than lower quality development. There are models within this country like at Subiaco in Perth. Subiaco is a former industrial site, not unlike the Port Road corridor. It is a former industrial corridor, which the development authority set out to redevelop. It was under the Keating government's Better Cities funding. Money was put in to underground that rail line as part of the Better Cities funding. It was expected to cost the government money. If you look at what happened,

the value of the land has increased so much, as a consequence of that development over the 15 years or so of its life, that the development authority has now made a significant amount of money. So what was meant to be a redevelopment—and the government was putting in money to deal with degraded urban land—has turned out to be quite a profitable exercise for that particular development. That is one in Australia of which I am aware.

In relation to overseas, yes, there are some different experiences. It goes without saying that, if we are to put transit-oriented developments on low value land, it will not be as profitable with the densities in those areas as it will be in the inner city areas where the land is more valuable—that goes without saying. Of course, those TODs that had the highest level of development were those where the land value was high—it makes more sense. What we saw in those other cities—and I have alluded to it in relation to San Francisco—in further out transit-oriented developments they will often begin as park and rides, there will be some development over 20 or 30 years, and ours is a 30-year plan, so we will build that development over time. We have a 30-year plan for Adelaide and, if you come back next year, Adelaide will not be full of transit-oriented developments, but we are concentrating the focus of development along the transport corridors. Over the 30-year period it will become increasingly viable for medium-density developments in key sites.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I will be happy to have a discussion on this with those people who were on the visit. Some of the cities we looked at in Europe, because they had more significant investment in transport expenditure over the years, generally had one CBD, and that is why the development focused very much around that CBD. With a city the size of Adelaide, which is larger than many of the cities we looked at, clearly there will be regional areas.

It may surprise the honourable member that in terms of shopping, as the mayor of Marion told me on the trip, more people shop at the Marion shops than shop in the CBD. Already these regions have developed, so our model will be different from the model in Europe. Those who went on the visit—and I invite any members of this council to look at what is done over there—found that we are at a crucial turning point in the development of our city and whether we can afford to go on assuming that the motor vehicle will be the dominant mode of transport and petrol will be as cheaply and readily available in future as it is now. It would be a stupid policy if we left ourselves vulnerable. We have to develop our own model in accordance with the strengths of Adelaide, and that is exactly what we will be doing. Planning for the Bowden site for the first TOD is underway.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: What do you mean by anchoring it? That site is a key part of Adelaide, and it is adjacent to the biotechnology precinct, so there will be a lot of demand. Channel 7 is just across the road from it. It has all the capacity as it is right on the edge of the city. It is a site that is ripe for redevelopment. Its location is absolutely crucial, given the close proximity of the bioscience precinct and other related activities in the region. Again, we are talking about 20 or 30 years of development.

The one lesson from those sites, if the honourable member likes to go back and confer with members who were on that tour, is that these sites did not develop overnight. With a site this size—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: That is the sort of stuff you people trade in—gossip. You are not interested in the substance or the quality. The Bowden site is eminently suitable. From my impression on the trip, everyone would agree that Bowden has all the qualities necessary to be a successful transit-oriented development.

VISITORS

The PRESIDENT: I inform the council that today we are honoured to have in our presence in the gallery two former employees of the parliament, Miss Jean Bottomley (who is turning 100 years on 25 July) and Miss Evelyn Stengert, and they are accompanied by Miss Bottomley's niece, Janet. I had the pleasure of hosting lunch for them today, together with the Hon. Jack Snelling, the Hon. Graham Gunn, the member for Morphett (Duncan McFetridge) and, of course, our Clerk of the Legislative Council.

Miss Bottomley commenced work as a housemaid/waitress in February 1942 and subsequently rose to the position of catering manageress with the former joint house committee in March 1950, resigning in May 1964. In those days, the manageress lived in Parliament House in a

self-contained unit which is now where the building attendants are located. The unit had its own bathroom and lounge facilities. Miss Bottomley once described the four course meals served in the dining room as follows:

...with plenty of variety of good plain cooking. There is nothing free in Parliament House. Everything is paid for by those using the services provided. It is a very necessary service because of the uncertainty and duration of the sittings.

Miss Bottomley was honoured to be the manager of the catering services on 23 March 1954 when the parliament entertained Her Majesty the Queen and His Royal Highness the Duke of Edinburgh at dinner. The menu consisted of grapefruit or mock turtle soup; fried fillets of whiting; chicken cutlets; roast beef and horseradish sauce, with peas, baked tomatoes, and baked and boiled potatoes; and peach melba, followed by bacon fingers and coffee.

Other dignitaries who visited Parliament House during Miss Bottomley's employment included prime ministers of Great Britain (Sir Alec Douglas-Home, Sir Anthony Eden and Mr McMillan), Sir Donald Bradman and Lord Bruce of Melbourne.

Miss Stengert commenced in Parliament House in April 1952, working as a waitress under Miss Bottomley, progressing to assistant manageress in 1960. Miss Stengert resigned in 1964 to work as a governess in Alice Springs for five years, and subsequently returned to Parliament House as the catering manageress in November 1968. She served in this position until May 1982, when she retired.

Both these ladies have, indeed, given long and excellent service to the parliament, and it is fitting that we acknowledge their presence here today. We are extremely honoured that they have been able to join us on the eve of Miss Bottomley's attaining 100 years of age.

I also had the pleasure of hearing many stories that were told over lunch, and I will not repeat them here, but I might not eat some of the pasta served in Parliament House after I heard a couple of those stories. Some of the stories reminded me of shearers' cooks in my day and how they recycled the food in the 1950s and made sure nothing went to waste.

I am sure the council wishes Miss Bottomley a very happy celebration of her 100th birthday and good health in the future for both our former employees.

Honourable members: Hear, hear!

QUESTION TIME

URBAN DEVELOPMENT

The Hon. M. PARNELL (14:43): In relation to the 30-year plan, can the minister advise when the background technical documents will be uploaded to the government's website?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:43): I will make inquiries about that. I am not sure what the technical issues are in relation to doing that, but I will—

The Hon. S.G. Wade: Drip feed.

The Hon. P. HOLLOWAY: Well, we have put out the most significant planning document since the 1960s. The thing is, whatever we did and whatever we put up there, I do not think members opposite would be capable of reading and digesting it, anyway.

RESIDENTIAL TENANCIES

The Hon. J.M.A. LENSINK (14:44): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about tenancy disputes.

Members interjecting:

The PRESIDENT: Order!

Leave granted.

The Hon. J.M.A. LENSINK: There was an item in Budget Paper 4, Volume 2 at page 7.18 which is a target for OCBA in 2009-10 to 'implement an advocacy, education and financial counselling service for the Tenancies Branch'. I note that the minister issued a press release herself on this topic and was quoted in *The Advertiser* of Monday 29 June as saying that a \$35 fee

for Residential Tenancies Tribunal applications is expected to raise \$194,000 next year and \$1.4 million over the next four years.

I have been in contact with the Landlords Association of South Australia, which was not consulted or formally informed that the scheme was to be implemented. The Landlords Association has concerns that there are already existing advocacy services—for example, Shelter SA and Anglicare's tenants information service, both of which receive government grants to carry out these services. The association has expressed concern that the system is continually weighted in favour of the tenant as opposed to the landlord and, further, that this scheme will be implemented at the expense of the landlords. My questions are:

1. Of those complaints made to the tenancy tribunal, how many are brought by tenants and how many by landlords?
2. What research was conducted to develop this scheme?
3. Is it a duplication of the services already provided by the non-government organisations I have mentioned?
4. Why is this fee to be the responsibility of the landlords?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:46): I thank the honourable member for her most important question. This is an innovative and most important new initiative that this government has recently announced, and it is to improve the financial counselling services, amongst other things, to both tenants and landlords. In fact, it is a win-win for all.

Both tenants and landlords will have access to these services. We found that there was a need to assist people earlier in their negotiations and disputes in order to resolve those matters before they escalated to a hearing before the tribunal. Of course, once a dispute has escalated to that level, it is often time-consuming and difficult to get people to look at other ways of resolving the issue. So, if you like, this was an attempt to try to nip disputes and disagreements in the bud.

Indeed, it is a very worthy initiative. This would allow a number of disputes to be resolved around financial matters, particularly if tenants get into problems with being able to meet their financial commitments. This would avail them of a service that would assist them to manage their finances better, to sort out their finances and to enable them to fulfil their obligations better. That is also in the interests of the landlord. If a tenant is able to pay their rent on time, obviously that is to the benefit of the landlord as well.

As I said, it is an initiative to which both landlords and tenants have access. Even if the service is being provided more to tenants, as the honourable member is suggesting—and I do not necessarily agree with her—its benefits to the landlord are still obvious. It is clearly a win-win for both tenants and landlords.

Such an application fee is consistent with other jurisdictions. I understand that in Victoria (in a similar jurisdiction) the charge is around \$35; in the ACT, the fee is about \$56; in Queensland, it is between \$14 and \$78; and, in New South Wales, it is \$33. You can see that we are consistent with the practices of other jurisdictions and we have worked to keep this impost at a very modest level.

Clearly, we have made provisions for those people who are on concessions, and students will be exempt from the payment of this fee. I have also requested that a policy around hardship be established so that if paying such an application fee does apply undue hardship on someone or their family they are able to put their case forward, and discretion can be made around the application of the fee, whether in full, partial payment or instalments.

We aim very much to accommodate individuals' needs in relation to that. It is certainly not a duplication of services: it is something which is unique in a number of respects and which is aimed very much at providing a win-win for both tenants and landlords. In relation to requests for numbers around applications, I do not have that on me, but I am happy to take that on notice and bring back a response.

RESIDENTIAL TENANCIES

The Hon. J.M.A. LENSINK (14:51): As a supplementary question: will the minister outline what is the difference between this service and those which already exist through organisations such as Shelter SA and Anglicare?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:51): As I have already mentioned, this is specifically targeted to assist landlords and tenants to identify problems and deal with issues early in the piece rather than when they actually get into a full-blown dispute. It is about providing a range of services or referrals to services such as those the honourable member has mentioned but also providing a conduit in some respects to ensure that a person who is in trouble and having problems paying their rent is provided with support, information and assistance early in the piece so they are able to fulfil their obligation and meet their responsibilities. It is the same, too, with landlords: often, a lack of information can cause problems. Again, this is a designated service to provide an early response and a conduit to appropriate support and assistance.

BURNSIDE CITY COUNCIL

The Hon. S.G. WADE (14:52): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question related to the City of Burnside.

Leave granted.

The Hon. S.G. WADE: The minister wrote to the City of Burnside on 2 July 2009 in relation to a possible investigation under section 272 of the Local Government Act. Section 90 of the Local Government Act lays down the fundamental principle that in South Australia a meeting of a council or council committee must be open to the public. The minister's letter to the council was faxed to Mayor Greiner on 2 July 2009 with a fax cover sheet stamped 'Urgent' at the top and 'Confidential' at the bottom. The body of the fax was headed 'Urgent and confidential'. The letter itself was marked 'Confidential' and contained the following penultimate paragraph:

I anticipate that a copy of this letter will be forwarded to each elected member, and the CEO, and dealt with in confidence in a meeting of the Council. The issues I raise in this letter are serious and as such there are serious implications for all individuals involved. Its confidentiality is paramount and my expectation is that it will be respected.

A report in *The Advertiser* dated 8 July stated:

The State Government says there was no need for the public to be evicted from a Burnside council meeting on Monday night. State/Local Government Relations Minister Gail Gago said the public could have been permitted to remain if the council avoided discussing a confidential letter sent by her.

On the very day that the minister's comments were reported, that is, 8 July, I understand the President of the Local Government Association wrote to the Mayor of the City of Burnside where she expressed the concern of the LGA in these terms:

...the Minister's position that her confidential letter to Council could have been managed without the use of the confidential provisions of the Local Government Act. This position has implications for the whole of local government.

My questions are:

1. Why did the minister ask for the letter of 2 July to be treated in confidence and then publicly criticise the council for having gone into confidential session at its meeting of 6 July?
2. Did the minister act to uphold the Local Government Act commitment to open meetings and contact the council at any time prior to its second in-confidence meeting yesterday (13 July 2009) and indicate that she was happy for the council to discuss the matter in open session?
3. What has the minister done to address the concerns of the Local Government Association that she is mismanaging the use of confidential information in the context of the possible section 272 investigation?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:55): I thank the member for his question and for the opportunity to clarify and speak further about the work that the

government has done in relation to resolving a series of issues and problems associated with the Burnside council—and there have, indeed, been protracted problems.

I have previously put on the record in this place that there are three steps involved in terms of pursuing my powers under the Local Government Act to appoint an investigator. The first step is that I must have a reasonable belief that a problem or a breach of some sort has occurred. The second is that I give reasonable opportunity for the council to explain its actions in relation to those concerns. The third is that, if I am then not satisfied, I can proceed to appoint an investigator.

The act is quite clear about these matters. Obviously, I have worked very hard and very cautiously to make sure that there is absolute adherence to the proper process so that there can be no accusation of this case being flawed in any way whatsoever, and I have gone to great lengths to ensure that that happens.

This process looks at whether or not an investigation should occur. In terms of the first stage (that is, that I have a reasonable belief that there is a problem), a preliminary investigation was conducted by officers of my agency. I have previously put on the record that they conducted a range of interviews and put together a report compiling a list of allegations and concerns raised by various councillors and other staff members of Burnside council.

As I have said publicly before, those allegations are unsubstantiated. The purpose of the preliminary inquiry was simply to collect information about the issues and to determine whether problems were occurring and the nature of those problems. It was not the responsibility of that inquiry to investigate the authenticity of the evidence around those allegations, nor would it have been proper for it to do so. That is a matter for the investigation itself if the investigation is to go ahead.

I was in a position where I needed to raise with the council issues about which I had reasonable concern, but I felt that I needed (and I had legal advice to this effect) to do it in a way that ensured due process and natural justice for everyone, given that the allegations were unsubstantiated. That is why the letter was properly marked 'confidential' and why I requested, particularly in relation to identifying and talking about allegations around individuals, that they be dealt with and treated in a confidential way as well, not to mention issues around the potential for defamation. We all treasure our homes, and we want to keep it that way.

There are legal aspects around raising allegations, particularly unsubstantiated allegations. That is the reason the letter was couched in those terms and why I requested that the council give confidential consideration particularly to specific elements that may have been discussed around individual behaviours or practices. In relation to the powers of the council, it has the right, in certain circumstances, to go in camera or to have discussions in confidence. The act outlines the sorts of reasons or situations that might warrant a council applying those particular provisions and councils have the right to do that.

In terms of my criticisms of the council, I have never criticised the Burnside council for adhering to my request that these matters be dealt with confidentially. It is fascinating that this document marked 'Confidential' to the Burnside council has now been, it would appear to me, freely circulated. We have members of parliament and other people quoting from it, which I think is a very telling issue in itself. In fact, there was no criticism made of the council treating it in a confidential way. What I was disappointed about was the decision around the bringing in of the police and the removal of people from the gallery, which I believe could have been handled in a far more sensitive way.

Human beings are rational and reasonable people and I am sure that, if the general public had had an explanation from the council as to the reason for the need to discuss matters in camera, an adequate explanation as to what the council wanted to do and why it needed to do it, people would have left in an orderly and respectful way. I am quite confident that that would have happened.

BURNSIDE CITY COUNCIL

The Hon. S.G. WADE (15:01): As a supplementary question, is the minister advising the council that she believes it was appropriate that the letter be considered in an in-confidence meeting but that it was inappropriate for the gallery to be cleared by police?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:02): I have

already clarified what I believe in relation to the issue to do with the clearing of the gallery and the bringing in of the police. In relation to the discussion in respect of the correspondence, what I requested and what I believe was proper is that any matter pertaining to those issues raised in the letter that would have dealt with individual and personal divulging of information should have been treated in a confidential way.

If there were general discussions or general statements to be made about the council's response, I imagine there would be a number of examples where it would have been appropriate for the council to engage with members of the public in the gallery. For instance, providing a reasonable explanation to the gallery as to what process the council had intended to adopt in providing a response and how it needed to go about doing that would not have breached the confidentiality of the letter. That could have addressed some of those matters, and I think it would have been a very helpful way to proceed.

