HOUSE OF ASSEMBLY

Thursday 10 February 2005

The SPEAKER (Hon. I.P. Lewis) took the chair at 10.30 a.m. and read prayers.

FLOOD ZONES

Mr HAMILTON-SMITH (Waite): I move:

That this house calls on the Minister for Urban Development and Planning to—
(a) immediately rescind the interim effect of the Brownhill and Keswick Creeks Flood Plain PAR;
(b) commission a new round of public consultation in order to ascertain the concerns of all residents affected by the PAR; and
(c) review whether the PAR is necessary once the Patawalonga Catchment Water Management Board consultancy has completed the flood mitigation study.

This motion calls on the government to undo one of its most stupid mistakes in the past three years. As I address the parliament, 70 to 80 constituents—people who have had their homes devalued by this government—are going to fill the public gallery. There is a very angry group of people outside the house, and they are going to fill the gallery.

The Hon. M.J. Atkinson interjecting:

Mr HAMILTON-SMITH: The government has made three very stupid mistakes, and I see with the full agreement and cooperation of the Attorney who keeps making inane interjections. The first mistake is that it came up with the planning amendment report for the Brownhill and Keswick Creeks which was based on very poor science and very poor research. The second thing the government did was to introduce the PAR without consulting the public. As the gallery fills this morning, members will see the people who were not consulted. Thirdly, it then gave the PAR interim effect in June last year, which means that, in reality, it applied almost instantly to people's homes.

The net effect of that has been to say to all the 5 000 homes in the areas affected from Mitcham all the way down through Kingswood, Hawthorn, Unley, Wayville, Goodwood, Hyde Park, as far as Adelaide, Eastwood, Dulwich, Fullarton, Marleston, Kurralta Park, Everard Park—all of these areas right down to the airport into the seats of Unley and Ashford—and I see the member sitting here today, and I hope she is going to speak to the motion—and into the seat of West Torrens. All those homes have now been classified as flood prone. The effect of that is to say to people, 'Your home is now worth a lot less than it was before this zoning was applied.' In fact, one home owner in Unley has shown me a land valuer's document which shows her house has been reduced in value by the Valuer-General by 44 per cent since this silly measure came in.

The Attorney says 'We'll fix it.' It is always a good idea not to make mistakes in the first place so that you do not have to fix them, but we will come to that later. Not only have homes been devalued but we now have this silly regime of planning measures that says that for 10 metres either side of the creek (that is, 20 metres) you cannot develop and you need to get approval. So, people who already have parts of their home within this zone, who already have developments there, are being told that they should not be there, and if they want to make changes to them they have to go back to the council and get approval, with all the red tape and bureaucracy associated with that.

The effect of that is that, first, their home is devalued. Secondly, they need to go back and get approval should they want to change an inch of what they have. Thirdly, if they want to further redevelop within that zone, they have to build it up above the one in 100-year floodplain zone. In fact, it is 0.3 of a metre above that zone. In some cases, that can be two to three metres. I have one constituent who came to see me who has his house, which was built many years ago, at one level. He wants to build an addition and it is going to be 2.5 metres above the rest of the house. That will look terrific, will it not? He will have his house down on one level and his addition up higher. Another constituent came to see me, who lives one side of a vacant block. On the vacant block is to be built a house that is within part of this zone. It will be built almost three metres up above the two adjacent homes. That will also look fantastic, will it not?

This is the nonsense that this government has forced upon the poor home owners and residents of suburbs ranging from Mitcham all down the Brownhill and Keswick Creeks to West Torrens and the airport. And it is driving them absolutely mad. Not only are the planning regulations driving them mad; not only is the fact that their homes are being devalued driving them mad; but, simply, this unnecessarily law making, this half-cocked, half-baked policy on the run is simply demonstrating to people that they cannot go about their ordinary family lives and they cannot even be left alone in their own homes without being interfered with by this silly government and this silly regime.

The minister gave this plan interim effect on 11 June 2004. I understand her urgency. I understand that the minister took over the portfolio around March. She had about three months. She obviously inherited a few unaddressed matters when she took over from the now Minister for Families and Communities, and she was trying to sort a few things out. There had been a flood at Patawalonga, after all, the year before, and she probably thought she had better do something. And I commend her for that. I actually give the minister considerable credit, because I think that she is one of the better ministers in the government. I am surprised at this but, in her enthusiasm to get something done, she has not done a flood mitigation study. In fact, the contract was only let for that at around the same time as the PAR was given interim effect.

We are still having meetings about that, I think in two or three weeks' time, just to get that process going. We do not understand the engineering issues or the mitigation issues that are involved in controlling the floodplain and controlling the zone, but we have gone ahead and introduced a planning measure with interim effect. So, the minister came in and thought: I will develop this plan. I did it in a great hurry. I did not get it right but I will give it interim effect. I will throw it into people's lives now and see how it goes. Well, I will tell members how it goes. There are a lot of people listening right now who know very well how it has gone over the last six months. Just ask them for their stories of woe.

Of course, it has been the opposition that has had to bring this into the parliament: that is the most disappointing thing. The good citizens of the state have written to the minister and to their members of parliament, both Labor and Liberal, but who has had to bring it in—the opposition. You would think that a good government would listen to people, realise it had made a mistake and do something about it. The real test here is that words are cheap. I believe that the members for West Torrens and Ashford are two very conscientious members, and the challenge for them is: can they convince their party

to backflip and rescind the interim effect of this PAR? Because that is what is required.

Let us not be fooled: we are talking about 5 000 homes. 3 700 of these, or 74 per cent, are in the low hazard areas, with less than 100 millimetres or four inches of flood depth. The flood damage bill, in a one in 100 year flood, is estimated to be $100 million to $200 million. It is a serious matter. But the PAR has simply been mismanaged and it is based on faulty and flawed science. We need to fix it.

The minister cruised into the parliament yesterday and, in an effort to head off this motion at the pass, in an effort to convince the media that there was not a problem, in an effort to cover up her tracks, made a ministerial statement. The ministerial statement waffles on for a page and a half. It says absolutely nothing until you get to the last paragraph, and this is the meat, the punch. It says, 'I do not intend to approve the PAR currently on interim development control in its present form.' What does that mean? Will we change the title or change three words on page 5? What does that mean?

I intend to make a further announcement next week on the detail of development rules in the Brownhill and Keswick creeks. In other words, I might make some changes and will make a further statement about it next week. That does not go far enough. My motion today is what is required. My motion calls on the parliament to immediately rescind the interim effect of the PAR. Go back to the drawing board! It says to the minister: commission a new round of public consultation in order to ascertain the concerns of residents affected by the PAR and, thirdly, review whether the PAR, in its present form, is necessary at all once the Patawalonga Catchment Water Management Board consultancy has completed the flood mitigation study. In other words, let us get the science right, let us do our homework and then go out with a PAR. I congratulate the minister for being here. So often one moves these motions and the ministers are off in their room having a cup of coffee: I give her credit for being here. I note the presence in the chamber of the member for Ashford and earlier the member for West Torrens, and I credit them for being here.

The minister could get up after this and say, 'We will agree to the motion, we will rescind the PAR, get the flood mitigation study right, consult with people and come up with something that is right in six months, three months, a year—however long it takes.' That is what she could do this morning. I do not think the minister will do that. I think she is like a rabbit that has been caught in the headlights on the road and she does not know which way to run off: should I run off to the left or run off to the right? She has picked a fight with 5 000 home owners, picked a fight with the media and with the members for Waite and Unley and the whole opposition. She has picked a fight with her own backbench—the members for Ashford and West Torrens—she has picked a fight with the Mitcham and other councils, which say they were not consulted. She has picked a fight with the Patawalonga Catchment Management Board, which went to the ERD committee and said that it was not adequately consulted. She has picked a fight with everybody. She has really mucked it up.

Let us just admit that we made a mistake, we got it wrong, and undo the mistake and go back to the drawing board. It is as simple as that. We could vote on the motion now. The minister could speak to it. I am happy to close the debate. The parliament will then be sending a clear signal to the parliament that we want to rescind this interim PAR and get it right. Somehow I do not think it will happen. I think the minister will get up and we will get a long winded explanation of why we cannot do that. What has happened already? The good citizens of the state who live in this zone in some cases cannot get their homes insured because the government has said that their houses are flood prone. They are having to comply with all these silly planning rules. They cannot sell their homes at the value which they think they are worth. Their lives are affected now.

Undo the damage now! Do not wait until next week, do not wait until the month after that—fix the problem today. I hope, and would be fairly confident, that the members for West Torrens and Ashford have put that view to the minister. The real test of character for the Labor Party will be whether it is prepared to undo the mistake. I know the way the Labor Party works: you go out there and say certain things to the public, but then there is caucus solidarity. We cannot cross the floor, can we? Otherwise, what will happen is that the member for West Torrens and the member for Ashford, when we put this motion, could come over here, represent their constituents and sit with us so we could pass this motion. But they will not do that: they will sit there with their legs crossed, their hands on their knees and do what the minister says. Therein lies the fatal flaw in the way in which the Labor Party works. What happens so regularly here is that members reserve their right to vote with their conscience.

This is a silly mistake. It has been the subject of a page 1 story in the weekly media and *The Sunday Independent Weekly*; it has been the subject of numerous articles in *The Advertiser*; it has been on ABC Radio; and it has been on talkback radio. The government has had so many warnings on this issue and so many opportunities to get it right. It has had delegations from citizens and home owners who have been affected; it has had letters; it has had all it needs to realise that it has blooped it. What we need now is results.

Mr Koutsantonis interjecting:

Mr HAMILTON-SMITH: Well, watch this space. Look, Sir Lancelot will roll in and solve the problem. I say to Sir Lancelot: roll in and solve the problem right now. I look forward to the Attorney-General's contribution to this debate so that the 5 000 home owners, whose lives have been thrown into chaos by this act of government stupidity, can get on with their lives, get back the value of their homes and get back to where they were before June last year when this silly measure was taken. I commend this motion to the house. I look forward to government support. What we do not want is idle promises—'Next week we will get back to you, we will change a thing here or there.' Let us undo the mistake and go back to the drawing board and talk to the people. The government should do its homework and come back with something that will work, not this silly mess that has been created by the government without any help from anyone.

There being a disturbance in the public gallery:

The SPEAKER: Order!

The Hon. P.L. WHITE (Minister for Urban Development and Planning): I do draw members' attention to the ministerial statement I made in this place yesterday. Members might have also heard me on radio on Monday saying on behalf of the government that I did not intend to approve the current PAR on interim development control in its present form. That decision was taken after formal advice from DPAC (Development Policy Advisory Committee), which is an independent body established under the legislation and which is in the formal process of changing development plans. That body, of course, reports to the minister on

feedback from the public consultation process. There is a requirement that it formally holds a public meeting—which was held—and I reported to the house yesterday on the number of submissions that came forward as a result. I also said that I intend to make a further announcement next week on the detail of development rules in the Brownhill and Keswick creeks flood plains area. Today, we have had the member for Waite running out in the media as if those events had not taken place and trying to re-run the issue. Well, it is his right to talk in the parliament—and I respect that.

I will make a few comments, in addition to what was said yesterday, about some of the issues involved here. I notice in the media that the member for Waite has been implying that the issue of what to do in the flood plain area surrounding Brownhill and Keswick creeks, encompassing five council areas, was approached by government and councils only recently. That is not correct. In fact, in 2003 the Patawalonga Catchment Water Management Board, the Adelaide City Council, the City of Burnside, the City of Mitcham, the City of Unley and the City of West Torrens jointly released very publicly (and I think it was carried in *The Advertiser*) the Brown Hill and Keswick Creeks Flood Plain Mapping Study, which was, in terms of the issue we are debating today, the start of the concern by councils and the catchment board about risk to life and property in flood events and the adequacy of the planning system to deal with the protection of that life and property against flood waters and the velocity of water in flows of a one in 100-year event. So, that is the genesis.