BURNSIDE CITY COUNCIL

The Hon. D.G.E. HOOD (15:03): As a supplementary question, does the minister have any reason to believe that the problems or the issues surrounding the Burnside council at the current time are also being experienced by other councils?

The PRESIDENT: The question asks the minister to give an opinion. The question is out of order.

URBAN DEVELOPMENT

The Hon. CARMEL ZOLLO (15:04): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the government's work in preparing for the significant changes Adelaide is expected to undergo during the next 30 years.

Leave granted.

The Hon. CARMEL ZOLLO: We know that South Australia's population will increase in the next 30 years and that there will be a greater proportion of older people. We also know that our environment is under pressure from climate change, fuel prices are expected to rise and there will be a greater need to secure our water and energy needs. The minister has already responded to a question from the Leader of the Opposition in relation to TODs.

Can the minister provide additional information regarding how this government is planning ahead to ensure that Adelaide's growth will improve the quality of life of South Australians and preserve our heritage? What are the main objectives of the government's planning strategy for the next 30 years?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:05): I thank the honourable member for her well-informed question. Last week the government released its draft 30-Year Plan for Greater Adelaide for public comment. This comprehensive plan sets out a vision for the growth and development of the Greater Adelaide region over the next three decades. It lays out a strategy for accommodating a growing population—estimated to swell to 2 million people by 2037—as well as providing more housing choices for our changing demographics.

As well as outlining where people live, the plan looks at where jobs are likely to be located, and then links this with the \$11.4 billion of investment in public transport already earmarked in the past two state budgets as part of an unprecedented level of spending to upgrade rail, tram and bus services throughout Adelaide. One of the main objectives of the 30-Year Plan is to build on the existing strengths of the Greater Adelaide region and the features that make our city one of the most liveable places in the world.

We face some huge challenges in the next 30 years. There will be a much greater proportion of people aged 65 years or older, a lot more singles and couples without children, and an increase in demand for smaller homes located closer to shops, services and transport. We also need to plan for new types of industries and jobs, while at the same time preserving and enhancing our environmental assets, increasing the efficiency of our water and energy use, and reducing our carbon footprint. This is a plan that will shape the future and identity of this state for decades to come. It will guide where people live, how we manage population growth, and how we will create jobs. It will create a climate-change resilient city and a vibrant economy buoyed by strong housing affordability.

During the next three decades the greater Adelaide area is expected to grow by 560,000 people and 258,000 new homes, as well as creating 282,000 jobs. The plan will guide where people live and work; it will ensure that by the end of the 30 years up to 70 per cent of new dwellings will be built within the current urban area, with a focus on the better use of our city's transport corridors. That means we will be able to keep a check on urban sprawl. I have heard criticism that, by aiming to reduce the proportion of housing on the urban fringe to 30 per cent, it risks people being attracted by low land prices and then marooned by high fuel prices. However, that blinkered and outdated thinking envisages a city where most people commute into the CBD for work; that was the sort of model that cities like San Francisco were built upon, and the previous Adelaide plan was to have people living in the suburbs and commuting large distances.

This plan estimates that only 43,000 of the 282,000 new jobs to be created in the next 30 years will be within the city of Adelaide; the vast majority of those new jobs will be located in the northern, western and southern regions. By putting more jobs in the regions and around transit-oriented development, by linking residential areas with nearby employment lands through our huge investment in public transport, the plan will encourage a less car-dominated city. By focusing growth along transit corridors we will also ensure that Adelaide's distinctive urban character can be retained, leaving about 80 per cent of metropolitan Adelaide's character largely unchanged. That is one of the key goals we have over the 30 years: less than 30 per cent of the city in new greenfield development and about 80 per cent of metropolitan Adelaide's character largely unchanged.

Our residential development code, particularly the character provisions now being formulated in close consultation with local government, will further ensure that the intrinsic charm of our inner suburbs is retained. If we do not succeed in the objectives of this plan to contain that growth within the transit corridors, it will put much more pressure on urban fringe growth.

The 30 year plan also preserves the heritage and character of smaller townships within the Greater Adelaide region, while growing larger townships which are well supported with infrastructure and services. The plan returns to and fulfils many of the fundamental principles of Colonel Light's original vision for Adelaide, including walkable neighbourhoods; houses close to jobs, transport and services; people living in the best places near parklands, waterways and vibrant centres; connected transport networks which form the backbone of the urban environment; and parklands and open spaces built into the new urban environments from the outset.

We want people to have their say, which is why the draft is available for three months of consultation. We are looking forward to public feedback to identify where we can improve the plan, but we believe the central principles will remain unchanged. Consultation on the plan will end on 30 September and submissions can be lodged with the Department of Planning and Local Government, and the plan can be obtained online at a special website 'Plan for Adelaide'.

I look forward to the continuing debate on the future of our city. It is important that people do consider the issues. We have a number of options available to us but, if we do not take the right option, it will have huge environmental, economic and social costs. We believe that, with the years of work that have gone into this plan, it does provide the best balance between those environmental, economic and social objectives.

ROBINSON, MR S.A.

The Hon. R.L. BROKENSHIRE (15:11): I seek leave to make a brief explanation before asking the Leader of the Government a question about responsibility.

Leave granted.

The Hon. R.L. BROKENSHIRE: On 22 April each year, South Australia commemorates the formation of responsible government in South Australia. Winston Churchill once said, 'The price of greatness is responsibility.' Michael Korda, Editor-in-Chief of Simon and Schuster, once said:

Success on any major scale requires you to accept responsibility...In the final analysis, the one quality that all successful people have is the ability to take on responsibility.

Today I have been listening (when I can) to the radio and ministers of the crown who have been pointing fingers this way and that about the recent disgraceful acts of the late Shane Andrew Robinson and the tragedy for the victims of his offending. Whilst Mr Robinson's offending stretches back to his time as a youth, I note that the offending for which Robinson was on parole was a seven year gaol term for a hostage situation and crime committed on 30 April 2002, early in the seven year life of this government. I also note that, in a media release launching the last election in 2006, the Premier stated proudly:

...for the first time in the State's history, we stood up to the Parole Board and refused the release of notorious murderers like Stephen McBride.

My questions are:

1. Why is the government pointing blame at the Parole Board, the police and the courts but not taking any responsibility itself?
2. Put another way, can the government identify any area in this matter where it must take responsibility for the Robinson matter and parole in South Australia and act now?
3. Does the government have confidence in the Parole Board and the Parole Board presiding officer?
4. Will the government initiate an immediate public inquiry for full reform of the parole process to ensure proper resources, proper rehabilitation of offenders and justice for victims of crime?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:13): I noted the comments at the weekend of the police commissioner, and I would think most South Australians would agree with his comments. A police officer was shot by this individual, as I understand it, and he, quite rightly, questioned the decisions that had been made by the Parole Board in relation to the release of that prisoner, and I can only support the comments of the police commissioner—

The Hon. D.W. Ridgway: Why wasn't he arrested when the Parole Board asked for him to be arrested? Not enough government resources!

The Hon. P. HOLLOWAY: There you have the answer relating to the second part of the question about who was criticising the police. I have not seen the criticism, but we have heard criticism and obviously members opposite have been criticising the police in relation to that matter. Let us get it on the record that I am certainly not criticising the police and I am not aware of any of my colleagues who have a closer responsibility in relation to these matters than me doing so. It is apparent the opposition do—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: We heard the interjection from the shadow minister for police, quite voluntarily, about why the police did not do it. If somebody is released on parole, it is rather unfair to blame the police as there may be all sorts of reasons why they cannot make an arrest.

To get back to the fundamental question, this government will accept responsibility for those things for which its responsible. It is this parliament that passes the laws that govern how bodies operate. What about some of the members opposite accepting responsibility for the many amendments they make to legislation? You cannot have it both ways. You cannot refuse government legislation or amend it in a way to make it ineffective and then turn around and blame the government.

This government will not accept responsibility for that. When we have legislation that is amended by those opposite, why should we accept responsibility for their decisions? This government will accept responsibility for those matters that are within its jurisdiction. I thank the honourable member for his question, but members opposite and not this government have raised the question of criticism of the police.

ROBINSON, MR S.A.

The Hon. R.D. LAWSON (15:17): I seek leave to make a brief explanation before asking a further question of the minister representing the Attorney-General regarding the matter of Shane Andrew Robinson.

Leave granted.

The Hon. R.D. LAWSON: As the Hon. Mr Brokenshire mentioned, last week Shane Andrew Robinson, a parolee whose parole was revoked on 22 June this year, committed a series of serious criminal acts that injured a police officer and terrified a number of citizens before killing himself. Robinson should not have been at large because his parole had been revoked on 22 June. The Attorney-General initially, and later the Minister for Correctional Services, sought to deflect public criticism of the government in relation to this matter by suggesting that personnel on the Parole Board ought to be changed. The Attorney-General told ABC Radio yesterday morning:

The first thing I have to do is work out who was on the Parole Board when this very bad decision was taken.

In fact, the presiding member of the board, who made the decision to release Robinson on parole, was Mr Tim Bourne, who was appointed to the Parole Board by this government in November 2004. He is a lawyer in private practice and has close connections with the Australian Labor Party. Before his appointment the Attorney-General divulged that Mr Bourne had acted for the Attorney-General in his personal capacity in the celebrated defamation action between Ralph Clarke and the Attorney. In November 2004, at the time of the appointment—

The Hon. R.I. Lucas: Pro bono.

The PRESIDENT: Order! I remind the honourable member that it is not a second reading speech.

The Hon. R.D. LAWSON: No, indeed. In November 2004, at the time of the appointment, the Hon. Angus Redford asked the then minister for correctional services what qualification Mr Bourne had for the appointment, but the minister declined to provide any details. My questions to the Attorney are:

1. What point was the Attorney-General endeavouring to make when he said, and I quote again, 'The first thing I have to do is work out who was on the Parole Board when this very bad decision was taken'?
2. Why is that the first thing that the Attorney-General had to do in relation to this matter?
3. Does Mr Bourne still enjoy the confidence of the government?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:20): It is my understanding that the Parole Board is the responsibility of the Minister for Correctional Services. Of course, that is the appropriate place for it to be.

The Hon. S.G. Wade: Well, then, why is Atkinson talking about it?

The Hon. P. HOLLOWAY: Because the Attorney-General is responsible for law and order generally and the judicial system, and there is obviously some interaction between what happens on parole and sentencing. Obviously, the Attorney-General has responsibility for legislation in relation to the operation of the various judicial and semi-judicial or pseudo-judicial bodies within our community—that is his responsibility—but the actual responsibility for the Parole Board lies with the Minister for Correctional Services because, of course, essentially the Parole Board is dealing with people who are administered through the corrections system.

In relation to the comments made by the Attorney, he is responsible for those and I will see whether he wishes to make a contribution to the answer.

PRODUCT SAFETY

The Hon. R.P. WORTLEY (15:21): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about product safety inspections.

Leave granted.

The Hon. R.P. WORTLEY: Often people assume that baby products purchased from shops meet required safety standards. This is not always so. Can the minister advise what is being done to keep a check on products in our stores?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:22): I am pleased to advise that product safety inspectors are commencing their scrutineering of consumer products for this financial year. The safety of babies is, of course, of the utmost importance to their parents, carers and loved ones. Children are not capable of making the same decisions as adults, especially those involved in identifying the assessment of hazardous risks. Many incidents of child injury could easily be avoided by being aware of the potential danger traps. Choosing a safe product is the first step; using it appropriately and according to the manufacturer's instructions is the next important step; and, of course, ensuring that it is used for the appropriate age is also important.

To ensure that parents, grandparents and carers can make these decisions, the Office of Consumer and Business Affairs soon will be checking out products to ensure that they meet safety regulations. Specifically, inspectors will be looking at baby and children's products, including nightwear, cots, bath aids for babies, child restraints and hot water bottles. Inspectors will be checking that mandatory standards for cots are being met to ensure that babies cannot be trapped by loose bars or parts, and that nightwear meets the labelling requirements about design and particularly issues around flammability.

In the car, children need to be secured in restraint devices that are the correct size and design for the baby or child. While bathing aids can assist with supporting a baby in a bath while allowing them to be washed, they can also be hazardous, and children should never be left unattended. Obviously, again, the product needs to carry the appropriate warning labels.

Retail outlets and suppliers will be the targets of this testing, and any potential breaches will obviously be thoroughly investigated by OCBA. If a trader is caught supplying a product that does not meet safety requirements, they could face a penalty of up to \$10,000 under the Trade Standards Act 1979. This inspection by OCBA will become part of a national program that will be completed later this year involving all their trading agencies. Of course, if any parent or carer has concerns about the safety of any baby product, they can contact OCBA, and there are particular numbers for country callers.

BURNSIDE CITY COUNCIL

The Hon. DAVID WINDERLICH (15:25): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations questions about the Burnside council.

Leave granted.

The Hon. DAVID WINDERLICH: On 1 August 2008, the chief executive of PIRSA, Geoff Knight, who was at that time responsible for state and local government relations, wrote a letter to the Mayor of Burnside, Wendy Greiner, which summarised a number of complaints against Burnside council, including the following:

- That the conflict between certain groups of councillors and the CEO is now at a level that the Council is dysfunctional;
- That the Council is placing inappropriate weight in a range of decisions on the views of a person who is neither an elected member nor a member of staff—

The letter names the person; I will not do so at this stage. It continues:

- That various requests for information by certain councillors are being refused by the CEO;
- That the Council chose not to implement the recommendations from a report addressing allegations made against certain councillors, without good reason;
- That minor breaches of the Council's Code of Conduct by certain councillors have been subject to an overreaction by other councillors, motivated by revenge;
- That the revenge sought relates to failed planning ventures by—

The letter names the unelected person. At this point I stress that this is a summary of allegations, not statements of fact or findings. Mr Knight continues:

I have considered a number of possible conciliatory interventions, but it seems more appropriate to initiate a course of action that requires the Council to take responsibility and to demonstrate that the elected body can work together constructively, and with the administration. Should this not be possible, consideration will be given to recommending to the Minister an investigation pursuant to s272(1) of the Local Government Act 1999.

However, before I recommend this course of action, I am providing the Council with an opportunity to make submissions in relation to the allegations made and summarised above...I strongly encourage the submission to represent a unanimous position of the Council and one that is approved by all councillors at a meeting...

On 2 July 2009, almost a year later, the minister wrote to Mayor Wendy Greiner advising that she is inclined to appoint an investigator but is giving the council an opportunity to explain its actions and make submissions. That letter listed a number of concerns, including:

- the failure of the council to resolve the friction between elected members, notwithstanding a new code of conduct and independent investigation and mediation;
- the further deterioration in relationships between parties despite the various actions taken by the council as evidenced by current litigation between elected members;

- the circumstances surrounding the CEO's resignation and reinstatement and the effect that this may be having on councillors' abilities to bring an impartial mind to their deliberation;
- recent council meetings having to be adjourned due to a lack of quorum apparently caused by members abandoning meetings before their close;
- suggested leaking of confidential council information; and
- bullying and harassment between elected members in meetings, between elected members and members of the public gallery, and between elected members and staff of the council.

I note that in the letter of 2 July there is no mention of the concerns about the influence of an unelected person. My questions are:

1. Did the minister receive a submission that represented the unanimous position of the council, as required by Mr Geoff Knight in his letter to the mayor of 1 August 2008?
2. If not, why did she not commence the process of investigation in 2008?
3. Did council provide a submission that addressed all matters identified by Mr Geoff Knight in his letter to council, including the influence of an unelected person on council decision-making?
4. If not, why didn't the minister commence the process of investigation in 2008?
5. Is the minister aware that councillors and residents have continued to complain about the influence of an unelected member of the community on council up to the present day?
6. If the minister is aware, why didn't she ask Mayor Greiner to address these concerns in her letter to Mayor Greiner of 2 July 2009?
7. If the minister decides to investigate Burnside council under section 272 of the act, will the minister undertake to include the issue of the influence of an unelected person on the decision-making of Burnside council in that investigation?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:29): I thank the honourable member for his question. I have already put on record today the three steps that I am required to take under the Local Government Act to pursue a formal investigation.