Specifically, this came about when, in a letter dated 21 March 2003, entitled 'Request for a ministerial PAR for the Brown Hill and Keswick Creeks Flood Plain', the general manager of the Patawalonga Catchment Water Management Board, Allen Ockenden, wrote to the then planning minister (Hon. J. Weatherill MP). In a response at the end of May or beginning of June, the then minister initiated the PAR, the result of which we are discussing today. What happened was that, after roughly 14 months of discussion between the councils and the catchment board to try to come up with what would be a sensible planning system for the whole watercourse, there was disagreement. The catchment board wrote to me, as minister, and said that there were differences. The critical point of difference within the group was whether development within a 20-metre corridor along watercourses—that is, 10 metres each side of the centre (that is what they were talking about at that point)—should be non-compliant or on merit with conditions. In plain language, what that means is: who has the ultimate say in the final decision on new development—the state government's Development Assessment Commission or the local councils?

The interim PAR put forward concerns new development. It does not deal with things in place, other than as they might change in the future. When there are interim PARs, which then, by law, go out for consultation, there is a statutory period under which there is consultation and formal structures of power about that consultation, in terms of holding a public meeting and the like. There is a limited amount of time in which an interim PAR can be in existence. What happens is that the DPAC committee makes formal recommendations to the minister (in this case, myself). That has now been done. Subsequent to receiving the advice (which occurred towards the end of last year), normally the process would be that the minister makes the decision at that point.

I instructed my department to initiate further consultation with councils. A meeting was held with all the councils and my department on these issues about a way forward. I also met with representatives of residents, predominantly from the Unley-Mitcham council area, and I invited further submission from them on what they think is the right way to proceed. Obviously the government is interested, and I believe that the councils and catchment boards are interested as well in ensuring that the final policy which is included in the development plan is one which balances some of the very legitimate concerns raised by residents and the impact of new development. I say quite plainly to the member for Waite that legitimate concerns have been raised by residents in recent months.

The whole driving concern about why the councils and catchment boards were interested in this in the first place and why they wanted to deal with it in a consistent way is that the development which occurs in one council area has an impact on the flooding risk in another area. Clearly, at that point in time, the councils, the catchment boards and government believed that it would be a sensible thing to try to deal with the development and subsequent flooding issue in a consistent way. While I appreciate the inventiveness in the honourable member's moving a motion and wishing to make this an issue, the government wants to see something sensible happen.

Mr Hamilton-Smith: So do we.

The Hon. P.L. WHITE: I am pleased that the member for Waite said that because I think that should always be the intention of all members of parliament. As I did yesterday, I want to acknowledge the conversations that I have had with local members and, in particular, the member for West Torrens—my ministerial colleague and I have many chances to talk with the member for West Torrens—and I thank him for his advocacy on behalf of his constituents because it has been an aid towards helping everyone to understand the issues affecting people on the ground. I say to the community that the government has listened to the feedback it has received and it will act accordingly. As I have said publicly in recent days, it is not my intention to approve the PAR currently on interim development control, and I intend to make a further announcement next week on the detail of development rules in that particular flood plain area.

Dr McFETRIDGE (Morphett): If members want to know about floods ask me, because flooding in my electorate at Glenelg North is a significant issue. I am still dealing with people's problems as a consequence of the last flooding. We have had to deal with attempted suicides, divorces, separations and houses being bulldozed. I do know about flooding and I do know the consequences of flooding. I do know the need to spend millions of dollars on flood mitigation in South Australia. We built Adelaide and the suburbs on a flood plain. The River Torrens never went into the sea. It used to run along behind the sandhills down to Port Adelaide. The Patawalonga was a tidal creek. The Sturt Creek or the Sturt River used to enter what is now known as West Lane, which is right in the middle of Glenelg North. We have changed it and changed it irrevocably and, as a consequence of that, we had to spend between $100 million and $250 million on flood mitigation and stormwater management in South Australia. The quick fix that came in on 11 June 2004, the ministerial interim PAR, is not the way to do this. You do not pass on the costs, the stress, the responsibility to individual householders, individual residents.

Mr Koutsantonis interjecting:

Dr McFETRIDGE: The member for West Torrens asked when I objected. I was called mischievous by the minister when I first put out a press release on 31 July 2004 saying, 'Government shifts flood costs to residents'. I issued another one on 18 August. I put out a series of four of them, and the last one called for the minister to withdraw the PAR. So I have not been sitting back waiting for this to happen. It affects not just the people of Brownhill Creek and Keswick Creek; it is going to be Salisbury, Port Adelaide, Gawler and Campbelltown. It will affect people up in the Hills, at Verdun—it is everywhere.

It is an issue that will not go away and an interim PAR that is going to offer a quick fix, in the minster's eyes, is not the way to do it. All the government is doing is crucifying people and hanging people out to dry, no pun intended. They are not allowed to develop. They are not allowed to get on with their lives because the minister says, 'For the greater good, you will be sacrificed.' I have seen photographs of what a one-in-100-year flood plan does to developments where neighbours build a metre above their next-door neighbours. It is building islands in the stream. What is going to happen when we get a one-in-100-year event, or as at Murray Bridge a one-in-200-year event? The water is going to go around those islands in the stream and have greater velocity. There will be more damage. Where is it going to end up? It is going to end up in the member for Ashford's electorate, the member for West Torrens' electorate, and it is going to end up in my electorate at Morphett.

This is not the way to do it. The minister is an intelligent woman, I have no doubt about that, and she is accepting advice from people who are acting in what they consider to be their own best interests but unfortunately not in the best interests of the people of the Adelaide metropolitan area. It will be very important that this ministerial PAR is rescinded, is completely rethought, redrafted, redrawn. My son lives in that area and his house is in the zone, according to the maps put out by the Patawalonga Catchment Water Management Board. It does a very good job and I work very well with those people. My son's house is in that zone but his house is only subject to a 10-centimetre inundation if a flood happens, and that 10 centimetres I suppose is as bad because everything, such as carpets, gets wrecked. What the minister has done is treat the serious life-threatening floods along with those that could potentially rise above the gutters.

It is not a one-size-fits-all approach. We just cannot do that. As for the 5 000 homes that are threatened by this, my sources in the electorate of the member for West Torrens tell me that there are 6 000 homes alone in the City of West Torrens that will be affected by floods because we did not spend enough money on flood mitigation. I do not care whether it was Liberal or Labor, or whether it was Don Dunstan, Tom Playford, Tonkin or Bannon. But this government, even with its land tax reform, is still pulling in about $3 million a day in property taxes. It needs to put some of that back into assisting local government, and there is a state government-local government stormwater pact that says we need to spend $100 million straight away. We need to put that money back in there now. We need to start spending it in the member for West Torrens' electorate, the member for Ashford's electorate, my electorate, Waite, Unley, Adelaide and Bragg. Why? Because it is not our electoral fortunes that are at stake here. It is individuals whose lives are at stake, whose welfare is at stake.

They are not greedy. They do not want to force this issue on to somebody else: they just want a fair go. That is all they want, and they are not getting a fair go with a ministerial PAR that came into force without consultation. Bang! There it goes. It was 11 June 2004, and what do we get? In theory, you cannot even dig up your backyard. You cannot plant a tree. If you wanted to take this to the literal interpretation of what is in the PAR—not what I am saying, but what the literal interpretation is—that is what you could not do. Obviously we know that was not the intent: the intent was there to control development, but not in this way. This is using a sledgehammer to kill a flea, and they missed the flea in this case, because this is going to be a problem that will not go away until the Treasurer undoes his purse and loosens the $3 million a day he gets in property taxes. He will still get them because of property value increases in South Australia. The Treasurer needs to give the minister money to implement the Economic—

The Hon. S.W. Key: Resources and Development.

Dr McFETRIDGE: Thank you, minister. The minister needs money to implement the committee's recommendations. The Local Government Association wants to do what the residents want to do, which is to control flood into controlled stormwater, retention basins, detention basins, aquifer storage and recovery systems, and wetlands; many opportunities exist for us to control stormwater in Adelaide. It is a problem that will not go away unless we spend millions of dollars, and I am the first to admit that. Money does not grow on trees but, in this case, there is a truckload of money sitting in the government's coffers. It is not going to open those coffers unless it is for electoral purposes. For West Torrens and Ashford, it is great if they get that, but what about the people in Liberal electorates? Let's not play politics on this. This is people's lives, futures and families. The government needs to make sure that it redrafts this and consults, as it should have done in the first place, and not come with jackboots and trample on the rights and privileges of citizens in this great state of South Australia.

Mr BRINDAL (Unley): It gives me great pleasure to follow and support my colleague the member for Waite and to follow the member for Morphett in this debate. I hope that the—

Ms Ciccarello: Remember what you said, Mark, about local government.

Mr BRINDAL: Will the member for Norwood listen? She may learn something.

Ms Ciccarello: It is on the record.

Mr BRINDAL: If she loses her seat in Norwood, she would be well employed as a parrot. Anyone would take her. It would be wonderful employment. Make no mistake, what we are debating today is the negligence of governments of South Australia, not just this government, but every previous government in South Australia.

Ms Ciccarello: And the local councils.

The ACTING SPEAKER (Mr Goldsworthy): Order!

Mr BRINDAL: The member for Norwood, who is an ex-mayor of Norwood, is into council bashing today, and that is fine. I would actually defend the councils. The member for Norwood knows that in this matter the councils are the agents of this parliament and the minister for planning. They are not performing their duties as councils: they are performing their duties as planners under the state planning act and under the authority of the statute law of South Australia. There is negligence in this matter that goes back many years. When Alan Hickinbotham, and Hickinbotham Homes, bought Andrews Farm, they suddenly got a call from the Land

Management Corporation to simply say, 'You have to give part of the land back.' When they asked why, the answer was, 'We've found that it is subject to one in 100-year flooding and simply cannot be sold for residential dwellings, if the land is subject to inundation.'

We have Unley, West Torrens and parts of Mitcham where, quite legally, people have bought blocks of land and got permission to build houses on land that the government now tells us is subject to flooding. Well, in my book—and I am not a lawyer—the people of Unley, West Torrens and Waite are well capable of employing lawyers. That has the element to it of negligence of governance and therefore is compensatable. Further, we, the previous Liberal government—encouraged, aided and abetted by this and previous Labor governments—came up with a brilliant strategy called urban infill.

In urban infill we required councils to look at the impact on infrastructure, but what I do not think any council looked at was the impact on stormwater run-off. We had in the 1950s the typical case where suburban house blocks (50 by 150) were to have a house that may occupy a quarter of the block; then it would have fruit trees, grass and a gravel drive. Now, because of urban infill, first, we have expanded our houses so that the house probably occupies a third of the block, the back has probably been sold off and a courtyard home is on that and the entire area is now paved.

Instead of there being, maybe, a third run-off into the street from that house we are now getting 100 per cent run-off, and that has not just happened once or twice in Unley, Norwood and Mitcham, that has happened hundreds of times. Where does the water go? No council considered that every drop of that water goes gushing out into the streets—because it is illegal to put it in our sewerage system—and flows into the creeks and rivers and floods homes in the member for Ashford's area, homes in my area and threatens the entire electorate of the member for West Torrens.

What is not appreciated by this house (and I was the minister at the time) is that, about three years ago, we were within 10 minutes of hundreds of millions of dollars of flood damage. When there was that extraordinary event in Unley, another front was moving towards Adelaide. If that front had hit Adelaide, virtually the whole of West Torrens would have gone underwater because it is not containable: it is a flat flood plain area. There are huge and important South Australian businesses there. Collotype Labels, to name but one, was seriously at risk, and at risk because of what has in the past been our poor planning practices.