The Burnside council has certainly had a history of problems, which preceded my time as minister. However, my understanding is that certain problems were looked at earlier on in the piece and were identified. The council was requested to respond to those. My understanding is that it did, and I will need to check the records for this, but I believe that its response was to invite the government to investigate the issues involved.

From there—and, again, these were arrangements that were put in place largely by my predecessor, and I will have to check the details of this for accuracy—my understanding is that there was an agreement that the council would deal with these problems through a process of conflict resolution and mediation. My understanding is that it actually employed someone to come in to the council. I cannot remember the name of the person now; Kelly comes to mind, but I will check regarding the person who was responsible for leading that conflict management and mediation.

I understand that quite an extensive process was undertaken by council and counsellors to participate in that process, at the end of which my understanding is that they reported to or wrote to the minister and determined that things had progressed well and that the matters were in hand and being resolved and fixed. My understanding is that, with further developments, that process then broke down to such a degree that council members lost confidence in it and it was disbanded.

As I said, I need to check the detail of that, because my memory is sketchy, particularly on those things that happened when I was not minister. Certainly, my understanding is that, as I said, the problems had been protracted and that a great deal has been put in place to assist that council to resolve its own problems. That is how it should be; the state government should not be heavy handed. We should assist local government to manage and deal with its own problems, obviously within certain standards and certain parameters.

I believe that I have certainly given Burnside council every opportunity to do that. Given that that process was put in place, and albeit that it did not appear to have a happy ending, nevertheless, again from that I had to determine that I had a reasonable belief that there were still problems, so it was a matter of adhering to absolutely proper and correct process. I believe that, if I had listened to the advice of the Hon. David Winderlich earlier in the piece, this investigation could possibly have been tossed out on the grounds of poor process. So, thank you, the Hon. Mr Winderlich, but no thank you; I actually want this thing to have legs and to make it to the finish line.

Due process is most important. I know there are honourable members here who want a witch-hunt; well, not on my shift. We need to identify problems clearly; they need to be investigated thoroughly; and absolute due process to all parties needs to be adhered to. The Local Government Act is quite clear about responsibilities and obligations in appointing an investigator, and they are the steps that I am most carefully and cautiously undertaking so that the integrity of any investigation that might occur out of this process is a proper one and cannot be challenged. So, thank you, the Hon. David Winderlich, for your advice, but no thank you.

ANSWERS TO QUESTIONS

VACSWIM

In reply to the **Hon. T.J. STEPHENS** (30 October 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Recreation, Sport and Racing has provided the following response:

1. I am advised the ORS is unsure where this statistic is sourced. ORS suggests the member is quoting from the average response to some 15 questions, only one of which is related to program content.

The other 14 questions used to determine the overall level of satisfaction, include such matters as enrolment procedures, value for money, quality of instructors and the amount of water space for lessons.

Royal Life Saving Society Australia's 'Swim and Survive' program is just one of a number of Learn to Swim, water safety products in the Australian marketplace. It is not the only product, for example the Department of Education and Children's Services (DECS) does not use 'Swim and Survive' for its own programs in South Australian schools.

I understand the Royal Life Saving Society manual states that their program is attainable in the context of an 'ongoing, comprehensive and developmentally sound water safety, personal survival and swimming education' environment. Hence it is better suited to be delivered as an ongoing program over a longer timeframe.

The successful contractor proposed to write a new water safety program for VACSWIM, based on their own learn to swim product 'Swimways Learn to Swim' that was suitable for delivery over 7-days and implement this.

The government still maintained that certain standards had to apply, including that any program had to meet the 'Water Safety Competency Targets', sometimes referred to as the National Water Safety Framework, which were set out in the National Water Safety Plan 2004-07.

The business plan put forward, and which the government accepted after a proper evaluation process, involved shortening VACSWIM from 9 days x 40 minutes to 7 days x 45 minutes.

The rationale put forward by the contractor was that families would benefit from reduced travel, reduced pool entry costs and the shorter time commitment for busy working families.

2. The area of water safety is not as simple as many people assume. There are in fact several specialist organisations each with their own area of expertise. The three highest profile organisations are AUSTSWIM, Surf Life Saving and Royal Life Saving Society.

The Australian Water Safety Strategy sets out that AUSTSWIM is regarded as the primary body in relation to the teaching of swimming and water safety in Australia. Royal Life Saving is regarded as the primary body in regard to the training and development of lifeguards for pools and inland waters.

I am advised Mr Richter was the chief lecturer for AUSTSWIM in South Australia until 2006 and has held senior roles with AUSTSWIM and Royal Life Saving as well as having run the South Australian 'Learn to Swim' program for more than 20 years.

I am advised the contractor did meet with the South Australian Branch of the Royal Life Saving Society in July 2008 to show them the new program.

The Office for Recreation and Sport met with the South Australian Branch again in August 2008 and the Minister for Recreation, Sport and Racing met with them again on 16 October and 10 December 2008.

At the 10 December 2008 meeting all parties, including the Australian Water Safety Council and the Royal Life Saving Society, agreed that the program as it was developed by the contractor, approved by the government's independent advisor and accepted by the government, met the 2008-11 Water Safety Educational Competency Framework.

The Minister and the contractor agreed to clarify the wording of one competency and to add some additional competencies, primarily to make it easier for children undertaking VACSWIM to transition into the Royal Life Saving Society higher awards program.

VACSWIM

In reply to the **Hon. J.A. DARLEY** (27 November 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Recreation Sport and Racing has provided the following information:

1. 'Swim and Survive' is just one of a number of learn to swim, water safety products in the Australian marketplace. It is not the only product, for example DECS does not use 'Swim and Survive' for its own programs in South Australian schools.

I understand the Royal Life Saving Society manual states that their program is attainable in the context of an 'ongoing, comprehensive and developmentally sound water safety, personal survival and swimming education' environment. Hence it is better suited to be delivered as an ongoing program over a longer timeframe.

The successful contractor therefore proposed to write and implement a new water safety program for VACSWIM, based on their own learn to swim product 'Swimways Learn to Swim' that was suitable for delivery over 7-days.

The government still maintained that certain standards had to apply, including that any program had to meet the Water Safety Competency Targets, sometimes referred to as the National Water Safety Framework, which were set out in the National Water Safety Plan 2004-07.

The business plan put forward, and which the government accepted after a proper evaluation process, involved shortening VACSWIM from 9 days x 40 minutes to 7 days x 45 minutes.

The rationale put forward by the contractor was that families would benefit from reduced travel, reduced pool entry costs and the shorter time commitment for busy working families.

2. As I have indicated already, the contractor using their own staff and consultants, wrote the initial program. Staff and consultants who were experienced swimming instructors, fully accredited and trained by AUSTSWIM, the Australian Council for the Teaching of Swimming and Water Safety. Some of those staff had also been involved in the development of the 'Swimways Learn to Swim' program, which has been used to teach more than 1 million people to learn to swim in Australia and New Zealand.

3. I am advised that the contractor did meet with the South Australian Branch of the Royal Life Saving Society in July 2008 to show them the new program.

The Office for Recreation and Sport (ORS) met with the South Australian Branch again in August 2008, and the Minister for Recreation, Sport and Racing met with them again on 16 October and 10 December 2008.

At the 10 December 2008 meeting all parties, including the Australian Water Safety Council and the Royal Life Saving Society, agreed that the program as it was developed by the contractor, approved by the government's independent advisor and accepted by the government, met the 2008-2011 Water Safety Educational Competency Framework.

4. I am advised the ORS has acted with due diligence throughout this whole process and at all times the safety and wellbeing of children involved in VACSWIM has been their primary concern.

In preparing the tender, the ORS ensured that it was fair and balanced. It must be understood that the 2004-2007 Water Safety Competency Targets, sometimes referred to as the National Water Safety Framework, developed by the Australian Water Safety Council, were the required Australian standard at the time this tender was prepared, not 'Swim and Survive'.

The ORS was aware for example that neither VicSwim nor VACSWIM WA uses 'Swim and Survive' for their equivalent programs, and that in going to a national public tender they must allow all water safety programs to compete equally provided they met the competency framework requirements. The ORS also engaged an independent water safety expert to evaluate the water safety component of each tender.

Once the contractor was appointed and presented their new program, not only did the new program then also have to meet the 2004-2007 Water Safety Competency Targets, it was thoroughly reviewed by an independent water safety expert of the government's choosing and approved by that expert.

The ORS then had the new program mapped against the new and revised 2008-11 National Water Safety Educational Competency Framework (when this was released in October 2008), which it still met and exceeded, even though this framework did not exist when the original tender was developed and evaluated.

PETROLEUM (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 July 2009. Page 2792.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:35): When we last debated this bill, I sought leave to conclude my remarks. The main reason for doing so was that, at that point, the bill had not gone through the opposition's very exhaustive backbench portfolio committee process to analyse government legislation and also to seek input from stakeholders. The legislation has now gone through that process.

I raised a number of questions, and the minister has provided me with the answers to those questions. I will not go through those answers, because I think the minister intends to put them on the record during his summing up of the second reading. I indicate that the shadow minister, Mr Adrian Pederick (the member for Hammond), has been briefed by the government, and I thank the government for that briefing because there was a change of responsibilities at the time this bill was introduced. I indicate that the opposition supports the bill.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:37): I thank the Hon. Mr Ridgway for his contribution and his indication of support for the bill. I also thank those other members who have not spoken but who have indicated their support for the bill. This is a significant bill. As we speak, Mr Barry Goldstein, the Director of the Petroleum and Geothermal Section of PIRSA, is in Brisbane for an important meeting with the federal government in relation to carbon geosequestration.

Last week, when I attended the Ministerial Council on Mineral Petroleum Resources with all of the state and federal ministers, this was considered a significant issue for discussion. I think that underlines the fact that, as other states are also moving to change their legislation to facilitate their carbon capture and storage legislation, this state also must move quickly forward on this matter. So, I thank honourable members for their indication of support and their help in getting this bill through.

I place on the record answers to questions raised in debate by the Hon. Mr Ridgway. As the Hon. Mr Ridgway indicated, I supplied those answers in order to facilitate the debate, but they should be put on the record.

The Hon. Mr Ridgway asked, first, whether I could provide details of the likely circumstances where compensation would be payable to a landowner for activities regulated under the Petroleum Act. Circumstances where compensation would be payable to owners of land include situations where the carrying out of regulated activities, such as seismic surveys, drilling,

construction and operation of production facilities, and construction of transmission pipelines result in any of the following:

- adverse effects to agricultural productivity or other primary production activities, both short and long term;
- disruption to important land use periods (for example, calving, lambing, sowing or harvesting);
- disruption to recreational, industrial or other existing land use activities;
- adverse effect to the conservation value of lands under the National Parks and Wildlife Act; and
- damage to fences or other existing infrastructure.

For example, the construction of the SEA Gas Pipeline in 2003, traversing the South-East of South Australia from Port Campbell to Adelaide, involved extensive compensation negotiations between the owners of land and SEA Gas Pty Ltd, the licensee. If my memory serves me correctly, more than 1,000 landowners were affected.

Similarly, in 2008, Santos Limited settled compensation payments with pastoralists for the impact of its operations on pastoral activities in the Cooper Basin area and with the Department for Environment and Heritage for the impacts on the conservation values of the Innamincka and Strzelecki regional reserves.

These payments cover the period from the commencement of Santos's operations to January 2004, and negotiations have now also commenced for compensation payments for the period up to the end of 2008. For subsequent years, negotiations for compensation payments will be carried out on a two-yearly basis.

The member's second question asked me to explain whether amendments to compensation provisions made by the bill provide more clarity in relation to the landowner compensation process. The amendments to compensation provisions proposed by the bill aim to ensure that compensation provisions are fair and reasonable and that requirements and entitlements are clear. The amendments ensure that all parties who may be directly affected by regulated activities are provided with notification prior to the commencement of activities and may be entitled to compensation.

An explicit provision is introduced in the bill to entitle the owner of land to compensation for the time and effort reasonably and necessarily incurred during and directly related to access and compensation negotiations. An example of circumstances where compensation may be payable in accordance with this provision is the situation where the owner of land incurs travel expenses to attend negotiation meetings or incurs costs through seeking legal advice.

I take this opportunity to advise the Hon. Mr Ridgway that the bill does not include a specific provision entitling an owner of land to compensation for the devaluation of land caused by the development of permanent facilities by the licensee. While this was included as a proposed amendment in the green paper released in 2006, it was not drafted into the bill. This decision was made on the basis of feedback received during stakeholder consultation and discussions with parliamentary counsel regarding the difficulty in defining the term 'permanent'. Notwithstanding this, it is considered that the intent of such a provision is in fact covered by section 63 of the act without the need to make it explicit.

I put the comment on record that the government is obviously looking at these issues of compensation in relation to the Mining Act and, indeed, there is some draft legislation that has only in the past few days been released (it is, I think, available on the web) in relation to how that issue might be addressed in relation to the Mining Act. Here we are dealing of course just with the petroleum and geothermal legislation but, clearly, we need similar provisions in the Mining Act as well. With those comments, I thank the opposition for its indication of support to get this bill through before the beginning of the winter break, and I thank all other members for their indications of support.

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

**REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (MISCELLANEOUS) AMENDMENT
BILL**

Adjourned debate on second reading.

(Continued from 2 July 2009. Page 2764.)

The Hon. D.G.E. HOOD (15:45): From time to time a bill will be introduced in this place that appears sensible and compassionate but which, nonetheless, is worthy of further discussion—and, in fact, demands critical debate. I believe this is one of those bills. It asks many very complex questions about which people have varying views, a number of which I will list as follows:

- Should a woman be able to use frozen sperm kept over from a deceased partner?
- Should a single woman be able to access the technology to have a child on her own?
- Should a lesbian couple have the right to a child through assisted reproductive technology, as has been suggested in an amendment tabled in this place by the Hon. Mr Hunter?
- Is the choice to have the child a right, as much as looking out for their care becomes our parental responsibility after exercising that right?

These questions go to the core definition of what it means to be a family and to raise a family, and these are questions in which Family First is very much interested. It is the family that we are determined to preserve and foster.

In considering this bill, the key question for Family First is not about the rights of the parents; rather, before any issue of parental choice or so-called rights are considered, we believe that the well-being of any child born as a consequence of the bill we are debating today must be considered. I have a letter from a man (who at this stage will remain anonymous) who was conceived some 35 years ago at the Queen Elizabeth Hospital as a product of donated sperm. He recently gave a talk to a fifth year Adelaide University medical students' lecture, where he talked about how bewilderingly complicated his birth has made his own quest for identity and belonging.

The man talks about the 'debt of being alive', an existential debt that he owes his anonymous sperm donor father, whom he is on a quest to find. He has become a medical researcher himself, and he notes:

I conduct experiments on a daily basis in a lab and at times I feel like one of those. My life feels like it has been denigrated to an experiment in modern medicine and social science...It is hard not to think of my conception as being reduced to creating more stock for the human herd. Donor conception is a misnomer as to donate something is to freely give something without expecting anything in return. And while many state that they do it for altruistic reasons, they all get paid. While it is supposedly a reimbursement to cover costs incurred by the donor it is still payment and one which essentially commodifies human life. I was thrown away in a plastic cup for what was in essence 'beer money'.

Those are very strong words which will, no doubt, illicit varying views from members in this place. However, the point I am making is that this individual has been through the process himself and obviously has very strong feelings about it. I am sure no-one would want him to feel this way, that he is the result of what, to some extent, were unintended consequences of laws passed in this place in times gone by.

This bill opens up complicated moral questions. As I said, this man believes he owes an 'existential debt' (to use his own words) to the father the system prevents him from knowing, yet he feels cheapened by the process by which he came into the world and his life has been lessened by an inability to connect with and know his biological father. He wants to know his dad. Not all in his circumstances feel the same way, of course, but he certainly does, and no doubt there are others like him—not all, but there would be a good number who do. We should not discount his feelings. I think this gentleman speaks with some authority on the matter, having experienced it himself, and we would all do well to consider his feelings as we come to cast our vote on this bill. Near the end of his letter, the man notes:

Australia is a signatory on the United Nations Conventions on the Rights of the Child. We have also ratified it. However, we have failed to implement its articles. It quite clearly states that every child has a right to know and be cared for by its parents, a right to his or her identity, including nationality, names and family relations.