In fairness, because of that event, we started working on that and we are probably here debating this motion because we realise that there was a problem and that the problem needed to be fixed. Where I commend the member for Waite, and commend him most earnestly, is that this government's answer to fixing the problem—I think in realising that it was negligence—was to blame the people who are the very victims of the situation in which we now find ourselves. It made, again, victims of victims by saying, 'We will bring in a PAR. Let them all know they are subject to flooding, and somehow it all becomes their fault.'

Well, the law in Australia does not work like that. The democracy in Australia does not work like that. My grandfather taught me that we believe in a fairly simple premise, and it is called a fair go for people who legitimately buy their properties and who want nothing better than to enjoy the amenity of their properties. If those properties were sold to them wrongly, if governments in the past have made a mistake, it is not up to us to penalise these people and rip ten metres—and I notice the chortling on the backbench. That is because members opposite do not happen to live in the electorates of Unley, Bragg, Mitcham or West Torrens. Let me give the members of the backbench on the opposite side fair warning: wait till it comes to your catchment.

Ms Rankine interjecting:

Mr BRINDAL: Oh, I am a silly goose now. I have been accused of a lot of things. I would rather other animals than a goose.

The ACTING SPEAKER: Order!

Mr BRINDAL: You can come up with something better than a goose. I am actually a rat by birth. I would prefer to be a snake or something more insidious than a goose. A goose is somewhat—

An honourable member: A rooster.

Mr BRINDAL: A rooster? I do not mind being a rooster.

Ms Rankine interjecting:

Mr BRINDAL: That is fine. The point I am trying to make to members opposite is that it is not an Unley, Mitcham or West Torrens problem. Have a look at the Light River. The Light River comes out of the hills; it does not have a mouth to the sea of any significance. The Light River was designed by nature to spill out of the hills and tumble across the plains. If this is a problem in Unley, Waite, Burnside and West Torrens, it is a problem in Light and in the entire northern suburbs. It is not going to be fixed by coming in here with some ill-advised, bureaucratic PAR that puts the minister to embarrassment.

I acknowledge that this motion will not go terribly far. I acknowledge that the minister stood up yesterday and said, 'I have withdrawn the PAR.'

An honourable member: No, she didn't say that all.

Mr BRINDAL: I thought that is what she said. Then, I did not listen—

Mr Hamilton-Smith interjecting:

Mr BRINDAL: I understood she had withdrawn that PAR and was going to come back with—

Members interjecting:

Mr BRINDAL: I do not care what you are going to do, but I would suggest you do. I repeat to this house what I have said to this house previously: if the minister does not act properly in this matter, I will let every one of my electors know—and every elector we on this side represent, and the member for West Torrens—and invite them to contribute to a fund to sue the South Australian government for negligence, including contributory negligence, and take it to the High Court, if necessary. The minister can look and laugh, but the people of Unley, Mitcham and West Torrens sometimes have half a million dollars and more invested in these properties. They are not geese: they are intelligent people who will fight for their rights in an Australian system. If this system tries to sell them short, they will not be sold short. The minister might take note that of their own volition some of my electors employed a QC to represent them before the Planning Commission.

So, the house should be very aware that if they would employ a QC to go through due process that, if they are denied due process, they may well employ a battery of QCs to take this government to the High Court. If the government wants another State Bank on its hand, that is fine; we are not asking for it. All we are asking for—that is the members for Waite, Morphett and I, as well as the member for West Torrens, I am sure—is an absolute fair go. No-one is blaming the minister at this table; she did not create the problem. It

has been created over decades. But a problem it is; expensive it will be; but fixed up it will be. One thing I can promise is this: so long as I sit in this chamber, it is not going to be fixed up at the expense of my electors and the electors of West Torrens, Waite, or any other bloody electors. This is our problem, and we have to fix it.

Mr KOUTSANTONIS (West Torrens): I rise today to expose a few hypocrisies. After the Sermon on the Mount from the member for Unley and listening to his diatribe about stormwater and stormwater mitigation, it makes me wonder why, when he was minister for water resources, he slashed stormwater funding by half. It makes me wonder why his commitment in opposition does not match his commitment when he was a minister of the Crown. Of course, members opposite do not want to take responsibility for their actions when they were in government, because that is inconvenient.

When Unley and Mitcham councils was going to bring in an interim PAR, and when West Torrens council brought in a PAR, where were those members then? Where were they arguing against those PARs that brought in stricter restrictions than the ministerial PAR brought in? Where were they then? Where were they in 2001 and 2002? I will tell members where they were: they were missing in action. I was ridiculed by my local council and its mayor when I attacked the council's interim PAR. Where were my comrades opposite then? In the bunker, slashing the stormwater funding; that is what they were doing. Now, they are converts to the cause. Now, all of a sudden, they have found a new bogeyman, and they want to blame the minister.

Let us look at a bit of history about this issue. First, when we entered office we restored stormwater funding that was halved by the member for Unley when he was minister. We doubled it. That was the our first action—we doubled it. When the catchment boards and the councils conspired to bring in these PARs, it was about removing risk. Was it about flood mitigation? I think not, because they do not talk about decreasing the footprint in metropolitan Adelaide: they talk about raising the heights and safety and all the other sorts of things. But what people such as Mr Parnell and Mr Ockenden are saying is, 'Stormwater and flood risk management is the responsibility of councils: we do not want to deal with it any more. We want to wash our hands of it.' They want to push it on to the state government. The recommendations of the minister and the PAR were made to government—

Mr Brindal: Tell the truth!

Mr KOUTSANTONIS: I am telling the truth.

Mr Brindal: You are not.

Mr KOUTSANTONIS: Well, go outside and say that. The ministerial PAR was done on recommendations made by councils and the catchment boards. The minister has acted on this and, despite what members opposite say, she has been listening to the concerns of local residents and local members of parliament, and she assured me and the house yesterday that she will not accept the PAR in its current form. That does not mean to say that there will not be a PAR—I do not think anyone is saying that there should not be a PAR—but the PAR should be reflective of community concerns and flood water management. The minister has assured me that she will consult widely—with members of parliament; with the appropriate stakeholders, as she is required to by statute; and with residents. What more can we ask? The concern we had before yesterday was that no-one was listening. The fact is that the minister has been listening. That is what I wanted: I wanted the minister to listen, and she has listened. She has said in this house that she will not accept the PAR in its current form, which is what we wanted.

If the minister withdrew her PAR, what would we get? We would get five different PARs by five different councils, which could be worse. What about that, I ask the member for Waite? What would he say if his council brought in a PAR which was worse? I can tell the house this: I do not want the PAR imposed on my constituents in the City of West Torrens to stand because it is worse than the ministerial PAR we had previously. It has tougher restrictions. But the member for Waite wants councils to have five different PARs rather than one. I am telling him that the minister has listened and we will have one PAR and it will take into account community concerns.

Mr Hamilton-Smith interjecting:

Mr KOUTSANTONIS: That just reveals what this is all about. It is just a stunt by someone who wants to be a leader of the Liberal Party. That is all it is. Who dares wins. That is his motto and that is what he lives by. What he is doing is playing with the lives and emotions of people and their biggest investment—their homes—and he is using them as pawns. I find that disgraceful. I have confidence that the minister has been listening to residents. I do not think anyone in this place, including members of the ERD Committee, does not think there should be a ministerial PAR. We just want the ministerial PAR to be different.

Mr Hamilton-Smith: Well, get it right!

Mr KOUTSANTONIS: Exactly. The minister has said she will not accept it in its current form. But that is not good enough. Why? Because it is a stunt. The opposition is not after a rule change: it is just a stunt. I oppose this motion, because it is a stunt. It is not about real change. It is about grandstanding and winning votes. That is all it is. Opposition members do not want to be involved in the process: they are just wreckers.

Ms CHAPMAN (Bragg): My contribution in supporting the motion before the house is one which I am pleased to make and, representing the people of Bragg, I confirm that part of the electorate is affected by this PAR. I do so more importantly because there has been some criticism in the past by other members of the area which I represent, and I suppose to some degree, that area has to take some responsibility in relation to urban development. I do not just mean infilling and housing but the advent of such important transport additions to our infrastructure in relation to the tunnel and freeway. These are all developments, both at the domestic and at state infrastructure level, which have had an influence on producing the problem that we now have.

The problem essentially is this: that when we have the natural event of flooding, where there are insufficient pipes or channels or creeks to accommodate and carry the volume of water which is created, and when there is a high volume of water introduced as a natural event then we have a problem and, of course, it is increased by the development over recent decades. Other speakers have made the point that this is not a circumstance which is the advent of this current government, but certainly it has it on its plate to remedy.

I would like to highlight that, while the minister has announced the suspension, effectively, of the PAR that she introduced in some foolhardy and precipitous way, there has been no announcement of what the minister intends to do. I would like to highlight the fact that there has been a general acceptance that there is an exposure to risk of litigation, and that the real issue now to be addressed is how stormwater is

going to be dealt with, who is going to be responsible for it, and who is going to meet the massive cost of dealing with it.

I think that the minister has learned a sobering lesson, at least this week, in suspending her approval of this PAR as a result of a clear realisation that its introduction will create an immediate risk for the state government. Obviously that is not something that she wished to be responsible for, or burdened with. One way to delay that agony is to act as she has done, but the time will come when someone has to deal with this issue and someone has to pay for it. However, stormwater, while it is there, and while the minister has dealt with it in this way, is something that continues to plague us.

In this debate, the minister referred to the Brownhill and Keswick Creeks Flood Plain Mapping Study which is under review. Interestingly, notwithstanding this debate, and notwithstanding this issue being around for some time, I note that I have recently been invited to a briefing which is to occur on 23 February in relation to this issue—somewhat like shutting the gate after the sheep are out. I note that during the course of all of this period—whilst an imposition has been placed, at least temporarily, on the residents in the affected areas, and the accessibility and affordability of insurance as a consequence, and the concern about the compensation and loss that they have suffered as a result of the imposition by the government of this temporary PAR, and the highlighting of the importance of these people carrying the responsibility—the government and, in particular, the Minister for Housing, have introduced a proposal to build a multistorey Housing Trust development on land formerly owned by the Glenside Hospital. This development is right adjacent to what is known as the dark pink area of this flood plain, right on the corner of the intersection of Greenhill Road and Fullarton Road, which the flood plain mapping study authors describe as:

> An area in which flooding will reach a depth of greater than one metre (about three feet), property damage is likely, and these areas have a hazard rating of high to extreme.

Now, in the very face of this government trying to transfer the responsibility and loss to residents of the affected areas, at the very same time, the Minister for Housing is putting forward a proposal for a multi-storey dwelling in the highest hazard risk area of this flood plain. On petition to request that that not proceed and on advice from Burnside council that it breaches all sorts of provisions, the minister has still not announced a withdrawal of that proposed plan.

That is the hypocrisy of this government. Of course, it is not bound by the minister here who had introduced her interim PAR: it can go ahead and make that decision independent of the minister and proceed with that sort of development. That is the level of hypocrisy of this government, in proceeding in the very face of people out there who are wondering how on earth they are going to be insured or cover a loss due to this precipitous, presumptuous and totally inappropriate PAR approach. I want the government to look very clearly at what it is doing in this area and to start thinking about what it will do with this issue—whether it considers redirection or the position of recycling or whatever. At the end of the day it needs to sort that out and stop giving us precipitous plans which just create a problem, which the government ignores and which it wants to place upon the community. Get on with fixing this issue up and then you will have our support. In the meantime, I strongly support this motion.