The provision to which he refers is contained within article 7 of the United Nations Conventions on the Rights of the Child. In article 3, it states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The concept that the best interests of the child must be held paramount is acknowledged not only by the United Nations (which I have just referenced) but also in our family law system and by our state agencies such as Families SA. This concept is also found in section 10 of the Reproductive Technology (Clinical Practices) Act 1988, which is repealed by this bill but which currently provides:

The welfare of any child to be born in consequence of an artificial fertilisation procedure must be treated as of paramount importance, and accepted as a fundamental principle, in the formulation of the code of ethical practice.

It is wrong that this bill removes that central concept which gives primacy to the rights of the child and, as in clause 7, puts the wishes of prospective parents at the same level. I will be moving an amendment to retain the focus in the bill on the rights of the child being of primary importance.

Unborn and newly born children have no voice. They have been brought, without choice and without their rights being ascertained and without their equal opportunity concerns receiving a hearing, into a new world. Of course, it is not possible. Children should never be fashion statements or trophies, as they are sometimes referred to and as they can sometimes appear to be in the arms of celebrities whom we see occasionally on television. They are their own individuals and deserve to be respected no matter what.

Deborah Pearce maintained that she had the right to a child. She took the South Australian Health Commission to court saying that it was discriminatory that she (as a single woman) was refused access to assisted reproductive technology. She separated from her husband in 1994, was residing alone, but wanted a child. I have the 1996 judgment in the case in which the Full Court agreed with her, and this judgment is one of the reasons why we are here today debating the removal of the marriage requirement from the act.

The act currently requires marriage, but that provision was deemed to be in conflict with section 22 of the commonwealth Sex Discrimination Act. The argument is that the wording must be brought into line with this decision. It is said that the decision has already been made and the legislature's hands are tied. However, that does not mean that we are unable to raise concerns with the decision of the court or its ramifications.

The argument is now extended to allow a woman to use a deceased partner's sperm. It has been widely publicised in the media—and I am sure members would be aware—that a particular woman (and there may be others) wants to conceive a child in this way and has been vocal to members of parliament. I should say that I feel tremendously saddened for the loss of her husband and I certainly sympathise for the desperate desire that she must feel to conceive a child using the sperm collected before his death. This is a complicated issue as she will be bringing a child into the world without any prospect of its ever knowing its natural father due to the tragic circumstances of his death. I think, at the very least, members would agree that that is not an ideal situation and, indeed, I am sure that the woman involved in this case would agree with that herself.

In proposed amendments by the Hon. Mr Hunter (which Family First opposes), the argument is extended even further; that is, two lesbians or two homosexual men may feel that they have a right to conceive a child. But is it fair to bring a child into the world without any possibility of ever knowing a mum—in the case of two dads—or a dad—in the case of two women or two lesbians? Is it possible that two dads or two mums can fully replace the unique roles played by a mum and a dad? I do not believe so. The real question is: how are the best interests of the child served?

Single mothers often move heaven and earth for their kids. There is no criticism of them here on that basis; in fact, I have the greatest respect for them. Indeed, many single mothers, I think, face a task that many of us would find completely onerous. However, the plain facts are that, often through absolutely no fault of their own, the lack of a dad (according to solid research) does put kids at higher risk of being involved in crime, drugs and relationship issues later in life.

One social worker recently went on the record to say of the gangs that he works with that 'almost 100 per cent' of these kids are from 'single parent families or blended families'. Single dad families also deserve our greatest respect. Of course, there are some things that mums can do that dads cannot—and obviously breastfeeding is one of those. Recently, someone said:

In the West we have been having an argument that goes way back to Plato, and probably before. And it's an argument about the one and the many. The rights of the few versus the rights of the many...That argument unifies us. In some cultures the big argument has been the rights of the dead versus the rights of the living. Are we allowed to think new thoughts, or do we have to be faithful in the way of our ancestors who did things a certain way? An argument that we now desperately need is what about the rights of the living versus the rights of the not yet living?

I encourage members to consider the rights of those children not yet living, for whom this bill decrees will be born without one of their parents. In due course I will table an amendment to the bill to provide that in any consideration of the application of assisted reproductive technology the best interests of children should remain the paramount consideration, as is currently the case in law.

Debate adjourned on motion of Hon. C. Zollo.

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) BILL

In committee.

Clause 1.

The Hon. G.E. GAGO: I thank members for their contributions during the second reading. A number of questions were asked in terms of debates made later in the piece, and members agreed that we put this bill through to committee, giving me the chance to put on record answers to questions. I will go through some of those issues and put on the record some of the answers to questions asked during the second reading stage.

The new authority must prepare and adopt a public consultation policy and, in so doing, will work with each community to ensure community views are taken into account. This public consultation policy must be used in connection with the development of its five-yearly strategic management plan and its annual business plan. This strategic plan will provide a vision and direction for the future of the Outback areas on a five-year rolling basis. Many communities are well advanced in the development of their individual community plans. When complete, these plans will collectively form the foundation for the development of the new authority's strategic vision for the Outback.

Those communities that wish to implement a community contribution will have developed a clear direction for the community from the development of their community plan and their community's contribution to the new authority's strategic plan. Each community must be consulted as part of the development of the strategic plan. In addition, the community contribution must be authorised by the individual community's affairs resourcing agreement.

I therefore find it difficult to think of a situation or an example where I would be put in the position of thinking about overriding a community proposal because it was not in the long-term interests of the community. The process ensures that the long-term interests are always in mind. Roads in the existing trust area, whether sealed or unsealed, are primarily the responsibility of the Department for Transport, Energy and Infrastructure. The department has advised that for the 2009-10 financial year it has budgeted \$26.5 million to be spent in the existing trust's area. This includes work on both the sealed and unsealed road network. Further advice is that the maintenance component of this work is \$15.5 million.

The honourable member also asked that I clarify some issues in relation to the provision of water, and I paraphrase his questions, as follows:

1. For all communities, will the minister outline which community associations have responsibility for the provision of water and which rely on SA Water?
2. What funding assistance is provided to those communities, and what is their method of water delivery?

The Outback Areas Community Development Trust provides funding assistance and management support for Outback communities managing a community water supply. The trust has advised that for the 36 communities there are different methods for the provision and delivery of water. Currently, the trust, and in the future the new authority, will provide funding assistance and management support for Outback communities managing a community water supply.

They do this through the Community Affairs Resourcing and Management (CARM) agreement. The CARM agreement is an agreement with and a commitment by the trust to communities in regard to grants and subsidies over a 12-month period. The types of things covered in these agreements include: access to subsidies for essential town services such as water supplies; insurance; street lights; waste management; executive support; and town maintenance. The agreements are different for each community.

I am advised that the Office of Regional Affairs supports the bill and, at the time of consultation, the office stated that the bill would have a 'positive impact on the Outback region by

ensuring long-term strategic planning, including the asset and infrastructure planning in a coordinated and consultative manner'.

The bill includes a capacity for the new authority to meet by telephone or internet link as a legitimate meeting of the authority. The tyranny of distance can be overcome in this way, at least partially. When it was first envisaged to include this ability, it was thought that this would enable a single member to attend a meeting when they would otherwise have been unable to attend. It is indeed envisaged that the meetings will be open to the public, and there will be a rare occasion when a meeting is suddenly called. The suggestion that an open chat facility be established on a website is very welcome, and I will certainly pass on that suggestion to the agency.

It is not envisaged that the level of remuneration for members of the new authority will change from that which currently exists. Members are currently paid in accordance with the Premier's Circular 16. The chair is paid an annual fee of \$14,220, and members are paid sessional fees of \$206. Deputy members are paid \$103 per four-hour session when attending as observers and, if they attend as a member, they will be paid accordingly. In addition, all costs associated with these meetings (such as mileage, accommodation and meals) are paid for by the trust, which obviously will become the authority.

The Outback Areas Community Development Trust currently contributes to a range of boards and committees for such things as activities, joint brochures and economic development officers, to name but a few. A question was raised as to whether these types of funding contributions would remain. I would like to assure members that in this regard it will be business as usual. If the new authority chooses to enter into resource agreements or contribute to tourism events (such as the cattle drive, for instance), this will be a matter for the new authority to decide.

What this government requires is transparency and accountability in the new authority's decision-making processes. I also flag the government's opposition to the concept of non-voting members—a concept suggested by the Hon. Stephen Wade. I believe it is imperative to have an authority made up of entirely voting members. We are asking for a significant commitment from authority members—a great deal of their time and significant travel requirements, for example. Members will be required to attend meetings in Port Augusta regularly, and to assist in the development of policies, strategic management plans, asset management plans, and financial and annual budget plans. Members will also be required to participate in the authority's visiting program to Outback communities. Members can appreciate that this work will not only take a significant amount of time and commitment but also will require a specific skill set for members of the authority. I do not believe that we would be able to attract appropriately skilled people necessarily to these positions if they were not given the opportunity to vote on important matters affecting Outback communities.

All members should be able to contribute to decisions using their skill and knowledge by exercising their vote, otherwise these non-voting members become advisers or observers to the committee and it would be difficult for them to have the same sense of ownership and sense of commitment as someone who exercises a vote.

However, the government understands the intention of these amendments and the desire of the honourable member to ensure that the majority of authority members are from Outback communities. Therefore, we are prepared to increase the Outback representation membership of the authority by preparing an amendment that will require the authority to be made up of at least four Outback community representatives, rather than three, which was the original proposal in the bill. Given that the total membership is seven, that would mean the majority of members would come from or have a close association with Outback communities.

There is no reason whatsoever that the authority could not be made up entirely of Outback representatives, and that would certainly be our objective. We have certainly shown that commitment in the past where those provisions do not exist on current membership but where we have generally had 100 per cent of the membership of the trust either coming from or very closely associated with Outback communities.

We have a demonstrated track record and commitment to putting locals on this authority or trust. Obviously, the membership of the trust will depend on the skills and expertise of applicants, and the government wants to have some discretion in order to make sure that we can have expert skills if and where we are not able to find those skills in the local community.

The Hon. S.G. WADE: I thank the minister for the responses she gave at the end of the second reading and just now. I indicate, though, that, in relation to the commitment of grant

funding, the minister's response was that basically the government could not give any forward assurances on funding. The opposition finds that disappointing.

In relation to the comment about the commonwealth's attitude, as I understand it, the minister said that in terms of commonwealth local government financial assistance grants, the Outback Areas Community Development Trust is already recognised as a local government authority for the purposes of receiving these grants, so that remains unchanged.

I presume that was an attempt to respond to my fifth question at the end of my second reading contribution when I asked: considering that the bill moves the trust into more of a statutory authority status, what discussions has the government had with the commonwealth as to whether the changes of the trust will have any impact on the commonwealth's relationship with the trust or authority and, in particular, the capacity of the authority to be regarded as a local government-type body for the purposes of receiving local government grants, etc.? Clearly, the minister's response indicates that the commonwealth has not been consulted. We believe that is a risk with the bill.

In relation to the minister's response just given that she cannot conceive of a situation where the minister would have cause to override a community plan for the sake of the long-term interest of the community, I would like to pose a question by way of scenario. Could the minister conceive of a situation where a community had established nearby another town that was significantly expanded due to a mining operation? In this scenario, a significant number of people (either workers or contractors) at that mining operation decide to live at the non-mining community, which is a member of the Outback Areas Community Development Trust. Those contractors and employees do not intend to live there long term but instead intend to be there for the duration of their employment with the mining operation. They do not see it in their long-term interests to fund the roads, waste water systems, power and whatever other challenge that community faces. Is that surely not a situation where the minister might see it as conceivable that a community's plan might not represent the long-term interests of that community?

The Hon. G.E. GAGO: In relation to the question about consultation with the commonwealth, indeed, yes; I have been advised that our officers have consulted with the Grants Commission, and they have indicated they will continue to support the contribution of funding to the trust at least at existing levels. In relation to the second hypothetical, even with that example I am still not able to conceive that the long-term interests of the community could not be upheld, given that the funding for the communities is irrespective of a community contribution, so I do not see that that scenario would necessarily deliver a long-term conflict.

The Hon. S.G. WADE: Perhaps I have not communicated effectively. My understanding is that a community levy cannot be levied without the agreement of the community. If the community's progress association were taken over by short-term residents, is it not conceivable that they would develop a plan that was totally at odds with the long-term interests of the community? What will the minister do? Will the minister draft an alternative plan and require the community to agree?

The Hon. G.E. GAGO: I have been advised that the community levy is only one aspect of funding available to communities. For instance, that particular hypothetical community the honourable member is referring to would still receive its funding under a CARM agreement and any other project funding or whatever else it might have access to. So, it is only one element of funding for that particular community.

The Hon. C.V. SCHAEFER: Will the minister say who decides whether this plan is, in fact, in the long-term interests of the people, given that there is no election process to appoint either the members of this particular authority or, indeed, the members of a progress association within these Outback communities? What is assumed to be the long-term good of the community may, in fact, be the long-term desire of four or five people. As I see it, we have no way of confirming that, given that there is no polling mechanism or method of election.

By way of comment, I suppose, as opposed to a question, the minister has just pointed out that, even without the community levy, they are still eligible for the other funding. They are still eligible for the other funding under the current legislation. What you are trying to do is impose another layer of levies without any polling mechanism to decide whether those who purport to be representing their community are doing so.

The Hon. G.E. GAGO: The process involves a very extensive community engagement and consultative process at a range of different levels. I have been advised that, for instance, the community plans, on which work has already commenced, are a precursor to feeding into and informing the Strategic Plan. It is required that the whole of the community is consulted in relation

to that process, and that then informs the Strategic Plan. I have already outlined the extensive processes around that, which involves extensive community consultation. That then, in effect, has to be signed off by the minister. I have been advised that it has to be submitted every five years and approved by the minister.

The Hon. J.S.L. DAWKINS: The minister responded broadly to some questions I asked about the contributions the authority would make. Obviously, my questions included the background of the contributions made by the current trust to a range of bodies, including the Eyre Regional Development Board and, I suppose, more particularly the Northern Regional Development Board.

I think the minister broadly said that the authority will continue to make contributions to such bodies, to tourism and other projects. However, what I would like clarified is whether the contributions under the new Regional Development Australia program to the Far North, Eyre and West RDA bodies will be any more than is currently the case.

The Hon. G.E. GAGO: I have been advised that that is currently a decision the Outback Areas Trust makes, and this bill will not change that. That means that the authority will make those decisions for itself, just as the trust currently does.

The Hon. J.S.L. DAWKINS: With respect, they make contributions to those bodies on a basis similar to local government. Obviously, they do not put in the same amounts as local government because of their inability to do so. I am grateful for that answer, but I am not sure that is the way in which it will work under Regional Development Australia, and I would want the minister to keep a close eye on that.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. S.G. WADE: I move:

Page 5, lines 9 and 10 [clause 7(1)]—Delete 'of whom at least 3 are to be members of different outback communities'.

If the chair is agreeable, I propose to speak particularly to my amendments Nos 1 and 2 because the first one is consequential upon the main clause which is the second. The opposition is of the view that, in this bill, the government is proposing to move the Outback Areas Community Development Trust into, if you like, a new state of being. From being a grant allocation body, it is going to become a pseudo local government body.

Opposition members are not saying that that is fundamentally inappropriate. What we are saying is that it is fundamentally inappropriate to transform the trust into a pseudo local government body and not accord the people of the Outback the same rights as other South Australians and that is to have a democratic say in their local governance.

We appreciate that the Outback is unique and that there might need to be special arrangements to reflect that democratic will, but we do not accept that the people of the Outback deserve second-class local government. We do not believe that they should have local government representation without democratic inputs. One of the key elements of local government in South Australia is that local government is by locals: local people form the government for the area that they serve.

Of course, local government in most regions in South Australia is able to support staff who are able to provide the breadth of expertise that the local government might need and, therefore, it is not unusual for the CEO and members of the staff of local government to be available for council meetings and to advise. I am sure that happens with the Outback Areas Community Development Trust. We intend that it would continue to happen with the authority, but we also see merit in the government being able to supplement the expertise of the local residents by appointing board members who are not put up through the democratic processes. However, it is our view that, just like any other local government in South Australia, the Outback authority should not have non-local people having a voting say in the affairs of the body.