Ms CICCARELLO (Norwood): I would like to make a few comments about this issue and will, perhaps, start by responding to my dear friend, the member for Unley, who accused me of council bashing. I was not council bashing and he, like everyone in this place, knows that I am a very staunch supporter of local government but—

Mr Brindal: No; you are a supporter of Norwood.

Ms CICCARELLO: Well, as a former member of the local government executive this was an issue I had raised on a regular basis—and, yes, I am a staunch supporter of Norwood—but I think it was an indication that Norwood actually did a lot in terms of floodwater mitigation. In 1983 Norwood experienced very serious floods in the area which caused an enormous amount of damage, and from that time the council became much more responsible. It had a survey done of the whole area, which was a flood mitigation plan that identified the one in 20, one in 50 and one in 100-year flood problems and also—

Mr Brindal interjecting:

Ms CICCARELLO: I will get to that, if the member for Unley is trying to provoke me. With the council's development plan, whenever applications were received which were in the flood-prone areas there were very strict controls about where people could build. The council did allow building in some areas, but the houses were on stilts so that if there was a flood issue the homes would not be endangered and neither would surrounding properties.

The member for Unley asked what St Peters and Payneham did. One of the issues that came out of the amalgamation was that Norwood—which had spent millions of dollars to ensure that it did upgrade its plans and that none of the flooding was occurring in its area (although it was affected by things that happened upstream and downstream, and that has also been one of the issues raised by local councils)—

Mr Brindal interjecting:

The SPEAKER: Order!

Ms CICCARELLO: It was the rubbish coming down which was causing problems to the downstream areas but, Mr Speaker, I will try to refrain from responding to the member for Unley's interjections. Following the amalgamations, the newly amalgamated council found that it had to spend millions of dollars in both the former St Peters council area and the Payneham area, because those councils had not been as responsible and had not spent an appropriate amount of money in doing what they were supposed to have done. So, I guess it is a salutary lesson for local government and for its residents, but the councils also have to take some responsibility for what they are doing. Rather than just—

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley has had his opportunity.

Ms CICCARELLO: It is a salutary lesson for the councils to get their development plans, PARs and everything in place. I was also part of the discussions in relation to the catchment boards being put in place. A lot has been done by all governments but, as I said, everyone has to take responsibility. I think it is a bit rich at the moment to try to point the finger at the current government and say that it has been irresponsible in this. Let us just see where the real problem is: let us get it sorted out, but do not let us get involved in point scoring. I can understand the concerns of the residents who will be affected, but let us work through this appropriately and not just try to point the finger at the current government, which is trying to seek a solution to the problem.

The Hon. M.R. BUCKBY (Light): I rise to support this motion. I think that, when the minister looks back on the actions she took in this instance, she might just happen to see that they were somewhat foolhardy. I think what has happened here is that Planning SA has gone to the minister and said, 'Here is a solution, minister. Whack on an interim PAR and we can hold all development, and that way we will not be at risk,' and the minister obviously agreed to that. The minister has now come out and said, 'I want to go out and consult, and we will listen. What's more, I will hold this PAR; I won't approve it.'

My question is: why was that not done in the first place? Why was not the community consulted, through community meetings, to discuss the problem and to raise the element of risk, and for the minister to find out that, by taking the action she has, lines for the 20 metres each side of the centre of the stream—the 40 metre width—would end up going through bedrooms and lounges and areas where people could no longer build. Why was not a little bit of thought put into this to understand the implications of what she was doing?

As I said, I think what happened was that Planning SA said, 'Here is a solution,' and the minister jumped at it. I hope that, in hindsight, she will learn that one does not jump at the first solution. One sits down and thinks about it—what impact it will have on the areas that come under that control and the impact on the residents—and then one makes a decision. The residents in this case have had to go to quite some expense to ensure that their voice is heard and that the minister is informed about the implications of this interim PAR, all of which would have been unnecessary had the minister listened and given them the opportunity to have an input into this issue right at the start.

Mr Brindal interjecting:

The Hon. M.R. BUCKBY: Yes, a refund would be nice, I agree. I am sure they would, too. This decision is even more perplexing when one realises that the Patawalonga Catchment Water Management Board was about to undertake a consultancy to examine flood mitigation options. Were the board not doing anything, there may even have been some slight argument for the minister to jump in, but that is not the case. The board recognised the problem. It recognised that a study had to be undertaken to see what the issues were, what impact a 100-year flood would have and the impact on the residents, and that would have been the sensible way to go: allow the board that has been put in place to do that job and come up with its report. The residents could then have seen what the impact would be and the minister could have made a sensible decision.

I am pleased that the residents have put the pressure on the government that they have because, had that not been the case, it may well have been that this may have just slipped through and all the implications with respect to the properties of the affected residents throughout the length of the system would have been put in place forever. That would have been very sad, indeed. I am pleased that the minister has now decided—even though it is at 5 to 12, so to speak—to undertake some consultation and to put this on hold. I just wonder (because this has not been said) whether the minister will rescind this. All she said in her press release was, 'I do not intend to approve the PAR currently on interim development control in its present form.' Well, I wonder what the form will be.

The Hon. I.F. Evans: Another announcement next week.

The Hon. M.R. BUCKBY: Another announcement next week, the member for Davenport says; that is quite right. But the residents and I will be very interested to see what particular form the next one will take. One hopes that it considers the concerns and properties of the residents given the investment they have put into their properties, more than the current minister has done. It is a good lesson for the minister not to jump at the first solution that is presented to her but actually to think about the consequences on those constituents up and down the system.

The Hon. W.A. MATTHEW (Bright): I, too, rise to support this motion and, in doing so, commend the member for Waite for bringing this matter to the parliament so that it can be resolved as, quite clearly, the government to date has been incapable of satisfactorily resolving this matter. It does not surprise me—although it disappoints me—that Labor members in this house have already indicated that they will oppose this motion, not for reasons of valid argument but, rather, for reasons of political dismissal. We have seen Labor members today dismiss the valid argument put forward by the member for Waite by claiming that it is a stunt.

The facts of this argument cannot be so easily dismissed. Central to this issue is the fact that consultation has not occurred. This PAR that we are debating today does not affect my constituents, but I am speaking in this debate because I know full well that, if the government gets away with this one, it will try it on again, and next time it could very well be my constituents, because the government has form on this. This mob has done it before. I have been in this place for 15 years, and I have had the misfortune to have been here previously under a Labor government. I have seen a previous planning minister ride roughshod over South Australians, just as this mob is doing today. On that occasion it was former minister Susan Lenehan, who had a habit of riding roughshod over the opinions, beliefs and values of South Australians in our community. That form previously demonstrated by Labor is now rearing its very ugly head again today.

So poor was consultation on this matter that, after the minister slipped through this PAR on 11 June 2004, it was necessary for residents to take the matter into their own hands by forming their own action group to combat the government. That happened on 27 July last year, when the Residents Against the Brownhill Keswick Creek Group was formed as a result of a public meeting held at the Unley Civic Centre. South Australians do not normally form groups like this for no reason. They do it when they feel vulnerable, when they feel threatened and when they believe that an injustice has occurred. And they are correct—an injustice has occurred. They were not consulted; they should have been. A PAR has been imposed upon them; it should not have been.

This motion simply asks that what should have occurred, in fact, does occur. It asks that this minister goes back to square one, that this PAR be removed, that consultation with affected residents occur and that residents have the opportunity to have their say. It is fair to say that, for a lot of people, this is an emotional issue, and it is not surprising, because this PAR affects probably the most significant purchase that anyone makes in their life, that of their home. They work hard for it, they pay off the mortgage, they are proud of it, they maintain it, and now the value is threatened by this PAR.

If we look at the major changes that have been introduced by the PAR, the reasons for their anger became very obvious. This PAR ensures that a new development must have a minimum floor level clearance of 0.3 metres above the one in 100-year flood level. That means that, if people wish to

extend their home, they are going to have a different floor level in their home to accommodate this one in 100-year flood level. It provides that no development should occur within 10 metres of a water course and that properties affected by the PAR will have a caveat on their section 7 statement which, effectively, is provided to prospective purchasers of their properties and which labels their properties as flood prone.

I do not blame people for being angry at the fact that, if they want to sell their home and move into a retirement village or, in the future, into a nursing home, and believe the value of their home ought to be able to assist them with that, they have to provide a prospective purchaser with a government-produced document that says that their home is flood prone. Understandably, that affects their value. The Real Estate Industry has provided information to the Liberal Party that suggests that values could drop by as much as 40 per cent. That is why people are angry, and so they should be, because they have been treated very shabbily by this government. Quite simply, the government has got it wrong.

It has been exposed and now it is embarrassed. And it is going to backflip. I understand why the member for West Torrens is embarrassed and why the member for Ashford is embarrassed. Whether or not they supported this PAR, the simple fact of the matter is that they clearly did not have the weight of the Labor Party caucus to turn the direction around. They did not have the influence within their government to turn it around. One thing I can say is that, in the 15 years I have been in this place, on an important local issue such as this I have never been rolled. Many of my colleagues likewise have not been rolled on these important issues, and the reason for that is that I go into bat for my electorate and I do not give in. My party knows full well that if it were to roll me on an important local issue I would not stand with it in the parliament on that issue.

You, sir, have demonstrated your independent streak in many ways over the years. The simple fact is that if the member for Torrens or the member for Ashford genuinely believe that this PAR is wrong, let them have the courage of that belief and let them represent their constituents properly and support this motion. Of course, that will not happen, because they will not demonstrate that courage and, within the confines of the Labor Party movement, they cannot if they want to stay within those confines. It is fair to say that if the member for West Torrens or member for Ashford were to stand up for their electorate, they risk expulsion from the Labor Party. They are not free to express their viewpoint or to support this motion.

Instead, they debase the motion through lame political ridicule by claiming that it is a stunt by the member for Waite to satisfy a leadership aspiration, or something equally bizarre, as was put forward by the member for West Torrens. I know the member for Waite very well and regard him as a friend. One thing I will say about the member for Waite is that he will stand up and fight for his electorate. He does that in this house time after time. If members of the Labor Party fought half as hard for their electorates as the member for Waite does for his, I believe that their constituents would be far better represented.

It disappoints me that those members do not have the courage to stand up for their convictions and support their constituents in ensuring that this unacceptable impost that has been rammed on them without consultation is removed immediately and proper consultation occurs; and, when it is, to ensure that nothing like this comes back in the final PAR.

Ms BREUER (Giles): I have never heard such blatant politicking as has gone on here this morning. We have a gallery of people who have obviously been called in to listen to this. It is a non-event. This is ridiculous. It is just politicking. What is going on on the other side is absolutely ridiculous. I am Chairperson of the ERD Committee. Prior to October last year individual members had been contacted and the committee was contacted, and on 27 October last year I met with representatives of the residents in that area. They told us what was happening and told us their views. The PAR was out for consultation at the time. The ERD committee normally does not deal with people when a PAR is out for consultation—it is not its role. When the PAR comes to us is when we normally take evidence. In this case we were aware real issues were involved, so we chose to look at it, and we have worked with those people since that date. At all times we have listened to them and given them time. Our secretary, Mr Phil Frensham, has been in weekly contact with those people and we have certainly taken the issue very seriously. We have talked to the minister about this.

The PAR still has not come to us and is not likely to now with what is happening, and this is the democratic process and how this works. For members opposite to get up there and blatantly say that they are solving this problem and sorting it out, accusing this government of all sorts of things, is absolutely ridiculous. This minister has listened to these people and something has been done. She said this yesterday. Something will be done. Obviously the PAR has major issues with it that will be sorted out. Members opposite should be utterly ashamed of themselves. I hope the people in the gallery understand what is happening here. It has nothing to do with their rights or their land values. This about trying to point score against this government on an issue that is dead already and will be well sorted out. I am ashamed to be a member of this place when they carry on like this.

The Hon. I.F. EVANS (Davenport): I rise to support the motion. It was good for the member for Giles, whose electorate is based in Whyalla, to tell the people in the Brownhill Creek and Keswick area that it is a non-event in relation to their properties, which is what—

Ms BREUER: On a point of order, Mr Speaker, I rose as chair of the ERD committee. It has nothing to do with my electorate. It is about this place and what is right.

The SPEAKER: There is no point of order. The member for Giles may not take liberties with standing orders. If the honourable member regards herself as being misrepresented she knows, as I pointed out to the member for Unley earlier in the debate, that she may seek leave of the house to make a personal explanation after the debate has concluded.

The Hon. I.F. EVANS: I acknowledge that the member for Giles, whose electorate is essentially based around the township of Whyalla and its surrounds, is the Presiding Member of the ERD committee, which has taken evidence on this matter. I am just suggesting that I do not necessarily know whether she has an intimate knowledge of the day-to-day issues that this issue presents to those people who live in that area, just as I suggest that the people who live in that area do not have an intimate knowledge of the red dust issue affecting the residents of her electorate at the moment.

I make the point to the house that a pattern is being established by the government. I encourage those who oppose this particular PAR to continue to have their lobby group and to continue to pressure the government because the history of this government is that, every time a lobby group is formed

and it gets a reasonable voice in the media, the government will backflip on the policy. Let us just walk through the issues. There is the land tax issue where the government held out, reaped the cream for a year or so through inflated property values and this week it has tried to black flip on the issue.

Mrs Geraghty: On a point of order, I refer to the relevance of the member's contribution to this motion.

The SPEAKER: I uphold the point of order. The member for Davenport knows that the debate needs to be about the substance of the motion. Whilst the debate has strayed a tad, in consequence of the contributions that have been made by members—perhaps the member for Giles talking about her experience in the committee of which she is the presiding member—nonetheless the member for Davenport needs to focus his attention upon the substance of the proposition.

The Hon. I.F. EVANS: Thank you, Mr Speaker. I will try to bring my argument to the nub of the motion. Those who oppose this PAR should continue with their lobby group because, if they continue to put pressure on the Labor seats to which this PAR applies, they have an almost certain guarantee that the minister will not have the courage to proceed with the issue—which will be a great result achieved by the member for Waite.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No; I am not arguing against it. I am just saying there is another year before the next state election. The minister has made two decisions since becoming planning minister: one was to introduce the PAR and the second decision was to flip it yesterday. The minister will make another announcement next week. I strongly support the motion. I strongly support the efforts by the member for Waite. The trick of this government is to let the public pressure build and then flip. If I was living in that area—and I am not—I would keep a watching brief on this government; I would keep a lobby group going; and I would put pressure on the Labor seats. That will put a lot of pressure on the minister not to go down this foolish path again. That is an important issue. On the broader policy spectrum—

Mrs Geraghty interjecting:

The SPEAKER: The member for Torrens is a good coach, but the member for Davenport has proved himself as a player and does not need that assistance.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: I appreciate the advice of the bachelor of the year. I am sure those who needed to receive that message have received the message that I wished to give. I wish to make one point about the broad policy issue. I live in a bushfire prone area; I know that. Most people in Adelaide live on a fault line; we know that. People live in areas that will flood; so be it. People in the Adelaide Hills live in the watershed area; so be it. It is interesting that the government needs to go down this path in such a heavy-handed manner in this area about the flood plain zone.

Mr Koutsantonis: We're not!

The Hon. I.F. EVANS: You have been, for a year.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. I.F. EVANS: You have been doing that for a year, and the minister has not ruled out reintroducing it.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens has had his opportunity.

The Hon. I.F. EVANS: The minister is making another announcement next week. That could be anything. The minister has not ruled out keeping certain of parts of this plan—

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens is out of order for the last time today.

The Hon. I.F. EVANS: We were in government for eight years, and we did not introduce the PAR. I think that gives a good indication of our stance about that area. Members opposite have been in government for three years, and for one year of those three years they have had this PAR with interim effect and trampled over the rights of those residents living in those areas. I want to make the point that it is interesting that the government has such a heavy-handed manner in relation to the flood plain. It does not apply the same sort of heavy-handed planning measure in relation to other environmental issues where people live, for example, in the watershed and bushfire prone areas. It is an interesting example of the policy questions the minister needs to face in relation to this issue. The real message that I want to get out to those who are affected by this PAR is that, if they do not keep lobbying in the right areas, they put themselves at risk of its being reintroduced. I hope they keep lobbying to ensure it is not reintroduced.

Mr CAICA (Colton): I will be very brief. We have been debating this motion since 10.30 a.m. and it is surprising we have spent so much time on it, given the ministerial statement made by the minister yesterday. Be that as it may, it is the right of the house to debate whatever it wants. I probably show as many schoolchildren around this chamber as does any other member of parliament, and one of the discussions I hold with them in this chamber is that the majority of the time the arguments and debates presented to the house are worked out in a reasonable manner. We eventually reach agreement on a whole host of issues, and generally, or always, they are in the best interests of the people whom this parliament represents—the people of South Australia. I think that this is one of those issues where we need to refocus.

There is a problem in those areas represented by my colleagues with respect to the ravages that would occur in a one in 50 or one in 100-year flood. So we have a responsibility, not just to this parliament but to the councils and all involved, to ensure that we are in a position to minimise the damage that would be caused by such a flood, and that is where our focus needs to be. I was very interested in the comments made by the member for Davenport, when he said, 'We didn't do anything about this flood plain area over the period of time we were in government,' and that is exactly right. Unfortunately, the opposition did very little during its eight-year term to address the problems of stormwater management in this state.

This parliament needs to focus on how best to manage the problems associated with stormwater in South Australia by working towards the best measures that can protect the people who live in these flood prone areas and those who will build there in the future. That ought to be our focus, not petty politicking or point scoring on either side, such as, 'This is what I am doing,' or, 'This is what I should have done,' or, 'This is what we would have done.' We have to work collectively to fix the issue, and I call for a greater level of maturity to be adopted by members of parliament to work collectively towards addressing these issues. That ought to

be our primary focus. I tell you now that is the focus of this government, and we will do something about it.

In her ministerial statement, the minister made it clear that she will not proceed at this time but will revisit the issue. The fact is that we will not step away from making sure that we, as the government, do what needs to be done to ensure that, over time, we address the problem—and, hopefully, over a short period of time (unlike the previous government, which did nothing about these flood plain areas in its eight years of government). I call on members here to rise above the petty politicking and to work collectively towards a proper outcome for the benefit of the people whom this parliament represents.

Mr HAMILTON-SMITH (Waite): I thank all honourable members and the minister for their contribution, and I think that of the member for Colton is probably a good note on which to finish this debate. I think what we all agree on is that we want the matters addressed in regard to floodwater management. We want a sound and proper PAR. We want a well-considered, well-advised and well-researched PAR that is reasonable and fair to all. No-one disagrees with that; we all agree. But what we want, and what I want via my motion, is for this interim PAR (which we know is flawed, based on poor science and half-baked) to be rescinded so that we can go through that process and take the pressure off the poor home owners who are suffering at present. Let us get it right and, once we have got it right, let us introduce it with permanent or interim effect. Once everybody has resolved and agreed that we have a good PAR, then let us introduce it.

In a moment we will vote on this motion, and let us see how people vote. I have heard from a range of members, and I want to thank particularly the member for Morphett, because he was quick to take up this issue and was very active in arguing its case. I thank not only him but all members, on this side and opposite, who have earnestly contributed. I note with interest the contribution from the member for West Torrens: that he opposes the motion, he does not want the PAR rescinded and he is waiting patiently to see what happens next week. Good; I hope what we get next week is well considered and well consulted. I assume that the people here today have been consulted about what will be announced next week. I assume that there have been rounds of community consultation. I assume that the science has been done and that whatever changes are made and announced next week are known to everybody in the house right now. Somehow, I wonder whether that will be the case.

I think the real reason why we will wait until next week is that the government knows that it has made a major mess in providing interim effect with this PAR and it wants to get out of having to compensate the poor people whose lives it has thrown into chaos through its incompetence and come out with something. While this is half-baked, I suppose the next iteration next week will be three-quarter baked, but, anyway, we will wait with bated breath to see what the member comes up with. I am disappointed that we have not heard from the member for Ashford. I note that she was in the chamber and I give her credit for that. I would have liked to hear from her. I will be seeing where she votes on this motion.

I assure the member for Ashford and the member for West Torrens that we will be letterboxing today's contribution on this debate most extensively within their electorates; that is, to the 5 000 homes (most of which are in West Torrens and Ashford), and we will be ensuring that the community is consulted. There are some pressing concerns. As we stand with this PAR and its interim effect, 5 000 homes face devaluation of anything up to 40 per cent. In the case of Palmerston Road Unley, we have a Valuer-General's valuation showing a devaluation of 44 per cent from last year to this year. It will be somewhere between 40 per cent and some other figure in 5 000 homes.

We could relieve that today based on this vote. We know that 5 000 home owners are now having problems obtaining insurance because they and their insurers have been told that they are now flood prone. We know that 5 000 home owners will have to go through development red tape and development costs as a consequence of this PAR. We know that people's amenity and their ability to enjoy their homes have been affected by this PAR. We could resolve it shortly when we vote.

The Hon. K.A. Maywald interjecting:

Mr HAMILTON-SMITH: I hear the member for Chaffey quipping. I will be interested to see how the so-called Independent members for Chaffey, Mount Gambier and Fisher vote shortly. I will be interested to see whether they vote with their Labor friends or whether they vote with us on the conscience issue on behalf of the 5 000 home owners. Let us wait to see where they stand. I commend the motion to the house. I ask all members to support it. There is nothing about the motion that will stop the minister from making her announcements next week, getting it all right, consulting and coming up with something better, but what it will do today if we support it is rescind the interim effect of the PAR and let 5 000 home owners off the hook and let them get back to their lives in peace and harmony, while the government goes back to the drawing board and gets it right.

It has made a mistake; admit to it; support the motion. Let us get on with the future; let us address the issues properly and competently, but let us get rid of the interim effect of the PAR. I commend the motion and look forward to every member supporting it.

Mr BRINDAL: Mr Speaker, I rise on a point of order. I seek your wisdom in the matter which I raised previously. I claimed to have been misrepresented. The only reason I am asking you now is that the misrepresentation I believe concerned the substance of the debate, so I am just putting that to you because we are about to vote on the motion.

The SPEAKER: Indeed, and the honourable member will have his opportunity once the matter has been dealt with; I have told him that. It would not be proper for a further contribution, in whatever form, by way of personal explanation which might influence another or other members in determining their opinion. That would lead to the house allowing members to have a second bite of the cherry through this device of a personal explanation at the conclusion of the debate after it has been completed, and that is the reason for the standing order being in the form that it is. The member for Waite having concluded his remarks, I put the question. Those in favour say aye; to the contrary no.

The SPEAKER: I believe the—

Mr Hamilton-Smith: Divide!

The SPEAKER: Whilst the division bells are ringing, I inform the member for Waite and all other members that, by chance had I said that the ayes have it, the member for Waite who proposes this motion would have found himself compelled to vote in the opposite fashion to the manner in which his motion suggests he would otherwise vote and, indeed, be denied the normal role, as the mover of a motion upon which a division is ultimately called, to be the teller for that proposition. The division bells are ringing and it was my

intention to call on the audible response heard by the chair that the ayes have it and, in consequence, the member for Waite is saved the embarrassment that he would otherwise have suffered. The bells are ringing. I cannot hear them. Let me declare that I think the ayes have it. The motion passes.