The minister has intimated that the government is suggesting an amendment. I do not know whether the minister has had that drafted; I am certainly not aware of it having been tabled. As I understand it, the suggested compromise (and that is my word, not the minister's) is that the

minimum number of residents would increase from three to four. This misses the point somewhat in terms of our fundamental belief. Our fundamental belief is that we have crossed the Rubicon. We are turning the authority into a local government-type body and, in that context, no non-resident and no person who is not democratically put forward should have voting powers.

The minister says that, without a vote, no non-voting member would turn up. I think that is an unfortunate reflection on the quality of people who put themselves forward for boards, authorities and other community organisations. The reality is that many people are very keen to serve South Australia and particular regions within South Australia. Certainly, I would hope that there might at least be government appointees who are willing to take an appointment without voting powers.

Let us remember the realities of these boards and similar bodies. The reality is that decisions are rarely taken by vote. The vast majority of decisions of well-functioning boards are made by consensus. A non-voting member can fully participate in the proceedings of the authority. They can express their view and, presumably, because the minister has seen that they have the expertise that will contribute to the authority, I am sure that their views would be persuasive. So we are certainly not so cynical, as is the minister, to think that people would not accept appointment to the authority because they would not have the power to vote.

I also want to clarify, and I am not sure whether this is a misconception of the minister, but just to make it doubly clear, we are suggesting that the members be non-voting, not that they be unpaid. It is our expectation that non-voting members of the authority would have the entitlements of any other member. I stress, too, that a non-voting member may well be a resident of the Outback; it is just that they have not come up through the democratic nomination process.

I appreciate that the nomination process is not a normal polling process. The Hon. Caroline Schaefer referred to polling and, indeed, we are not proposing a local government poll, but we do hope (as I mentioned in my second reading contribution) that these nomination processes will allow the development of democratic processes particularly, say, with the prospect of progress associations voluntarily clustering for joint nominations of particular authority members.

So, in due course, as the authority matures, it may well be that we have informal ward-type arrangements throughout the Outback, and that may well be a very healthy democratic development. We believe that our amendment, rather than being prescriptive about the nature of the democratic processes and the Outback, allows the minister to work with the communities and the authority to evolve those processes over time. I commend amendment No. 1 standing in my name, but I reiterate that I have also been speaking to amendment No. 2 because they are linked.

The Hon. G.E. GAGO: I will also direct my remarks to amendments Nos 1 and 2, because they are related. The government does not support either of these amendments. We are very clear that we do not support having non-voting members on the authority. We are saying that, with the expanded role and function of the authority, so too comes the need for expanded skill sets and knowledge, particularly, for instance, in relation to financial and/or legal skills and expertise. I have already indicated that we are committed to having 100 per cent of the membership of the authority coming from local residents and people closely associated with the Outback. However, where that is not possible we want the discretion to be able to appoint certain expertise—if and when needed.

The government asks for a significant commitment from members of the authority. In relation to travel, for example, I met with one trust member who had to travel for a day to get to the meeting and another day to get home again. That is an overwhelming commitment; it is a huge ask, and it is unreasonable not to include those members as fully-fledged voting parts of that authority. I believe (and I stand by this) that it is likely it would make it more difficult for us to recruit; having an adviser or observer role only is quite different to being an active part of decision-making.

As I said, it is most important that the authority has the skills and expertise it needs to assist it in doing its job properly in protecting local communities. The members we choose will, hopefully, have an array of skills and expertise and we want those skills and expertise to be part of the decision-making process. By ensuring that the people with those skills and expertise are part of the decision-making set, we will get sound, well considered, expert decisions.

In relation to this, I believe it is fundamental that all members vote. We have never promoted this to be a democratically elected level of council: it is not that. South Australia has to design its structures to suit its own environmental and social needs, and the Outback has many challenging pressures and needs. We believe we have this right. We have consulted extensively, and the proposal put forward has broad and solid support from all the associations—from the LGA,

the current trust, and surrounding councils—and most of the individual residents who provided feedback gave resounding support for the proposals put forward to them.

So, Outback community members have seen that the proposals this government put forward were a sound, fit and proper way to assist them to meet their future needs, and it is of concern that members who are not part of the Outback community come into this chamber and want to override the considerations, decisions and wishes of that community. I have put on record the extensive level of consultation that went into the proposals, and the broad support they have received.

The Hon. C.V. SCHAEFER: I point out that there are numerous precedents for having public servants, particularly senior public servants, in advisory roles without their having voting rights. The example that immediately comes to mind is each of the natural resources management boards in the state, together with the Natural Resources Management Council. There are numerous precedents for people to sit on boards and authorities in an advisory capacity and to be there for the whole meeting, but not to have voting rights, in order to protect local interests.

The Hon. G.E. GAGO: I am advised that (and to the very best of our combined knowledge) there has never been a public servant member of the trust. That is not the way the trust has worked in the past, nor is it the way we envisage it working in the future. It is not an authority, board or committee that we intend to fill with public servants; we want it to be in touch with Outback communities and to reflect their needs, concerns and interests.

It is outrageous; is the honourable member really suggesting that we fill this committee with public servants? That is not the intention. To the best of our knowledge our track record shows that we have never put a public servant on the trust; it has comprised local Outback community residents and people closely associated with Outback communities. That is the way we plan to continue. We do not propose to fill it with public servants.

The Hon. S.G. WADE: In response to the minister's comments about consultation, in our second reading contributions we expressed our cynicism that the consultation was effective. The most fundamental point, in my view, was the fact that the minister distributed the draft bill but sought no comment on it. I make the point to the minister, too, that the opposition is speaking not only because of concerns raised by residents in the Outback but because we also have an obligation to ensure that the government's models within which local government operates in South Australia are functional and appropriate for the good governance of the people of South Australia. We do not believe that appointing a local government type body with no democratic nomination or election process is for the good governance and good government of South Australia.

To give the minister credit—and I thank her—she has had significant discussions with the opposition during consideration of the bill between the houses, and I think both the government and the opposition well understand each other's position. I do not see that we will progress the discussion in committee: it is a matter upon which the committee must decide. The minister has made it clear that the government's commitment is fundamental. I assure her that the opposition's commitment is fundamental, also.

The committee divided on the amendment:

AYES (8)

Dawkins, J.S.L.
Ridgway, D.W.
Wade, S.G. (teller)

Lawson, R.D.
Schaefer, C.V.
Winderlich, D.N.

Lucas, R.I.
Stephens, T.J.

NOES (11)

Brokenshire, R.L.
Gago, G.E. (teller)
Hood, D.G.E.
Wortley, R.P.

Darley, J.A.
Gazzola, J.M.
Hunter, I.K.
Zollo, C.

Finnigan, B.V.
Holloway, P.
Parnell, M.

PAIRS (2)

Lensink, J.M.A.

Bressington, A.

Majority of 3 for the noes.

Amendment thus negatived.

The CHAIRMAN: I now put the question: that the amendment in the name of the minister be agreed to.

The Hon. S.G. WADE: Mr Chairman, I have not seen this one. If I can clarify: is this the amendment tabled at 3.37pm today, which is less than an hour or so ago? I must admit, as I said in the debate, I was not aware of the government amendment.

The CHAIRMAN: The minister moved that amendment.

The Hon. S.G. WADE: I was not even aware it had been filed and now we are voting on an amendment which has not even been moved. Considering the attitude of the government to late amendments in the past, I had one which was 28 hours old last session and I got crucified over it, and here we have one which is an hour or two old. It is extraordinary.

The Hon. G.E. GAGO: I have indicated both in our negotiations and discussions and also in my remarks on clause 1 that it is quite a simple amendment. It aims to have four members of the authority being residents or people who are strongly associated with Outback areas, as I have indicated and put on the record. It is not a problem. If the honourable member is having trouble keeping up, that is fine: we can adjourn so that he gets to look at the amendments. I have discussed with him some of the technical difficulties in terms of addressing his amendments. I have sought to indicate my intention in advance wherever I could. I indicated previously that we would be moving to four members rather than three. I am happy to proceed as it is a simple straightforward amendment and I have previously foreshadowed it, but, if the honourable member is too slow to keep up, I am happy to adjourn so that he can give it further consideration.

The Hon. S.G. WADE: I do not think it helps the committee to progress for the minister to slip down into denigration. I remind the minister that this is not just a chamber of opposition and government members. Indeed, we have had discussions, but there are other members in this place. There are crossbench MPs who were not part of the government/opposition discussions, and they have a right to know what the government is intending with sufficient notice. According to the parliamentary counsel note, it certainly was not tabled before 3.37pm. I do not propose to delay the committee, but I hope that crossbench MPs note the lack of regard the government has for the due process of this chamber. We are still to hear the minister move the amendment, but to try to cover up her disregard for not only this place but for crossbench MPs, she is slipping very quickly into personal denigration and abuse. I suggest that she focus on the merits of the case and move the amendment so that we can get on with dealing with it.

The Hon. G.E. GAGO: I thank the member for his advice and preparedness to move forward, which I appreciate. I draw attention to the fact that I have amended the bill in response to discussions we have had with the opposition, involving its concerns around the level of representation of Outback members on the trust. The intention behind the amendment is to accommodate some of the concerns the opposition itself raised. It is time to move on, so I move:

Page 5, line 9 [clause 7(1)]—Delete '3' and substitute '4'.

Amendment carried.

The Hon. S.G. WADE: I move:

Page 5, after line 10—After subclause (1) insert:

- (1a) No more than 2 members of the Authority may be non-voting members.
- (1b) The following rules govern the appointment of voting members:
 - (a) subject to paragraph (g), the Minister must seek nominations for appointment of voting members by notice in a newspaper circulating generally throughout the outback and on the website of the Authority;
 - (b) the Minister may accept a nomination from any person whom the Minister is satisfied has or formerly had his or her principal place of residence in the outback or from any community organisation that the Minister is satisfied represents the interests of, or provides public services and facilities to, an outback community;

- (c) the Minister may accept the nomination of any person whom the Minister is satisfied has or formerly had his or her principal place of residence in the outback;
- (d) the Minister must select voting members for appointment from the persons validly nominated for appointment within the period (being at least 1 month) allowed by the notice;
- (e) subject to paragraph (f), the Governor may appoint a person as a voting member despite the fact that he or she has not been so nominated and selected by the Minister if an insufficient number of nominations have been received and it is necessary to do so in order for the Authority to have at least 5 voting members;
- (f) in appointing a person under paragraph (e), the Governor must ensure that at least 3 voting members of the Authority have or formerly had principal places of residence in the outback;
- (g) if a person is to be appointed to fill a casual vacancy occurring in the office of a voting member within 12 months after the member's appointment following nomination in response to a notice seeking nominations for appointment, the Minister may select a person to fill the casual vacancy from amongst other persons validly nominated in response to the notice but not selected for appointment (without seeking further nominations).

This is the key amendment I foreshadowed in the cognate discussion, so I will not recount it in detail. The opposition stands by this amendment and believes it is a far more appropriate democratic model than the government's approach.

The Hon. G.E. GAGO: I understood that the first amendment we voted on was a test for this, and the government won that test. I understand that we have debated the principles about having non-voting members on the authority, so we do not need to have that discussion again. I understand that we voted on that test clause and that the opposition lost it, but if we need another vote let us have it. I therefore move:

Page 5, after line 10—After subclause (1) insert:

- (1a) In selecting a member of an outback community for appointment to the Authority, nominations for appointment must be sought by notice in a newspaper circulating generally throughout the outback and on the website of the Authority.

The Hon. S.G. WADE: I do not disagree with the minister that the committee's determination on amendment No. 1 makes clear what its view will be on this one, but we believe it is fundamental so we will still put it but will not divide on it, and we will accept amendment No. 2.

The Hon. S.G. Wade's amendment negated; the Hon. G.E. Gago's amendment carried; clause as amended passed.

Clauses 8 to 15 passed.

Clause 16.

The Hon. S.G. WADE: I move:

Page 10, line 24 [clause 16(3)(d)]—

Delete 'payable' and substitute:

proposed to be declared

I understand we have government support so I will not delay the council any further discussing it.

The Hon. G.E. GAGO: The government supports this amendment.

Amendment carried.

The Hon. S.G. WADE: I move:

Page 10, after line 32—After subclause (4) insert:

- (4a) The plan and budget must be accompanied by a certificate of assurance of an independent auditor approved by the Minister certifying that, in the opinion of the auditor—
 - (a) the Authority has made a proper assessment of its financial requirements for the financial year taking into account the activities proposed in the plan and the means by which the activities are to be carried out; and

- (b) the rates proposed to be declared for the financial year are appropriate having regard to that assessment.

The opposition moves this amendment because the government suggested in the second reading that at least the asset sustainability levy will be subject to an audit. My understanding is that the government's audit is ex post facto (after the event). We believe that the community—and, for that matter, the parliament and the representatives of the community—deserve to have some assurance about the appropriateness of a levy before it is applied, not after it is applied. We suggest this amendment because it gives the communities an opportunity to have some assurance that the asset levy that is proposed to be applied is appropriate in terms of the financial requirements for the year outlined in the plan. I urge the committee to support the amendment.

The Hon. G.E. GAGO: This amendment would require the authority to engage an independent auditor to certify that the authority has made a proper assessment of its financial requirements for the year and that rates proposed are appropriate having regard to that assessment.

It is questionable whether this amendment is necessary given that the authority falls within the auspices of the state government and is currently subject to the same financial management and reporting requirements as agencies, that is, that it is audited currently by the Auditor-General. As part of this process, the Auditor-General not only audits the finances but also the processes behind these financial decisions. So, that already occurs, and I am informed that is actually a cost impost for the trust. It pays for, or at least contributes something to, that auditing.

One of the other problems we have in relation to this is that we believe it could be quite difficult for the authority to find auditors to undertake this particular task. It would be in addition to the Auditor-General's auditing requirements, so they would have to find an auditor to do that. We are also concerned that there would obviously be additional costs associated with undertaking this additional work, taking funds away from the badly needed on-the-ground services. One of the reasons we made these changes is so that local communities can have increased access to funding to improve local amenity. What the honourable member is proposing would siphon off funds for a second lot of auditing when, already, the authority's records will be required to be audited by the Auditor-General, and I do not believe you can get a higher standard than that.

As well, to ensure there is a robust process in place, the new authority will be required to consult with communities, develop a public consultation policy, a strategic management plan, an annual business plan and budget; and develop a Community Affairs Resourcing and Management Agreement for each community. This process ensures there are indeed more than enough checks and balances in place so that appropriate standards are maintained and proper processes are adhered to, and that the communities' best interests are upheld. So, we oppose the amendment.

Amendment negated; clause as amended passed.

Clauses 17 to 20 passed.

Clause 21.

The CHAIRMAN: I point out to the committee that this clause, being a money clause, is in erased typed. Standing Order 298 provides that no question shall be put in committee upon any such clause. A message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

Clause passed.

Remaining clauses (22 to 27), schedule and title passed.

Bill reported with amendments.

Bill read a third time and passed.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 2 July 2009. Page 2799.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:04): I rise to speak to the Appropriation Bill for the 2009-10 budget which we have received from the House of Assembly. We will pass it this week so that the government can get on and function as a government—in a financial sense at least.

This is this government's eighth budget and I think now that the community can judge Labor on its ongoing failure in relation to the state's economy. I know that some will argue that we have had a wonderful economic time in this state. I think even the most courageous of members opposite would have to acknowledge that Australia and the world have gone through a sensational economic boom over the past decade. Sadly, that came to an end last October. However, I think South Australia is not well placed as a result of this government's mismanagement of the economy over the preceding seven years.

Our state's most pressing need is water. The government has failed to take the lead on water. Governments are elected to show leadership. Premier Rann would have stood up in the 2002 election campaign as opposition leader promising strong leadership and a commitment to look after South Australians. Yet, for seven years we have seen no leadership on the issue of water.

Liberal members of the opposition indicated that we would build a desalination plant if we were elected, and time and again we have repeated the story that the government of the day said that we did not need one. I think minister Hill made some comment that we did not need one; minister Foley suggested that it was too big; Premier Rann may have said it was not big enough—they made a whole range of excuses why they did not want to support our policy.