Members interjecting:

The SPEAKER: All members need to pay attention and be clear. I have called the division in favour of the ayes and I have had heard no call for a division. The Clerk has pointed out to me that the table had not heard a call from the chair as to which side the chair believed had it. The question put by the chair at the conclusion of the debate was answered and the chair gave the proposition in favour of the ayes. Is it the wish of someone other than the member for Waite to call a division?

An honourable member: Divide!

The SPEAKER: A division is called for. Ring the bells. Members need to pay attention to what is going on in the chamber as well as their heads, if anything.

The house divided on the motion:

While the division was being held:

The SPEAKER: I remind all honourable members of the practices in other Westminster parliaments on this continent, indeed, as well as New Zealand where, in the main, in a division, when the bells stop ringing and the doors are locked, they will be sitting on the side of the chamber for which they intend to vote. They will recall honourable members in the House of Representatives being required to remain on the side of the chamber against which they wish to be, simply because of their indifference to the fact that the bells were ringing and had concluded and did not bother to shift sides. It is not a time, in crossing the chamber, to simply have a conversation.

Mr MEIER: Mr Speaker, am I able to pass comment on your comments?

The SPEAKER: Certainly.

Mr MEIER: For all the time I have been here, to the best of my recollection, after the bells have stopped ringing, the Speaker or the Chairman has put the question again for those who were not here at the commencement of the ringing of the bells; in fact, as Whip, I have instructed my members to make sure that they are in their places on their normal side, then the Speaker puts the question—that something be agreed to or that such and such—therefore, I feel that that should continue to be the case.

The SPEAKER: Convention has been observed. I guess that my remarks were more directed at the fact that it takes an inordinate amount of time for members to get to one side or the other because of the conversations they choose to have during the course of the declaration of the division. That has grown enormously during these last three years. I know what it signifies: members wish to discuss things with each other to a greater extent than is otherwise the case when there is an absolute majority in favour of the government. It means that the government is uncertain of its position and needs to be sure of what members in the chamber understand about a whole range of issues. It is regrettable that I needed to draw attention to that in the politest possible way. That is the reason for it.

Whilst the division is on foot, may I also make one other observation for the benefit of honourable members who may not understand the generic meaning of the word 'house' as it applies to the parliaments of Westminster and some congresses. That is, 'the house' does not refer to the structure of the building, nor does it refer to the internal space in the chamber: it refers to the collegiate view of all honourable members elected to it. It is a house of minds, not bricks and mortar and not a place in geography. It expresses a view, either in consensus and thereby in acquiescence to a proposition, or expresses a view in the will of the majority. But it is the house's view that it is the collective wisdom determined by the will of the majority, at least, as to what ought to be done both in the way in which it proceeds to deal with matters it raises as well as matters that it is required to deal with under its standing orders and by statute passed by its decisions at an earlier time or by the Constitution itself. None of us ought to be mistaken in thinking that 'the house' as a term means anything else. We are a house of minds constituted separately from the house of minds in the other place, and that is a very deliberate constitutional concept.

Before giving the result of the division, the other remark I would make is that the debate has been outstanding in the extent to which, in the main, all members have addressed the substance of the debate and stayed away from irrelevant material, in particular the personalities of other members. It is more of the kind of thing that ought to happen in grievance debates each day on matters of importance as the house identifies them spontaneously. In any case, the division result is:

AYES (19)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M.L.(teller)
Kerin, R. G.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (25)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
Weatherill, J. W.	White, P. L. (teller)
Wright, M. J.	

PAIR(S)

Kotz, D. C.	Bedford, F. E.

Majority of 6 for the noes.

Motion thus negatived.

UNLEY COUNCIL

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: In his contribution, the member for West Torrens, I think, inadvertently misrepresented me in four particulars. First, in his contribution the honourable member described me as being 'in the bunker' in terms of my relationship with the Unley council and its development of a PAR. I inform the house that that is not true. I worked

actively with the council on that issue, and I threatened it with the minister should it proceed down the track that it was planning. Secondly, in terms of stormwater management—and while I do not want to recanvass the debate, I suggest that some members see you, sir, because you have been one of the few members (and the member for Stuart) present over the whole area and can explain carefully to the house (more carefully than I can in a personal explanation) the nature of that fund.

It is certain that I did cut the funding, but it should also be recorded, in fairness to balanced representation to the house, that the funding was cut because of the irrelevance of the program. This government has now developed a better program in consequence. The final matter concerned the discharge of my duties as a former minister for water resources for which, at that time, I was responsible to the previous parliament. The fact is that, following the unusual event of rain in February a couple of years ago, a series of meetings were held between me, my officers, the catchment board, various members of parliament and officers of the former department of water resources to resolve this matter.

So, to say that I, in the discharge of my duties to this house, acted less than forcibly in this matter is, again, a misrepresentation. I accept that the member for West Torrens had no way of knowing these things. I take no umbrage in it, but simply seek, as you, sir, have allowed me graciously to do, to correct the record for the purpose of *Hansard*.

ADELAIDE THUNDERBIRDS

Mrs GERAGHTY (Torrens): I move:

That this house congratulates the new Adelaide Thunderbirds team selected for the 2005 season.

I will preface my remarks by saying that, regardless of what I think was an unfortunate comment in *The Advertiser* this morning, I think it is very important to put on the record the achievements of our sporting bodies and good people of South Australia, because it is a historical record of those achievements.

The SPEAKER: I agree with the honourable member. If the remarks in *The Advertiser* were not contemptuous they were at least contemptible. However, we need to find a way of avoiding spending too much time on such propositions.

Mrs GERAGHTY: Yes, I concur with you, Mr Speaker. The Adelaide Thunderbirds netball team was formed in 1996 and joined the Commonwealth Bank Trophy national competition in 1997. The Thunderbirds have enjoyed an incredibly successful history in the eight seasons of the Commonwealth Bank Trophy. The team won back-to-back titles in 1998 and 1999, and the team has played in every grand final, with the exception of 2003 and 2004, where it finished third. The Adelaide Thunderbirds, Netball South Australia's flagship team, has announced its squad to compete in the 2005 national league. Coach Marg Angove is to be acknowledged for her outstanding contribution to the team, and her reappointment for the 2005 and 2006 season makes her the longest-serving coach in the competition. I know that Coach Angove is excited about the new squad and anticipates the new line-up will bring more opportunities to add to the Thunderbird's already impressive record.

The young 2004 squad performed very well and will be strengthened this year by the return of players from interstate and our rising local talent. Time does not permit me to speak about all the members of the squad, but I would like to mention individually a couple of players. Thunderbirds goal shooter, Kristen Heinrich, recently won *The Advertiser* Player of the Year award and was named joint winner of the Tanya Denver Medal at last year's Netball SA awards which were held in September. She was also named Player of the Year for the Thunderbirds in 2004. In November last year, Kristen participated in the Australian team that took on New Zealand in a test series in Sydney, Perth and Melbourne.

Australia won the first and third decider series matches, and a number of us were very excited about this achievement. Natalie Bertouch was the other joint winner of the Tanya Denver Medal and was a strong performer for the Thunderbirds in last year's national league. Pre-season training has commenced in preparation for the games to be held in May, and we certainly wish the Adelaide Thunderbirds much success for this year. They are another example of a great South Australian sporting team, and I think it is important that we record their achievements in *Hansard*.

Dr McFETRIDGE (Morphett): As a paid-up member of the Thunderbirds, I rise to support this motion. I also read the comments in *The Advertiser* this morning, and I thought they were unfortunate, to say the least. However, I think there is a valid point that, while comments made in this place are absolutely worthwhile, genuine and heartfelt, and well and truly earned, there may be a better way of celebrating sporting feats or other events in South Australia than just some words in *Hansard* which, unfortunately, may never be read by a lot of people. I think that some sort of certificate or some other form of recognition could be produced and signed by members in this place, and then presented as a more evident token of our appreciation and recognition of sporting teams, because, without doubt, all members of this place recognise that South Australians, in a relatively small state in a relatively small country in the world, do punch above our weight—not only in sporting areas but also in scientific, cultural and primary production areas. You name it, we are there. It is not wrong to wear your heart on your sleeve, and I think we should do so when it comes to celebrating how good we are.

Mrs Geraghty: Don't forget to mention that these people are role models for our young people.

Dr McFETRIDGE: As the member for Torrens says, it is very important that we do recognise such people. In fact, tomorrow night I will be attending the South Australian Sports Star of the Year Awards, and I look forward to seeing some of our fantastic sports stars there. But it is important that we recognise people in South Australia who rise to the top of their fields, whether it is in scientific, sporting, academic or other fields, because they are very important role models for all of us—not only for our youth, but also for all of us. If you are determined, focused and able to work in a team or even in an individual pursuit and achieve your personal best (and in many cases that personal best is a world best), it is something that we should be proud of in this place.

But we also recognise the fact that they are role models because they are achievers, and we should give them something more than just some words in a tome that will be gathering dust, unfortunately, in many places. It is more than that. I do recognise the time limitations in this place and, without in any way downgrading people's achievements and our recognition of those achievements, we need to look at perhaps not spending quite so much time on them. That comment should by no means be interpreted in any derogatory way. But time is limited and waits for no-one. I have spoken for three minutes on this when I was given

10 minutes, and I think I have said all I need to say. I am more than happy to talk to whoever needs to be spoken to in this place about generating some sort of certificate that could be presented to individuals, teams and people who need to be recognised as great leaders and role models and who are worthy recipients of the accolades that are spoken about in this place.

Motion carried.

The SPEAKER: I further say about such propositions, perhaps even in clarification and support of the concern expressed by the member for Torrens and supported in that remark by the member for Morphett: in simple terms, it is important for us, as the elected representatives of the people, to encourage those who put us here to do their best. We should seek out excellence wherever we find it, acknowledge outstanding performance and encourage it, and encourage the aim to achieve it wherever it is possible to do so. By doing that we further inspire the population of which we are a part to do those things which will secure for ourselves in South Australia a better, more prosperous future which brings greater entertainment, enjoyment, prosperity and benefit to ourselves and those who come after us, and by that example encourage them to do likewise.

The sociological as well as the economic benefits of doing it are enormous, and by ignoring it in a laid back 'she'll be right mate' type approach would be wrong. It is the mores of parliament which deserve to be applauded rather than disparaged. Let me observe as an aside that it is okay for *The Advertiser* it seems, to use its pages and its existence to encourage and acknowledge such things, and for other moguls in the media to do likewise, but not okay for the elected representatives of the people. It is not a defence against the chair making such observations to say that they are the proprietary interests and are entitled to use them in that way.

There is no greater proprietary interest than that of the parliament in any society that is democratic and, more particularly, if it is seen to be a waste of resources for parliament to do it, then let those who would put such opinion self-righteously remember that it takes a lot of trees to make paper, and it takes a lot of energy to print on it, and it takes a lot of other scarce natural resources and other human resources including energy to distribute it, and to get it to the people. No less a job, we are joined not against, but with, the organs of communication within society to encourage the society of which we are a part to do better each day and, in consequence, be better as a society of people in South Australia.

I think a way in which we can, perhaps, better do this as a parliament, and I have thought this for a very long time, is for us to introduce a mechanism by which statements of this kind can be submitted by honourable members to the Clerk in the same way as petitions are, and for the list of the statements to be read over. Further, if any honourable member seeks to debate; that is, to either praise a particular proposition or oppose it at the time of its reading, they could call a term such as 'object', whether they object or not to the proposition, it is an objection to simply acknowledging it as it stands, and putting it on the record as having been passed by the house of minds. The objection is to further acknowledge it, perhaps, or to debate the thrust of the proposition, and then that goes down on the *Notice Paper* for debate at some other time. By that means we will acknowledge within our records those achievements which we as a house see as beneficial to the society that we are elected to represent.