They spent 12 months doing nothing, then they announced a high level committee to look into the establishment of a desalination plant and to evaluate some sites. It took about another 18 months before the government finally came up with the site of Port Stanvac—the original site that we suggested over two years before. So, you can see, Mr President, that, when it comes to leadership, this government has been sadly lacking, especially on the issue of water.

Thankfully, as we have all heard on the roof here today, we have had significant rain. In fact, over the past few nights (including last night) we have had significant rain. I just saw the start of the Channel 10 news with the headline story that we have had our wettest start to July in over two decades. Certainly, that augurs well for our catchments in the hills.

The other area that the government has been particularly negligent in is that of stormwater. Even in this time of climate change, global warming and uncertainty about rainfall, we are still getting a significant amount of rainfall. In fact, many gigalitres of water have run out to sea in this wettest start to July for two decades, yet this government has shown no leadership on stormwater in the seven years prior to this budget.

The government has announced its Water for Good plan, which some of us find quite amazing. I will not speak in much detail on that because I think the Hon. Stephen Wade will make some detailed comments regarding water on behalf of the opposition.

Certainly, Colin Pitman and the City of Salisbury have shown what they can do to capture stormwater. We also had the federal government commitment to do something at Adelaide Airport similar to Parafield airport, and it is estimated that some 60 gigalitres of stormwater could be captured there, yet the government did not want to do that. It just has not shown leadership. So, in seven years of good economic times with buoyant revenues, this government has squandered its opportunities.

It is also important to note some of the government's announcements in the last budget, including the electrification of rail. I think in the early 1990s Perth and Adelaide had roughly the same number of passengers on their rail systems, and Perth had a diesel train system, as we have here today. Perth made the decision back then to electrify, and the patronage there is some 70 per cent higher today than it was then, while ours is only 8 or 10 per cent higher than it was then.

Members opposite conveniently forget that, when the Liberal Party came to power and the Hon. Mr Brokenshire was a member of that government, we had the financial mess of the state bank to clean up, so sadly we were somewhat limited in what we could do with electrification of rail and a whole range of projects we needed to do for the community. However, it was on the agenda, and again there is a lack of leadership from the government.

In 2002 when we lost office, the resleepering of the Outer Harbor line had already been planned and started by the Hon. Diana Laidlaw as transport minister in preparation for electrification. Members opposite and now the ministers have said that we have to resleeper the lines, get the gauge right and put in the concrete sleepers and that we must have a top quality line and track before we can electrify it. That project had started on the Outer Harbor line, and this government cancelled it. It was in place, and the government cancelled it. It has only just started to

reorganise, and now it has announced its big infrastructure spend. It is almost at the end of the budget cycle and, of course, after the financial boom cycle it is now borrowing significant amounts of money to invest in public transport.

As my old grandfather used to say, it is not what you make that is important: it is what you do not spend. It is interesting to see that spending blow-outs, not falls in revenue, are the reason the government's budget has now slumped into deficit. Government spending has blown out by some \$556 million in the 2008-09 budget and \$1.382 billion in 2009-10 above those budgeted in the 2008-09 budget.

We can look at the comments that the Auditor-General made two years ago, when he said that the projected current operating surplus for the four years of the 2008-09 budget is therefore subject to highly constrained expenditure. This was the case with the forecasts for the past two budgets, but they did not achieve real term decreases in expenditure for those budget years. For seven budgets, the Rann government has been running small surpluses as a percentage of revenue, but now, despite record revenue growth, spending blowouts have caused the budget to plunge into deficit.

It is interesting to see that the cumulative total of unbudgeted spending over the life of this government is some \$2.7 billion. That is the thing that most South Australians struggle to come to terms with. We have an army of people in Treasury; we have a government with all the resources of government and ministers with huge departments. I know they go through an exhaustive process with the bilaterals in framing the budget, so it is particularly rigorous.

I am at a loss to work out how, with the thousands of people who would contribute to the final budget document (and the Hon. Robert Brokenshire, who has been a minister before, is nodding in agreement with me, I assume, or maybe he was nodding with the Hon. Ann Bressington, but I think he was nodding in agreement with me), and with the army of experts and the expertise that is put into place to formulate the budget, which is tabled by the Treasurer with the budget lock up and with all the media attention this year when he took his trip to the US to make sure he kept our AAA credit rating—with an army of people over the seven years, we have seen \$2.7 billion more expenditure.

I struggle to understand how can you can do that. The only reason we have survived as a state is that over that same time revenue has gone up by some \$3.8 billion. If you look at the investment in the desalination plant, public transport and a whole range of areas on which the government is hoping to be re-elected, such as spending \$2 billion on a transport revolution, we have \$3.8 billion of revenue that was unbudgeted for. You can almost see that on some of these projects we would not have to borrow money: we would have the surplus in the system to fund them.

Treasurer Foley and Premier Rann should have a good, long, hard look at themselves, and the community has to have a good, long, hard look at them, because clearly they have not been able to deliver a budget at any time in the past that has come in on budget, especially expenditure. Revenue, yes; the economy ebbs and flows and comes and goes, and land prices go up, so some taxation revenue has increased, but the one thing the government has control over is expenditure.

Treasurer Foley always used to stand up in the first term and talk about what a good economic manager he was. 'We are good economic managers', he repeated. Sadly, I think the media in this community have swallowed that line. If you were trying to run your own household or your own small business or the shearing contracting business you ran years ago, Mr President (sadly, among members opposite you are probably the only one who has ever been involved in any private business activity; looking at the rest of the members opposite, I do not think they have had much experience at all in private enterprise and business), you would find that you could not run a business in that way.

If you went to the bank with a budget and said, 'This is my budget, but my expenditures have gone up significantly higher than I expected', the bank would say, 'I'm sorry; we are not prepared to provide any overdraft or loan facilities for you.'

So, we see a government that has really failed to grasp the opportunities those wonderful economic times gave South Australia. We are now experiencing a period when things are somewhat constrained by the contraction of the global economy, and we find ourselves having to borrow a significant amount of money.

It is also interesting to note that one of the budget announcements was that a sustainable budget commission—a razor gang—would be implemented after the election. I think the Treasurer is looking for expenditure cuts of some \$750 million. That is a particularly gutless approach to a problem. If you need \$750 million worth of expenditure cuts, why not put it in the budget and tell the community where you are going to make those cuts? But, no, this government is not prepared to do that; it wants to do it after the election. The Premier, Treasurer Foley and minister Holloway, as Leader of the Government, say that they do not shirk their responsibilities and that they make the tough decisions. They are meant to show leadership, yet no leadership has been shown in relation to the tough decisions, and they have deferred the decision until after the election.

The voters really need to ask themselves why they should trust this government for another term if it is not prepared to tell them exactly where cuts will be made. I expect we will see those cuts in a range of community projects that affect the everyday life of South Australians. At the end of the day, South Australians will feel the effect in their quality of life and the quality of the community activities available to them, because this government will be making cuts to programs that affect the daily life of all South Australians.

It is interesting to note that the global financial crisis has hit some of the government's investments quite hard; in particular, WorkCover and the issue of the unfunded liability. When Labor came to office, the unfunded liability was some \$60 million, although the CEO of WorkCover, Ms Julia Davison, told me in a briefing at one point that the actuary had it wrong and used a different method to make the calculation and that it was closer to \$120 million. Even if you accept Julia Davison's estimate of \$120 million, it is now \$1.3 billion. I know that WorkCover has significant assets, and I think the value of those assets has dropped by some \$200 million, which has contributed slightly to the unfunded liability. However, it is still well in excess of \$1 billion and approaching \$1.2 billion.

If Julia Davison's excuse that the actuary was using a different formula is accurate, the unfunded liability went from \$120 million to \$160 million—and I recall the Hon. Angus Redford asking questions of minister Holloway and minister Roberts at the time and holding the government to account. The unfunded liability then went to \$200 million and then to \$250 million. I think the government then commissioned a report from the WorkCover Board, which took 12 months to complete. Minister Wright then chose not to accept the report from the board. By that stage the unfunded liability was up to \$600 million to \$700 million. The government then commissioned an external review, and by that stage it was up to \$800 million to \$900 million. The government then brought in legislation late last year, which the opposition agreed to support, but the legislation has not helped to bring down the unfunded liability. The question we need to ask ourselves is: why is minister Wright still in the job when he sat there—

The Hon. J.S.L. Dawkins: He's not.

The Hon. D.W. RIDGWAY: In fact, he isn't; it is now minister Caica. So, he is no longer in the job; I have been corrected by my colleague the Hon. John Dawkins. On minister Wright's watch, the unfunded liability went from \$120 million, if you use Julia Davison's calculation, right through to \$1.1 billion. Again, in the best of economic times and with low unemployment and a highly competitive economy, this government sat back and sat on its hands and watched the status of our workers compensation system being eroded. Again, I think that is where leadership should have come in, but it has not been shown.

The government should have recognised that, if the unfunded liability has gone from \$120 million to \$240 million, it has doubled. I think I have mentioned the briefing with Julia Davison, the chair of the board, Mr Bruce Carter, and other ministerial advisers. I suspect that managing something like WorkCover is like rolling a big tractor tyre; that is, the hard thing is to get it up and balanced but, once it is balanced and as long as you keep it balanced, it is relatively easy to roll along.

This government has taken its eye off the ball. When the unfunded liability got to \$150 million or \$160 million, it should have put in a bit of effort and pushed the tyre up straight. But, no, the government just watched and let it fall almost flat on its side, and now the community, injured workers and employers have to pick up the tab for the government's inaction and lack of leadership. The government should have stepped in early in the piece and pushed the WorkCover tyre back up straight.

It is interesting to note that it is now official that South Australia is the highest taxed state in the nation and that the Rann government is the highest taxing government in the nation. The total

taxation revenue in 2009-10 will be \$48 million more than in 2008-09. The tax revenue has increased by 61 per cent since this government came to office. It is quite astounding the amount of money this government collects in taxes, but where is the benefit to our community? I think most people accept that we need to pay tax. Sadly, taxes are a reality of life. Only two things are certain in life, and they are death and taxes.

I think the concern in the community was highlighted by the very successful tax summit the leader of the opposition at the time (Mr Martin Hamilton-Smith) organised in Parliament House a couple of years ago, which was well supported. That tax summit highlighted a range of concerns in our community about taxation and the reform needed to our tax system. The government's own budget figures indicate 61 per cent growth: in 2001-02, there was \$2.193 billion, and total taxation is now \$3.56 billion. So it has not quite doubled but it has gone up significantly. Most people would ask: where is the better service for our taxes? I think the government really needs to look hard at its taxation reform.

I also think one of the issues that has been interesting to look at is the reluctance of the government to show any sort of reform. As I said earlier, the Hon. Stephen Wade will make some more comments about water, but I think it is worth noting that the government has taken very few hard decisions when it comes to water. In fact, they it has used SA Water as a cash cow to prop up or to fund some of its extravagant expenditure blow-outs.

The total dividends and payments to the state government from SA Water are budgeted to be \$226 million in 2009-10 but, since 2002-03, the total amount that SA Water has contributed has been \$2.2 billion. Sadly, little of this has been made available for infrastructure spending, as demonstrated by the latest ABS data from the ABS showing that South Australia spends less per capita than other states on water infrastructure.

Again, it comes back to leadership. We have had record revenues, a booming economy and water has been our biggest single issue. In fact, Premier Rann, I think, in 1989 made his first speech in the other place on the threat of climate change, the ozone hole over the South Pole and global warming. You would think that, when we have record revenues of some \$2.2 billion going into the state coffers from SA Water, that is the time when you should be investing in water infrastructure, especially given that we have had a drought now for some years.

Minister Maywald is continually saying that we are in uncharted waters. This is a drought of unprecedented magnitude. We did not know that it would go on for so long. Yet the government has been quite happy to sit back and take these record revenues. As I keep saying, it comes back to leadership. Premiers and governments are elected to show leadership, to protect the community, and yet they have done nothing. We have had these water restrictions across Adelaide in which, by and large, most people have participated but we need not have had such severe restrictions if the government had acted a bit earlier and shown some leadership.

It is quite interesting to look at some of the other issues involving water. Water prices will increase over the next few years. In fact, the Treasurer recently announced that water prices would increase by 37 per cent for those who consume the least, following the 42 per cent on the previous year. We have these water price rises going on but we do not have a desalination plant, and my understanding in relation to the construction is that we only really pay for it once it is completed. So, again, I think you will find that the government is getting extra revenue from putting water prices up but not reinvesting at this point back into additional water supply.

We do know that a desalination plant is being built at Port Stanvac. I was down there recently visiting a couple of shopping centres with a very good candidate, Maria Kourtesis, who hopefully will be the member for Bright after the next election, and the residents are very concerned. The Port Stanvac site is some 1,000 hectares, with the old refinery right in the middle and there are buffer zones surrounding it, and the desalination plant has been located at the northern end of the buffer zone right in front of people's houses. It is not on the industrial site where it could have easily been. Certainly there are some contaminated areas that Mobil needs to clean up, and the government has again shown little leadership in actually getting Mobil to the table with a view to starting the cleaning up at an earlier time. It did a deal where by 30 June, I think, was the deadline for that agreement with Mobil that now gives it 10 years to clean up the site.

The government should have been tougher and shown more leadership. That has been a valuable site for South Australia and for that part of the state potentially for some housing development but certainly some industrial development, because we do need jobs in the south. If they had shown a little more leadership and got Mobil to the table more quickly, the desalination

plant might well have been built closer to the actual refinery site and further away from people's houses and not smack up against them.

The people who live there have enjoyed some wonderful views across the gulf. I am not sure whether you have been down there, Mr President, but quite a massive amount of soil has been put there and I think you will find that the people are going to lose their views; but, more importantly, the industrial activity is right up against people's houses when, had the government shown a bit more leadership, it would have been further away from that site. Again, I keep harping on the leadership but clearly that is an area in which the government has been very poor.

Another area that I think people have been alarmed with is the blow-out in the public sector. We have seen quite significant numbers and, according to state budget papers from 2001-02 to 2008-09, the public sector employment number will increase by 16,393. The government now says it will cut 1,600 public servants not directly involved in the delivery of front-line services. The Auditor-General reveals that the increase in providers of core public services from 2001 to 2008 is only 4,414, so you can see that there are close to 12,000 public servants who are not delivering those core services; in fact, I think it is 11,979.

We have had the public sector reform bill through this chamber, and I expect we will probably get it back because the government is dealing with some amendments probably as we speak. Not once, when the government was attacking the opposition for supporting the Public Service Association's position, have I seen any leadership from the Premier, the Treasurer, minister Holloway or any of the government ministers. Not once have I seen any of them stand up and take it on the chin and say, 'Well, we took our eye off the ball. We've got all these extra public servants that we didn't budget on; we probably got it wrong and we need a hand to fix it.' Not once have they had the courage to take that step. Good leaders of our community recognise when they have got something wrong, and they face up to reality and do something about it.

The government was begging us to support its position but it did not have the courage to say, 'Actually, we need a hand to fix this; we've got it wrong.' Again, leadership has been missing with this government. Of course, the people who hold those positions in the public sector responded to advertisements and were employed in good faith, but now we have a public sector that is much larger than the government budgeted for, and it will be a challenge for any government to deal with that in the future.

The other issue, one that always alarms me, is that of the government's policy of shared services. Before I was elected to this place I spent most of my life in the country and I was a member of the Bordertown Hospital board. Two payroll ladies worked at that hospital, but with shared services their jobs have gone. People may say that it was only a couple of jobs, but those people were volunteers in the community, their husbands are employed in the community, and they worked tirelessly in that community for most of their working lives. It is the same with the school; the shared services policy has taken a whole range of government jobs out of my hometown of Bordertown—and it has happened right across the state.

The government says it can get some economies of scale. Well, I do not believe it will ever achieve economies of scale, because it has failed to implement it in any sort of fashion. There is the ripple effect. Someone loses their job so they go and look for another one; if they cannot get one in their local community they look elsewhere, and perhaps their husband or wife or partner says, 'Maybe it's time for me to come with you.' Suddenly these people, who have been great volunteers in our rural communities, are leaving those communities—and the communities are the worse for it.

I think that, at the end of the day, it has been a blow-out of costs rather than a cost-saving. Again, it is the leadership that is missing, because we do not have a benefit to the bottom line but we have a very damaging effect on a lot of our regional and rural communities. As most of us would acknowledge, life is pretty tough in country towns and communities. It is great to hear the rain on the roof here today, but it is quite tough.

It is also interesting to note that the government has been beating its chest about infrastructure in the last couple of budgets, but one has to ask: will it all be built? Look at some of the announcements in other budgets that have not been included in this particular budget. An amount of \$850 million was initially budgeted for the Mount Bold Reservoir expansion, but it is not even in the budget anymore. I remember when it was first announced that I asked minister Holloway where the water was to come from. He indicated that it could come out of the Murray, but that was already stressed, and there was not enough water in the Onkaparinga, but then he said,

'Of course, we're building a desalination plant just down the hill from there, so that's where you would put the water.'

Now, I am amazed that a minister of the government, in cabinet, would think that water from a desalination plant would be put into an open reservoir. Nowhere else in the world do they do that. You do not spend all that money—

The Hon. R.L. Brokenshire: It's going into Happy Valley; the pipes are being put in.

The Hon. D.W. RIDGWAY: I know that, but this minister said (and sadly he is not here to listen) in this chamber, that one of the reasons the government was going to increase Mount Bold was to use it to store water from the desalination plant. Now, everyone knows that is not the case; you do not put desalination water into an open reservoir. It will go to Happy Valley to be distributed, because that is where the pipe network can distribute it from, but it will not go into the Happy Valley Reservoir. You do not spend billions of dollars building a desalination plant, and the bit less than \$1 per kilolitre to actually take the salt out—

The Hon. R.L. Brokenshire: It is \$1.86.

The Hon. D.W. RIDGWAY: The Hon. Robert Brokenshire says it is \$1.86; I suspect that because it is now a 100 gigalitre plant it might be cheaper than that. However, whatever it is, you do not spend that to clean it up and make it ready to drink and then put it into an open reservoir where dirt, dust, bird droppings, fish and a whole range of things—

The Hon. C.V. Schaefer interjecting:

The Hon. D.W. RIDGWAY: The Hon. Caroline Schaefer says possums. I am trying to highlight that minister Holloway, a leader of the government and a senior member of cabinet, when talking about building a desalination plant, had no idea where the water would go. I am absolutely amazed that he could make the comment he did at that time regarding Mount Bold possibly being a site for storing water. It floors me that the minister had given so little attention to detail, given that the desalination plant is such a significant piece of infrastructure.

In the last budget we saw a big announcement regarding the public transport explosion, and the announcement of tramlines out west to Semaphore, West Lakes and Port Adelaide. Well, that is not in the budget anymore, and no-one actually knows whether or not we will see them. I asked a question today about the trip to the United States and Europe undertaken by minister Holloway and minister Conlon regarding transport-oriented developments.

In last year's budget we heard that tram trains were something we would use; they would go on the train lines and then come off them and go on a tram line through our communities. My understanding is that minister Conlon and some of the participants on that trip went to the tram train factory, and the minister walked in and said, 'They're not going to work in South Australia', and walked out. So, last year we heard an announcement about tram trains—I suspect it was something that the government got from a magazine and had not studied in any detail—and this year the minister says that they will not work in South Australia. So, it has gone from the budget.

A desalination plant was promised for the Upper Spencer Gulf. The government would commit to putting \$160 million into extra capacity for the BHP plant and the federal government (both the Liberal government and then opposition leader Rudd) said it would put in \$160 million so that the communities in the Upper Spencer Gulf could be taken off the River Murray. That has totally gone now.

I turn to some other issues. The north-south corridor through Adelaide has been something that has been missing for some time. Sadly, the Labor Party sold off the MATS plan years ago and we do not have land available to build that corridor, so now it becomes a much more expensive and difficult process. One of the things the government announced some time ago was the South Road, Port Road, Grange Road underpass. That has gone: it is not in the budget any more. Interestingly, the \$100 million that the government pledged last year to AAMI stadium has gone: it is missing from the budget.

It really makes me wonder what it has announced this time that will be missing next year. With the \$750 million of cuts, we have already seen the prison project cancelled, the project at Murray Bridge. Of course, the opposition is not disappointed, because we thought it flawed policy to build a prison which isolated prisoners from public transport so that their families could not visit them. Certainly, the prisoners need to have—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: The Hon. Robert Brokenshire is laughing. It isolates them from public transport. Part of their rehabilitation is to keep them involved with their families, not to isolate them in a community that has no public transport. This was a poor decision and, again, one on which they did not consult the local community. The Murray Bridge council had no idea what was going on until the budget was announced. I think I was at an architects' award function on the day of the budget this year, along with some of the consortia who were involved in putting together the PPP for the prison project. They were really disgusted at the arrogance of the government in cancelling this project. They received an email from one of the Treasurer's staff after he had begun his budget speech.

As there were only three consortia, common decency would tell you that, at the very least, the Treasurer could have picked up the telephone and said, 'Hey, look; we have had to do this. Sorry, about that.' If he could not do it, then his chief of staff or someone senior could have picked up the telephone and said, 'We understand this will cause you some difficulty.' In the end, I think the government has given some commitment to compensate them for the cost. These people have spent between \$5 million and \$10 million bidding for the project.

The arrogance that the government showed by not picking up the phone and saying, 'Hey, look, fellas; we have some pretty tough economic times; something has to go and so the prison has to go.' I suspect it was cancelled at such late notice because the ratings agencies in the US had said that something had to go from the government's program, otherwise it would lose its AAA credit rating, because as late as the Friday before—that is, six days before the budget on the Thursday—two of the consortia were still talking to the department about revised bids and finetuning some of the bids. Members can see that it was a very late decision and one that has damaged the government's credibility in the business community.

If members recall, the government cancelled the new transport building that minister Conlon announced he was going to build. They had some 17 people go through a process to bid to be short-listed. I think, on average, they spent between \$50,000 and \$100,000 each—so you are looking at close to \$1 million—and the project was cancelled; no explanation. I think, in the end, Mr Conlon did not have Treasury approval for the project.

I touched on country South Australia in relation to shared services. Members opposite like to think that they represent the country. You, Mr Acting President (Hon. Bernard Finnigan), often talk about living in a rural community and that your government and you stick up for rural communities. It is interesting to look at what has happened in Mount Gambier, your home town, over the life of this government. The medical services have been ripped out of the hospital. The specialist services have gone from the hospital. You might roll your eyes, but it has happened under your watch. Over the past seven years, while you have been in government, Mount Gambier's health service has become a poorer quality service than it was prior to your coming to government.

Then you have to look at what happened with the government's country health policy that was going to rip the heart out of country health. We all knew in this chamber when the legislation went through the parliament for the abolition of the local hospital boards—and I have served on a board, as have other members of the opposition—and for them to have a health advisory committee that you were going to rip the heart out of country health, because that is the one thing that binds country communities together.

I have used this example before, but I will use it again. In Bordertown, which is my own local community, the chairman of the hospital board is a life member of the Mundulla Football Club. The vice chairman of the hospital board is a life member of the Bordertown Football Club. When playing football, they would have fought to the death. Bordertown and Mundulla have probably one of the strongest rivalries in the state between two country towns. They would have fought to the death yet, once off the football field, they have come together with a common goal. The hospital is the thing that holds communities together, and Bordertown is no different from any other country community. This government ripped the heart out of country health and, of course, last year tried to do even more damage by cutting funding to country health.

I now turn to infrastructure for our regional areas in South Australia. There is virtually no mention in the budget of any increased spending. We have a \$200 million road maintenance backlog. That was the amount that was bandied around two or three years ago. In fact, it may well have been at the time when the Hon. Robert Brokenshire was a member of the Liberal Party. I think the \$200 million was probably something he referred to when he was the shadow minister for transport, and so it would be higher than that today, for sure. We have seen no commitment from

the government to address it—no planning; no leadership. If they said, 'We have this backlog and we are going to throw \$20 million a year at it for the next 15 years'—it is probably close to \$300 million—at least there would be a plan, but there is no plan.

When I touch on plans, it is interesting to note that the Minister for Transport does not have a transport plan. We have this \$1 billion public transport revolution. We have huge amounts of money being spent on infrastructure, but we do not have a plan. Yet, after the federal budget was announced, with \$61 million for the O-Bahn coming our way, the minister said, 'It was easy: we went and saw Anthony Albanese in Canberra, rolled out our plan and it was very easy to see why we needed to spend the money.' Clearly they have a plan but are not prepared to share it with the community. Certainly, if there is a plan it does not include rural South Australia.

There is a whole range of other issues in our rural communities to do with water. The far West Coast has missed out because the government has withdrawn its support for increased capacity in the Upper Spencer Gulf desalination plant. The West Coast is a great part of South Australia, but one of the things lacking over there is a regular increasing supply of water. It does very well with the amount of water it has, but the member for Flinders, Liz Penfold, has been championing the need for water, along with my colleague the Hon. Caroline Schaefer, formerly of Kimba. Water is needed on the West Coast, as is energy infrastructure. It is one of South Australia's great hidden secrets, as leadership is missing.

We had a proposal to put a bigger airport into the Port Lincoln community, but the government does not see it as being a priority. It will cost only a couple of million dollars to extend the runway and turn it into a bigger airport, and then you will be able to attract bigger aeroplanes and create more tourism opportunities, but the government did not see it as a priority.

Education is lacking across South Australia as well. During my time as the shadow minister for police the government has always talked tough on law and order, but it seems to be meaningless. We only have to look at the issue we have been discussing today, with the parolee involved in the incident in the north—stabbing a police officer and assaulting other people in the community. The Parole Board revoked his parole. He was to be arrested late in June, but that did not occur. The clear reason is that the police do not have the resources. Every police officer I talk to says they need more resources, whether it be more time and resources in the back office to process arrests and do the documentation, or whether it is equipment. My colleague the Hon. Terry Stephens has personally waged a campaign to get new automatic firearms for the police, which they now have, but the commissioner is slow to implement it, I suspect because the government does not provide the resources.

Tasers have been called for by the Police Association and the community. We have to have a trial because the government does not provide enough resources to the commissioner to adequately resource our police force. I meet regularly with police officers—and they risk possible disciplinary action by meeting with me—and some of the issues I find quite baffling. The government has spent no money on crime prevention; in fact, it disbanded the crime prevention office in the Attorney-General's Department. I do not know about you, Mr Acting President, but I do not want my family to be a victim. It is fine for the Premier to say that he will be tough, make sentences higher and longer, fine people more and increase penalties, but I do not want my daughter to be raped, whether the rapist gets one or 20 life sentences. I do not want one of my family to be a victim. The government claims to be tough on law and order, but we have just as many victims in the community and we are not getting to the root cause.

I refer to the hand-held laser guns police officers use to measure speeding vehicles. The minister might like to correct me if I am wrong, but I understand from police officers that the police procurement section has purchased a certain size battery to power them. Those batteries are made overseas and they are a couple of millimetres shorter than the standard battery, so to make the laser guns work they have to put a 10c piece in with the battery for it to make contact. The minister may say that that is not accurate, but I would be surprised if the police officers are telling me porkies because they are out there delivering the service. On the one hand the government is trying to save money, but to buy batteries that are not quite the right size for laser guns to me seems a derogation of duty. We should be buying batteries that are made and suited to fit the device.

Another issue that alarmed me was in relation to random breath testing. Police are told that they have a certain number of targets and people to test. We would all remember the TV advertisements where someone was driving down the road, suddenly saw an RBT and turned off to avoid it, but down a side street a police car was waiting. There was nowhere to run and hide, and in

fact you would be apprehended. I am told by police officers that it is a pain in the neck if they apprehend somebody, with the cost involved to get them. This officer told me that they are now selecting long straight stretches of road, with plenty of opportunities to turn off so that they just get up their stats and test the number of people required. They measure the testing by the little mouthpieces that go on the end of the machine. I have heard reports of them throwing those mouthpieces into the bin to make it look like they have tested a certain number of people. I asked why they do not have the police cars and patrol officers down the side streets or somebody waiting with the car idling so that if somebody drives off from an RBT they can chase them, but they simply do not have the resources.

With those two issues it is alarming because if the police force is not being resourced adequately the community is not safe. Again, we have seen an officer in the country attacked last week. He was a single officer on patrol. I get evidence from police officers in the city that a lot of the time they are on their own and, if they see a fight or something that is a dangerous situation, a single police officer on his own really is powerless to manage it. So there are certainly some issues about resourcing our police officers further.

I have some other points to make but I know that the Hon. Robert Brokenshire would like me to finish at five to six, and I know my other colleagues—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: I am not sure. He is making some funny noises over there. One of the things that intrigues me is the location of the new Royal Adelaide Hospital, or the rail yards hospital. Again, it is about leadership. We have one piece of real estate left in Adelaide that fronts North Terrace and the Torrens Lake and is in the CBD. It is the one piece that is left, Mr Acting President. Leadership is about ensuring we use that for the very best purpose and long-term good of our city and community. That is where I think this government fails dismally, because we know it did not seek any expert planning advice. Minister Holloway said it was minister Hill's responsibility. During estimates, minister Hill said they did not get any expert planning advice. They did not even go to Planning SA, the government's own department.

I will acknowledge there are differing views in the community about whether we need a new hospital or we can rebuild the existing hospital on the current site. Of course, the Liberal Party will always say that it is better to rebuild it on the existing site, but there are people in the community, the government especially, who say, 'No, we want to build a new hospital.' However, what it has never done is look at whether that is the best site. If we build a hospital there, it is there for the next 150 or 200 years. You do not build a hospital and in 10 years knock it down. What it has not done is shown leadership for the long term.

Premier Rann talks in some of his commentary about the heroes he has looked up to in his life, and Don Dunstan was one of those, and there have been others. They showed real leadership and made sure the decisions they made were the right decisions for the long term for our community. You can see, Mr Acting President, that the selection of this site has been made without any consideration of whether it is the best possible site for a hospital. It is just a site that the government chose—although I think, from the evidence and gossip that the opposition hears, that the view is not shared widely within cabinet.

I think that epitomises the total lack of leadership by this government. It does not really care. In fact, I suggest that Premier Rann, within months of no longer being in politics, whenever that is (and the sooner the better, from the point of view of this side of the chamber), will not even live in this state, because he does not particularly care about the long-term benefits to South Australia. He only cares about being re-elected.

I think that demonstrates absolutely the lack of leadership by this government, because it will deny Adelaide the opportunity to have a boutique docklands-type area. We would like to build, at some point in the future, a stadium on that site (we know that is something the South Australian community wants) and an entertainment and cultural precinct that the whole community can participate in. We need good quality hospitals and good health services, but I can tell members that there is not one person in this building today who plans to go to a hospital. However, we all make plans to have a good night out—to go to the footy or a concert, to enjoy the arts or go down to the river to feed the ducks or go on the paddle boats. There is a whole range of things that we would do, but we would not choose to go to hospital.

With those few words, I indicate that the opposition supports the bill, but I reiterate that it is an example of how this government has failed to show leadership for South Australia.

The Hon. R.L. BROKENSHERE (17:56): I rise to support the second reading of the Appropriation Bill. I could say a lot about the bill but I am going to abbreviate my comments this afternoon. We realise there has been a global financial crisis and it has not abated—although, hopefully, there are signs it may be easing, but there is nothing certain at this stage. With that in mind, Family First is disappointed that this budget has delivered little, if any, tax relief for families and businesses, and I give the examples of land tax and stamp duty.

In relation to primary production (the sector that is exporting strongly and staving off technical recession for the nation), in this state we have seen virtually no help whatsoever from the state government. In fact, we have again seen the demise of the PIRSA budget and staff within PIRSA. It is very disappointing, because the research shows that if it was not for mining and agriculture we would not have got out of the technical recession.

The state and federal governments are doing virtually nothing about what is now a race to the bottom in farm gate prices, and particularly at this stage the prices of milk and wine grapes at farm gate are of major concern. I will give the government some ticks, but I think the biggest tick has to go to the federal government for what we have seen as its benevolent one-off gifts to this state. I ask this question of the minister on notice: what is the total amount of federal one-off grants given to the state government in the current budget, because we read there was a 51 per cent increase in many of these grants by the commonwealth?