I invite all honourable members to contemplate that, talk to their representatives on the Standing Orders Committee and see if we cannot make a reform which will not only satisfy *The Advertiser* but also some of our other critics who may have a shallower view of our significance in society than our real significance as we are constituted, and enable us to satisfy everybody in getting on with the job. I thank the house for listening to me.

MAKYBE DIVA

Ms THOMPSON (Reynell): I move:

That this house congratulates Mr Tony Santic, South Australian owner of Makybe Diva, for Makybe Diva's terrific win in the 2004 Melbourne Cup.

I, too, wish to comment on the importance of congratulatory motions as I commence mine in relation to Makybe Diva. I thank you, sir, for the suggestions that you have given to us to contemplate, and the other members who have made suggestions—the member for Morphett was quite specific. Some of the problems that I find in moving motions at times is that they are very delayed, and not always with the excitement and relevance of the time. That is certainly the case in relation to the achievements of Makybe Diva and its connections. As a state that has a small population, does not have the mineral wealth of Queensland and Western Australia, and does not have the population density of Victoria and New South Wales, we depend on the wit and the will of our people to succeed.

It is extremely important that we celebrate the achievements of the wit and will of our people and encourage them in every way possible. I certainly find that, when I am able to use the opportunities provided by this house to commend people in my electorate for their achievements—and often theirs are achievements that do not make the pages of *The Advertiser* or the *Messenger*—they are very pleased by those acknowledgments and are encouraged to continue to achieve. Their achievements are significant in the local community and in their schools and they are often what might, in the grand scale of things, be seen as small achievements, but for those individuals, in the context in which they have to work, they are huge. I will continue to note those achievements in this house wherever the opportunity arises. As a further introduction I think it is extremely significant that this small state of South Australia currently holds the Melbourne Cup, the biggest racing event in Australia, and the AFL Premiership, in my opinion, the major football event in Australia. For us to have both those achievements at once is superb, and I expect that at least one of them will continue for at least another year.

I return to the excitement that we all shared on 2 November when Makybe Diva became only the fifth horse to win the Melbourne Cup twice in its 144-year history and the first mare to do so. Makybe Diva made history when she became the first horse since Carbine in 1890 to win the Sydney Cup-Melbourne Cup double in the same year. She set a weight-carrying record for a mare with her 55.5 kilogram impost, eclipsing Empire Rose, who carried 53.5 kilograms to victory in 1988. She is currently trained by Lee Freedman, who took over her preparation following former South Australian trainer David Hall's departure to pursue his training career in Hong Kong. Jockey Glen Boss has ridden Makybe Diva on both her Melbourne Cup wins.

This great mare has contributed substantially to the profile of South Australia's involvement and successes within the

Australian racing industry. From the attendance and turnover figures we have seen in recent weeks and particularly during the Spring Carnival, there is no doubt that there is a resurgence of interest in the Australian racing industry. This is a very welcome trend, and it is the result of hard work by racing club administrators throughout Australia. South Australia can justly feel proud of its contribution to this resurgence. Owned by Port Lincoln tuna magnate Tony Santic and his Emily Kristina syndicate, Makybe Diva is a six-year old mare sired by Desert King and mare Tugela. She has had 25 race starts for nine wins, two seconds and three thirds, and she has won prize-money in excess of $7 million. She ranks third on the all-time Australasian prize-money earners list behind Sunline at $11.4 million and Northerly at $9.1 million.

Mr Santic is a great supporter of the racing industry in Port Lincoln. In the wake of her sensational win it is reported that Mr Santic and Lee Freedman are contemplating running the mare in the French Prix de l'Arc de Triomphe. Regarded by many as the world's greatest race, the Prix de l'Arc will be run next October at the Longchamp racecourse over a distance of 2 400 metres. If Mr Santic decides to campaign the mare overseas there is no doubt that she will hold her own on the world stage. I acknowledge here, sir, that I was unable to be present for the condolence motion in relation to the people of Eyre Peninsula, and I take this opportunity to extend my condolences to all those affected by the dreadful events there. I would comment that, in their rebuilding, the achievements of Makybe Diva and connections must be something to inspire them. How wonderful it would be for the people of Eyre Peninsula if Makybe Diva is able to achieve recognition and triumph on the world stage.

I am not a big racing follower (although I love Oakbank), but I did watch the Caulfield Cup being run. I saw the way in which Makybe Diva moved up so confidently and competently at the last moment and I said, 'Well, there's the Melbourne Cup winner.' But I was too busy with duties in my electorate to be able to get out and back my tip—although I understand that others have unwarranted confidence in my ability to predict winners of the Melbourne Cup and did benefit. I wish Makybe Diva and her owner, Mr Santic, a continued and prosperous racing career. She is a true South Australian success story for the racing industry, and I hope she will be joined in her success by many other horses and connections. It is great to see the mares coming through!

Mrs PENFOLD (Flinders): South Australia, particularly Port Lincoln, has been put on the world racing map with Tony Santic's 2003 and now 2004 Melbourne Cup win with the mare Makybe Diva. Few mares have won consecutive Melbourne Cups, but Makybe Diva has an even greater claim to fame. She created Melbourne Cup history by being the first mare to win two Melbourne Cups in 144 years of staging the event. Only four other horses have won the Melbourne Cup more than once: Archer in 1861 and 1862; Peter Pan in 1932 and 1934; Rain Lover in 1968 and 1969; and Think Big in 1974 and 1975. Makybe Diva also carried more weight than any other mare—two kilograms more than Empire Rose in 1988. Perhaps one of the best tributes was given by the owner of second place Vinnie Roe, an import from England, who said:

> I thought I had the best stayer in the world. Now I know I've got the second best.

Tony has shared his win with his trainer, Lee Freedman, jockey Glen Boss and the people of Port Lincoln. At the public reception given by the City of Port Lincoln in his honour, he said a number of times, that his win was a win for the city, not just for himself. That is a very true statement. It is a measure of his generosity that a few hundred people can claim to have held the gold cup, reported to be valued at about $38 000. These range from those at the public reception and children attending local kindergartens to patrons in the local hotel bars and, closer to home, my staff, and even my mother-in-law, who is in Pioneer Village. Several people can claim to have held two Melbourne Cups at the same time, including members of my staff—in this case, the 2003 and 2004 cups—and there are photographs to substantiate the claims. Few people in Australia could make such an extraordinary claim, but those who can, attribute it to Tony's generosity and his amazing openness in maintaining that his wins are wins for all of Port Lincoln. He was generous in his praise for his trainer Lee Freedman and jockey Glen Boss. They in turn greatly appreciated the way in which Tony included them in the celebrations, because that is not generally done.

The civic reception was a time for rejoicing, again, due to Tony's generosity. On the afternoon, the race was replayed several times on a giant outdoor screen imported from Flemington in Victoria. Some 5 000 caps and kilograms of lollies were thrown to the crowd, while several hundred helium-filled balloons added colour. The caps were embossed with the 2003 and 2004 Makybe Diva wins, plus the Smytzer Lodge logo (Tony's stables at Geelong).

Makybe Diva has brought fame to the trainers and the jockeys as well as Tony. The trainer for the 2003 win was David Hall, who received several overseas offers after the race, including one from Singapore, which he accepted. David suggested that Lee Freedman take his place, and that also has proved a success for the Santic stable. There has been talk of taking Makybe Diva to France, but her first international venture will possibly be the Dubai Sheema Classic in March 2005.

Eyre Peninsula has many connections with the Melbourne Cup. In fact, we had another horse in the 2004 race, On A Jeune, owned by Phillip McEvoy and Kevin and Graham Moroney, all of Streaky Bay, and trained by former Streaky Bay identity Peter Montgomerie, now of Strathalbyn. Jeune, the sire of On A Jeune, won the 1994 Melbourne Cup. Phillip McEvoy is also the father of jockey Kerrin McEvoy who won the 2000 Melbourne Cup on Brew. Kerrin now rides for Godolphin stables in Dubai in the Arab Emirates. In 2000, when Kerrin rode the Melbourne Cup winner, few thought Eyre Peninsula's racing prowess could rise higher. It has, with the 2003 and 2004 wins by Tony Santic's Makybe Diva. Makybe Diva's story is an object lesson for all who think themselves not quite good enough. Tony bought the mare's dam, Tugela, for $180 000 at a bloodstock sale in England on the recommendation of his bloodstock manager, John Foote. Tugela was in foal to Desert King and eventually had a filly. The dam was brought to Australia for stud purposes. John and Tony's racing manager, Kevin Williams, urged him to sell the foal, because she would always be six months behind the other horses she would race against. But, at the sale, she did not even get a bid, let alone any concern about reaching the reserve price. Tony refused to give her away, so he brought her to Australia, and a racing legend has emerged. The sport of racing is not for the faint-hearted.

Currently, Tony has 200 horses on his books, although he has owned many more over the years. He has won just three Group 1 races: the Melbourne Cups and the Sydney Cup, all

with one horse, Makybe Diva. But Tony has other horses that are winners. Marvine, trained by Ross Lyons, has raced at Port Lincoln and, in October, won by 9½ lengths. Port Lincoln Race Club secretary, Ian McLeery, said Tony has other horses that can win at Port Lincoln and can then make Australian and world history like Makybe Diva taking out the Melbourne Cup for the second time. He said that one of the most positive things about the win is that millions of people in Australia and overseas were talking about Port Lincoln, and no money can buy that amount of free publicity. Congratulations to all who have had a part in this magnificent win that has put Port Lincoln and the Eyre Peninsula firmly on the world racing map. Once more, it has been proved that we are the greatest. I support the motion.

Ms CICCARELLO (Norwood): I add my support to this motion, not that I know very much about horse racing; I have never actually bet on a horse, but I think this has been a magnificent—

The Hon. M.R. Buckby interjecting:

Ms CICCARELLO: Bet on or been on? No; I have been on a horse, actually: a cart horse. I will say a few words of congratulation and acknowledgment of Mr Tony Santic and his contribution to South Australia and Australia. As the son of a migrant (or born just between Croatia and Italy), he is someone who really has achieved enormous success, having endured many hardships. He started off in a very small way, I think, from recollection, down in Tasmania and has since then built up a very successful tuna fishing business in Port Lincoln, as well as tuna farming. I think it is particularly significant.

Last year, I was in the Croatia in the Balkans with the Minister for Multicultural Affairs, and we spoke to many ministers and high officials in Croatia and the other Balkan countries. We spoke about the members of the Croatian community in South Australia and the enormous success that they had managed to achieve since being here. It is not only Tony Santic, but also people like Dean Lukin, who has been very successful and who also won an Olympic medal. We had the pleasure of also having Mr Joe Glamocak with us; he is renowned in South Australia for his ship building. In fact, we had hoped that some contracts might be established between Mr Glamocak and the Croatian government, because it had put out to tenders to build some 30 ships, and Mr Glamocak is someone who has an enormous knowledge and experience in the area.

It gave us an opportunity to establish some links with the Croatian government which we hope can be built on because, like the countries that have been through some very big difficult times in the past 10 or 12 years, it is trying to build up its economy, and it is really looking forward to establishing greater links, particularly with expatriates, because it knows that it cannot do things on its own.

With the assistance of those people who had the courage to leave and to build up businesses, they can actually do a lot. They also try to encourage the young people to have closer links with those countries, and to maintain their cultural and language links. I extend my congratulations to Mr Tony Santic and the benefit that he has brought to South Australia.

Dr McFETRIDGE (Morphett): I support this motion, because this is no fairytale that we have witnessed here with this mare Makybe Diva having achieved what not many horses will ever achieve, that is, two consecutive Melbourne Cups. She is a late-born mare. In the southern hemisphere, horses celebrate their birthdays on 1 August. Unfortunately, if foals are not born close to 1 August, they still are one year old on the next 1 August. So, Makybe Diva was only six months old chronologically but, as far as the racing industry was concerned, she was a yearling. The fact that she has come through and performed the way she has is absolutely outstanding.