I will give a tick to the government for adopting some of Family First's policies on at least four fronts that I can think of, and there are probably more. First, and I know my colleague Dennis Hood will have more to say about this, the government says it will legislate in relation to the commonsense initiative to ensure that general waste is collected weekly. We have not seen that yet, but certainly Family First is absolutely opposed to general waste not being collected weekly.

Secondly, I was surprised to read the front page headline indicating that the state government is adopting Family First policy to require stormwater harvesting in all new residential developments. Family First has had this policy tabled for some time. We are looking for support from the opposition, the crossbenches and the government for this, but we are pleased to see that, when push comes to shove, whilst there is no real strategic plan for water guarantee and sustainability in our state, the government has realised the pressure that exists and acknowledges that setting up stormwater harvesting and dual reticulation in residential areas is very important. What we cannot understand is: why wait until 2013? I am sure both chambers would push through urgent legislation. It could be through parliament this week, gazetted as of next week, and then developers would have to provide that stormwater harvesting dual reticulation immediately.

I congratulate the government for adopting at least part of our policy on protecting the Willunga Basin, but at this stage it is loath to support the bill in its entirety which is a disappointment. I will talk more about this at another time. There are still some major concerns about the Willunga Basin in the Greater Adelaide plan; a lot of subdivision is still intended, particularly on the western side of South Road in the Willunga Basin.

I am pleased to see that the government has at least said that it will largely hold off starting work on the new RAH until after the state election next March, because I believe that, if the facts are put before the South Australian community, the majority of South Australians would not support a greenfield site for the new RAH. Hopefully, the true facts can be put out there between now and the election.

Why is it that in most other countries they can have state-of-the-art tertiary hospitals on campuses that in some cases are 300 years old, yet we have to waste hundreds of millions of dollars (if not as high as \$900 million) to build a Taj Mahal that will not deliver the high-tech medical services that are being delivered at the moment between the RAH, the university and the research facilities on the campus in and around the RAH.

The final thing that I think the government has realised needed to be done—and we are happy to support it—is free bus, tram and train travel for pensioners during off-peak times. It is a good initiative for pensioners who are struggling, but I urge the government to advise the house on what it has done in general increases for concessions, pensioners, carers and people on disability pensions, because they are hurting very much when it comes to day-to-day living in our state at this time.

We initially called for a dollar a day travel on public transport for seniors, and I think this is an initiative that still needs to be considered because, at this stage, there is only free bus, tram and train travel for pensioners during off-peak times. I think it would be good if we could look at a dollar

a day principle for those who want to access public transport during peak times, and I know many do.

I am pleased that the government has provided parliamentary counsel with some extra staff in this budget, because parliamentary counsel work very hard. I think they have been under-resourced and put under undue pressure when it comes to getting legislation drafted for all of us here in the parliament.

Now I want to talk about some crosses in respect of this budget or what I would describe as squandered opportunities. I would like to know where all the benefits from the mining boom, industry generally, primary industries and particularly the huge increase in GST revenue have gone over the past six years. We have seen an economy on the rise from about 1998-99 up until 2008; so, for 10 years, we have had growth that has been unprecedented in modern history (certainly, in the past 30 or 40 years), yet now we see a budget going into serious deficit in recurrent terms with promises that we may get back to balanced budgets on a recurrent basis within three or four years.

I have grave concerns about that, particularly with respect to the amount of money that has been put in to try to make the recurrent budget look better and the deficit less by the federal government as an initiative to assist both them and the state Labor government, given that they both have elections coming up within the next 18 months.

The fact of the matter is that we also have a significant core debt that worries me for our children and grandchildren, because I was involved in working with other colleagues to get that debt down over a period of time. That debt came down substantially and we were in good shape. Most of us who are farmers have debt as we try to work through growing our family farm businesses, and that is debt that we are personally responsible for; however, when governments take on an extraordinary level of debt without telling communities at the election, we all have to repay that debt, even though we may not have been advised of it or supported it when that government was voted into office.

I will just touch briefly on projects. We have seen the upgrade of the AAMI Stadium gone and the Mobilong Prison upgrade gone. Something will have to happen with the prison system. One thing that I am pleased about with its not relocating to Murray Bridge at this stage is that it is a very bad policy decision to put a women's prison so far out of Adelaide. As a former minister I say to the council that I was always briefed, and I strongly stand by the fact, that a women's prison and juvenile detention must be very close to the city. Children suffer immensely when they are not able to see their mother. I hope that, when a new prison system is finally built, rather than racking, packing and stacking them, the women's prison will not go to Mobilong and will be relocated with a new juvenile prison system in place at Magill, somewhere close to the CBD and metropolitan area.

I find it very concerning that CTP premiums have gone up by 8.5 per cent. A lot of people in the northern and southern suburbs are hit badly through lack of public transport facilities and have to have one or two (and sometimes three) cars. It is going to cost them an enormous amount of extra money. I struggle to see why it should have gone up to that extent when a smaller state like Tasmania has not increased its CTP for four years in a row. This government is really hitting in their hip pockets people who are battling at a time when it should be easing the pressure, not applying it.

I want to talk about cuts to agricultural research and staffing in Rural Solutions and PIRSA. I am very disappointed and concerned about the enormous budget cuts to PIRSA. On the one hand, even in the difficult times we have had with the lack of rainfall in the past few years and climate change matters, the government expects agriculture to be generating sustainable income for the state and yet, when it comes to research and development in areas like the Loxton Research Centre and other research centres, we have seen a massive decline in investment, a serious number of staff (well over 100) being reduced from the department and a situation where Loxton Research Centre will just become a demo farm or equivalent.

I will talk specifically on issues to do with water in a moment, but one big cross against this government's budget is a lack of money for the River Murray, be it water for the environment or irrigators. This oversight was despite an Adalaidenow poll indicating that, in terms of key budget priorities, given options like the Britannia Roundabout, South Road, public transport, the health system, AAMI Stadium or the River Murray, overwhelmingly the River Murray and water supply were the No. 1 focus for South Australians.

We do not have a proper strategic plan, even with the new Water Commissioner's 90 point plan over a long period of time. A lot of that is just warm and fuzzy stuff that does not really deliver.

The fact that we will be relying on the River Murray for the absolute majority of our potable water for another 50 years is a disgrace. It is outrageous, and this government needs to be condemned for that. The fact of the matter is that we could have been so much more advanced. The desal plant is being provided so that the population can grow, not to get a sustainable water supply that does not put as much pressure on the River Murray water system. That is very disappointing. Also, neglect of stormwater harvesting is still frustrating for Family First.

I want to touch on the Upper Spencer Gulf in the few minutes that I have left. Contrary to the Rann government's pre-election pledge, which was to build a desalination plant in the Upper Spencer Gulf and 'switch off the pumps from Morgan', instead, the pumps are still going and there is no desalination. Whilst the regional communities in the Upper Spencer Gulf and Eyre Peninsula are working hard to get new economic opportunities and capitalise on mining growth, water is their No. 1 problem, and this government has not addressed it in any way whatsoever.

I now turn to something that the southern community and I are very passionate about, and that is the McLaren Vale police station. The way the government is handling this is of concern to me. A shopfront is not the right way to go. Taking away status from country police is not the right way to go. I am a very strong supporter of the police, but I know that, if the police budget were adequate, they would have sustained and maintained what was there and improved on it.

I have not seen any fight from this government to look after those people who have paid their taxes, just like every other sector of the community. I ask the question: will the government promise not to sell the McLaren Vale police station while the community works through the issues the police are putting before them in relation to alternative options? Once that police station is sold and there is a rented shopfront, it would be very easy for the government to say goodbye to any police presence in the town. That is not acceptable to that community, and Family First will fight for a better go for the community in that area.

There are major problems with Housing SA, and there are major problems in the disability sector, which are not being addressed at all. I am very disappointed to see that there has not been a focus on respite care and supported accommodation for the disabled. In relation to education, there is the issue of critical incident reports, and there needs to be more resourcing to address bullying, harassment and violence towards teachers and students. There is also a need for police in schools programs. All of these things have been missed. I am not sure whether super schools are the answer, and there has not been enough community consultation. No wonder the Upper Spencer Gulf cities of Whyalla, Port Augusta and Port Pirie all voted against them. It is time this government woke up to the fact that you actually have to consult and you have to be able to involve communities in decision-making, not just make decisions on the run.

In relation to justice, the government continues to say no to an ICAC. Family First has an ICAC bill before the parliament at the moment, and I know that, by and large, all the crossbench and opposition members say that we need an ICAC. The government is the only one hiding from the fact that we do need an ICAC. If we are to have not only an open and transparent government but also open and transparent departments and bureaucracy and services in this state, we need an ICAC to protect our state from corruption and other problems within government.

We have seen the concerns about the Parole Board. I would say that part of that is due to a lack of resourcing. There is \$174 million outstanding in the Fines Unit. Why doesn't the government put together a proper strategy and get that money from expiation notices, rather than hitting law-abiding citizens in the hip pocket? Citizens who may make a mistake from time to time and are caught driving a few kilometres over the speed limit pay their fines, yet people who are massive repeat offenders, with 300 fines outstanding, run away and are laughing at the system. It is a disgrace that the government has not really focused on that problem.

I will touch on the CFS budget and other emergency services budgets. There is not enough money in the budget, particularly when it comes to volunteers. How does the government expect volunteers to look after our community when the budget is inadequate? Fire stations, in particular, needing rebuilds have been put on hold. The replacement of fire trucks has been put out from 20 to 25 years, which ignores the Coroner's recommendations from the 1983 Ash Wednesday bushfires.

Touching on the Riverland, Family First does not apologise for continuing to fight for a better go for the Riverland. After all, the Riverland generates hundreds of millions of dollars a year for our economy. We need enterprise zones, initiatives and tax breaks for new industry and innovation, and we need to provide a broad approach to ensure sustainable opportunities for the Riverland.

In conclusion, there is no doubt that we will see budget commitments for the 2010-11 budget during the election campaign. I hope that the government hears our concerns about some of the critical needs and acknowledges that families, communities and the disadvantaged are not being listened to and are not being provided for appropriately. At the moment, it seems to be the case that sometimes the big end of town and special sectors, such as the development sector, are getting a hand-up over and above the general community in this state. With those remarks, I indicate that Family First supports the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

SECOND-HAND VEHICLE DEALERS (COOLING-OFF RIGHTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 July 2009. Page 2764.)

The Hon. J.M.A. LENSINK (18:15): When I last spoke to this, members on this side did not have a formal position, so I outlined some general remarks in relation to the bill and indicated that we would be supporting the second reading. I will not go over those comments again, but I raise some questions to which I would appreciate responses from the minister in her summing up. I will also make some other comments.

There are few issues, I think, which remain unresolved in relation to this bill. One which has been raised by the Motor Trades Association relates to auctions. It would like to have the definition of 'auctions' tightened up so that it is absolutely clear that it is at the fall of the hammer. I have had a chance to examine the substantive act and I am a little surprised that there is no definition of 'auction' anywhere within the substantive act, so I would like some clarification on that.

I indicate that I have had discussions with parliamentary counsel about this issue, and they have a particular view about auctions and so forth and I would appreciate it if the minister were able to consult with them and put those remarks on the record. Depending on that response, we may still seek to amend that to clarify this area.

My understanding is that within the sector there are auction houses operating which have quite an extensive role in second-hand vehicle transactions. Indeed, I am advised that over a number of years the definition which is in the substantive act about sales which are negotiated immediately after the conduct of an auction has suffered some bracket creep, for want of a better word, where that period of time of 'immediately' has become any working day before or after an auction.

I would like to have that clarified as to whether the minister has an understanding or whether there is an accepted definition of 'sale negotiated immediately after an auction' and whether that is a period of hours or, indeed, a day. So, that is one matter.

I note, too, from the substantive act, that in relation to the licensing of dealers the Crown is exempt, which I guess I am somewhat bemused by. That may well have happened under a Liberal watch in terms of the passing of that act, but I have received some examples of advertisements where a government-type auction has demanded a \$200 cash deposit, which I note is greater than the amount which is actually being put forward in this bill.

There is also the matter of deposits. We have talked about deposits quite explicitly in terms of the non-refundable deposit, but in terms of 'other deposit', which would be part of the current practice (and I am advised that the industry averages about 5 per cent), the current act does not make any reference to such a deposit.

I would ask the government whether a deposit of up to 5 per cent or, say, 10 per cent would be illegal and that, once the cooling-off period has expired, would it be reasonable for traders to expect to receive such a deposit to guarantee the transaction of the vehicle?

Clearly, if there is a two day cooling-off period, the most opportune time would be at the signing of the cooling-off period whereby the deposit would be made at that point, and if the person then decided not to pursue the purchase the non-refundable deposit would be retained and the rest of the deposit would be returned.

All members, I think, would have received a letter from the Motor Trades Association in relation to this bill in which it asks for a number of commitments from the government, and I will put a few of these on the record. First of all, in relation to auctions, I think I have covered that already. The third point was in relation to deposits, to which I have just referred. The association has also

asked for a commitment to a simple straightforward waiver form, and I indicate to members that the Liberal opposition will be moving amendments to this effect.

The MTA makes the point that there has been a number of ministers and indeed probably shadow ministers who have held responsibility for the consumer affairs portfolio, and I think it understandably seeks assurances. The association can have my assurance as shadow minister that we have formulated our position and that it will not change, but we would appreciate the government making a similar commitment.

The fifth point asks for some formal commitment about the interpretation of 'inducement' which I have also been advised in briefings is in relation to a financial benefit; that is, to reduce the advertised or best price on offer for a vehicle which would be done in order to execute a waiver. Point 6 relates to defining the expansion of what constitutes a dealer to include family, friends and associates. The MTA seeks to clarify that position, so I would ask that as a question to the minister, and also to clarify that a person who has a reasonable excuse would not be caught in the process. Point 7 is that the MTA would like it to be confirmed on the record that it will remain the case that an individual can sell a maximum of four vehicles per annum.

Point 8 is that a dealer who was presented with forged documents in relation to a salesperson would have a reasonable defence in any subsequent legal action. The ninth point that I will refer to from this letter is in relation to a code of conduct. Can the minister give some update as to the status of where that might be at and what time lines might be expected in terms of the development of that code of conduct. With those remarks, I conclude my contribution and look forward to the committee stage of the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

PUBLIC SECTOR BILL

The House of Assembly agreed to amendments Nos 4 to 8, 11, 13, 14 and 16 to 20 made by the Legislative Council without any amendment; agreed to amendment No. 1 with an amendment as indicated in the schedule; disagreed to amendment No. 15 but has made an alternative amendment in lieu thereof as indicated in the schedule; and disagreed to amendments Nos 2, 3, 9, 10 and 12:

No. 1. New clause 6A—delete paragraphs (b) and (c)

No. 15. Alternative amendment of the House of Assembly in lieu thereof

Clause 53—after subclause (2) insert:

- (3) A public sector agency may not terminate the employment of an employee under subsection (1) on any ground unless the agency—
 - (a) has informed the Commissioner of the grounds on which it is proposed to terminate the employment of the employee and the processes leading up to the proposal to terminate; and
 - (b) has considered any advice given by the Commissioner within 14 days about the adequacy of the processes.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

BURNSIDE CITY COUNCIL

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (18:24): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.E. GAGO: In response to an honourable member's question in the council today I reported that, although I was not absolutely certain and would have to check details, in relation to previous problems at the council extensive processes had been undertaken by the council and councillors, and my recollection was that the council reported or wrote to the minister and determined that things had progressed well and that matters were in hand.

I am advised that the mayor's response to my department in late August detailed a revised code of conduct, incorporating an independent investigation process, which had received no

complaints since its inception in April 2008; an elected members' grievance policy, under which no such grievances had been lodged; that councillors had been reminded of their duty to make informed decisions in a professional and responsible manner and in the best interests of the community; and a mediation workshop for councillors and the CEO was to be arranged.

I am advised that the records have since been checked. I understand that a mediator was engaged. However, no formal report was provided to me or the chief executive of the department.

At 18:26 the council adjourned until Wednesday 15 July 2009 at 14:15.