Having been a vet and worked in a racehorse practice and been around a lot of racehorses, I know that for a mare to have achieved what she has is just something absolutely amazing. I should refer a bit to Tony Santic. Tony is a bloke who has come from nothing and worked his backside off. This is 'local boy makes good.' He really deserves every accolade for achieving what he has. I congratulate him on his personal achievements, and to watch Tony celebrate with his family, friends and employees is an example to all employers and all South Australians.

To be able to celebrate the achievements of a magnificent mare such as Makybe Diva—and I keep saying 'mare' because it is an anatomical fact that most mares are not bigger than the males of the species, either geldings or colts. The mares are not able to achieve on a one-for-one even competition in most cases. But in this particular case, this little mare has really come to the fore. She has amazed everyone with her outstanding performance: 25 starts and nine wins, I think the member for Reynell said. I have a small share in a racehorse, and if this horse has a couple of wins, I will be surprised. If it has one win, I will be over the moon. If it places, it will be pretty good. But it is a bit of fun.

In South Australia I think we have the largest per capita involvement in the racing industry. We breed more thoroughbreds than any other state or, in fact, any other nation in the world per capita. Any weekend you like, 50 000 people are out there enjoying pleasure horses, and many of those pleasure horses are racehorses that are finished. In fact, my first horses when I was younger were thoroughbreds off the track; very flighty horses, but nowhere near performing to the fantastic standard of Makybe Diva. The South Australian thoroughbred racing industry needs to be congratulated for what it is doing in encouraging the owners of thoroughbreds, all those interested, the breeders, trainers and all those involved, right down to the feed merchants and the strappers.

This is a multimillion dollar industry. Someone told me it was about the third or fourth biggest industry in South Australia when you put it together. The thoroughbred racing industry, through Tony Santic and little mares like Makybe Diva, should hold their heads high. This is more evidence of why this house needs opportunities like this motion put by the member for Reynell, to celebrate these achievements. As a vet, I particularly enjoy getting up and speaking on these sorts of issues. Makybe Diva—all power to her. Let us hope she does go overseas and take on the rest of the world's racehorses, particularly other mares. I guarantee that she will perform to the same level she has here. Congratulations to Tony Santic and Makybe Diva.

Motion carried.

[Sitting suspended from 1 to 2 p.m.]

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Controlled Substances (Repeal of Sunset Provision),

Criminal Law Consolidation (Child Pornography)

Amendment,

First Home Owner Grant (Miscellaneous) Amendment,

Gaming Machines (Miscellaneous) Amendment,

Medical Practice,

Motor Vehicles (Fees) Amendment,

Parliamentary Remuneration (Restoration of Provisions) Amendment,

Petroleum (Submerged Lands)(Miscellaneous) Amendment,

Statutes Amendment (Legal Assistance Costs),

Statutes Amendment (Miscellaneous Superannuation Measures No. 2),

Statutes Amendment (Misuse of Motor Vehicles),

Teachers Registration and Standards.

PHYSIOTHERAPY PRACTICE BILL

Her Excellency the Governor, by message, recommended the House of Assembly to make appropriation of such amounts of money as may be required for the purposes mentioned in the Physiotherapy Practice Bill.

MID WEST HEALTH SERVICE

A petition signed by three residents of South Australia, requesting the house to urge the Minister for Health to advise the Mid West Health Service not to accept the resignation of Dr Piet du Toit and to have an independent body investigate and report to parliament on alleged problems with the Central Eyre Peninsula Hospital, associated boards and agencies and investigate further allegations of harassment and intimidation in the delivery of regional health care by the Department of Health, was presented by Mrs Penfold.

Petition received.

CRIME PREVENTION FUNDING

A petition signed by 225 residents of South Australia, requesting the house to urge the government to reinstate crime prevention funding to local councils and locate a 24 hour police station in a prominent position in Moseley Square, was presented by Dr McFetridge.

Petition received.

CONSULTANTS, EXPENDITURE

The SPEAKER: I direct that the written answer to a question (Estimates Committee A) be distributed and printed in *Hansard*.

CONSULTANTS, EXPENDITURE

In reply to **Mrs REDMOND** (22 June 2004).

The Hon. J.W. WEATHERILL: Information regarding expenditure on consultants for the Department of Human Services is provided below. It should be noted that the Department of Human Services was responsible to two ministers during 2003-04 and as such some consultancies covered both ministers' portfolios. Therefore, some of the information provided below will be repeated in the response provided by the Minister for Health.

Please note that expenditure by the South Australian Housing Trust is at the discretion of its Board in accordance with relevant government policy.

A summary of consultancy expenditure is as follows:

Particulars of consultancies	Number of consultancies	Value of consultancy contracts
$5 000 to $10 000 (excl GST)	26	$184 131
$10 000 to $50 000 (excl GST)	63	$1 334 606
Above $50 000 (excl GST)	10	$1 587 259
Total	99	$3 327 278

[1]Expenditure relates to all consultancies engaged by the Department of Human Services (including incorporated health units not listed in the response).

Detailed expenditure on consultancies in excess of $5 000 for the period 1 July 2003 to 30 June 2004 is provided in the table below.

Please note that this does not include consultancies that are readily identifiable as belonging to the part of the Department of Human Services for which the Minister for Health is responsible (e.g. the Royal Adelaide Hospital, Flinders Medical Centre, the Women's and Children's Hospital and regional health services).

Abbreviations

AHA	Aboriginal Housing Authority
DHS	Department of Human Services
FAYS	Family and Youth Services
SACHA	South Australian Community Housing Authority
SAHT	South Australian Housing Trust

Consultant	Description of Services	Agency	Method of Appointment	Amt $
Secon Pty Ltd	Examined options for the provision of air-conditioning in AHA rental properties	AHA	Direct Negotiation	8 257
Colmar Brunton Social Research	National Housing Survey	AHA	Tender (By SAHT)	10 404
Brown Falconer	Concept planning/New residential accommodation	Julia Farr	Selected Tender	34 000
Price Waterhouse Coopers	Tax Consulting Services	SAHT	Appointed as whole of govt consultant	5 200
Dr Andrew Montgomery	Analysis of housing by location	SAHT	Direct Negotiation	5 940
TMP/Hudson Global Resources P/L	Various (10) projects	SAHT	Selected Tender	17 731
Ross Harding	Reviewing draft brief for Project Management Panel	SAHT	Open Tender	16 857
Realty Solutions Australia	Concept and Feasibility Analysis re Hectorville Primary School. Seaford Meadows—Financial Sensitivity Analysis	SAHT	Selected—due to experience and prior knowledge of area	19 673

Consultant	Description of Services	Agency	Method of Appointment	Amt $
Colmar Brunton Social Research	National Housing Survey	SAHT	Tender	23 581
Connor Holmes Consulting	Site Analysis Flinders St	SAHT	Selected—due to experience and prior knowledge of area	15 747
Jean Matysek	Legal Advice	SAHT	Tender	145 747
Taylor Management Consulting Pty Ltd	Structure & Staffing Review	SACHA	Direct Negotiation	5 325
Monica Redden Consultancy	Facilitate team meetings	SACHA	Direct Negotiation	6 520
Anne Sharley & Associates	Multicultural Dementia Respite Review	DHS	Direct negotiation	6 250
Materne Pennino Hoare	Accommodation Review of SADS & ACCHS	DHS	Direct negotiation	6 820
Lizard Drinking	Heritage Project	DHS	Direct negotiation	7 425
Community Business Bureau	Investigation of Mt Gambier and Districts Community Centre	DHS	Direct negotiation	7 570
KPMG	BERG Ministerial & Parliamentary Workflow Review	DHS	Direct negotiation	7 878
UniSA	Research on secure development consultancy with University	DHS	Direct negotiation	7 949
Kate Barnett & Associates	Evaluation of outcomes of HACC project	DHS	Selected Tender	10 000
PSI Consulting	Probity Advisory Services—Whole of Govt Wound Closure	DHS	Tender	10 940
Connor Holmes	Strathmont Community Living Project Procurement Option Analysis	DHS	Single Price Offer approved by Jim Birch	11 174
Healthcare Management Advisors	Engaged to advise and review the options available to the DHS for the Severity Index as part of Casemix funding for acute hospitals	DHS	Selected Tender	11 250
KPMG	Adoption Services Review	DHS	Waive of Tender	11 375
Des Semple and Associates	Planning of future alternative care arrangements	DHS	Direct Negotiation	11 550
Muirgen Nominees	Intergovernmental Youth Justice Advisory Committee	DHS	Direct Negotiation	11 696
KPMG	Review of Budget for the bilateral negotiation with Treasury	DHS	Direct Negotiation /Waive of Tender	12 312
CPDBiz	Intergovernment Youth Justice Advisory Committee	DHS	Direct Negotiation /Waive of Tender	13 125
Kelerimon	Management review—RGH	DHS	Waive of Tender	13 322
Judith Dywer	New System of Governance SA Health System	DHS	Waive of Tender	10 908
PSI Consulting	Agency/Nursing Midwifery Panel	DHS	Tender	16 445
N J Coles	Financial Reporting Project/FAYS Budget Project	DHS	Direct negotiation	16 500
Woods Bagot	Whyalla Facility Plan	DHS	Selected Tender	16 951
Sharon McCallum and Associates	External review of Case Management of a child under the guardianship of the Minister for Families and Communities	DHS	Waive of Tender	18 000

Consultant	Description of Services	Agency	Method of Appointment	Amt $
UniSA	Evaluation of North-Eastern Metropolitan Aboriginal Families	DHS	Waive of Tender	20 000
Brown Falconer	Strategic property review of Australian Red Cross Blood Service	DHS	Tender	20 539
Nicky Dimitropoulos & Associates	HACC National Service Standards Appraisal‘	DHS	Tender	27 865
UniSA	Payment Toward Mental Health Services	DHS	Waive of Tender	30 000
Healthcare Management Advisors	Compilation of cost/activity data for non-metropolitan areas	DHS	Tender	30 000
Connell Mott MacDonald	Aged Care Facility—Fire Safety Review of Wakefield and South East Regions	DHS	Selected Tender	30 070
PSI Consulting	Probity Audit Services for the Alternative Care Tender process	DHS	Tender	32 684
Bassett	Aged Care Facility—Fire Safety Review of Eyre Region	DHS	Selected Tender	32 700
Kathleen Stacey and Associates	Evaluation of the Panyappi Indigenous Youth Mentoring Project	DHS	Tender	33 033
Cogent Business Solutions	Cleaning Services Audit	DHS	Waive of Tender	41 422
KPMG	Murray Bridge Business Case	DHS	Waive of Tender	45 000
Inspire Foundation	Reach Out Rural Remote Outback Tour	DHS	Appointed by CE of DHS	45 455
Health Outcomes International	Review of South Australian HIV & HCV Programs	DHS	Tender	47 275
Cogent Business Solutions	Hotel Services Audit	DHS	Waive of Tender	47 686
Merill Pty Ltd	Residential Aged Care Facility Audit	DHS	Tender	78 098
KPMG	DHS Central Office Task Audit	DHS	Direct Negotiation /Waive of Tender	81 200
Ernst & Young	Post Implementation Review of Component Parts of the OACIS Program	DHS	Tender	81 401
Cheeseman Architects	RGH Strategic Asset Review	DHS	Selected Tender	82 000
CPD Biz Consulting P/L	Redeveloping FAYS	DHS	Waive of Tender	104 929
Price Waterhouse Coopers	Tax Consulting Services	DHS	Appointed as whole of govt consultant	124 055
Ernst & Young	Review of Financial Management Program	DHS	Selected Tender	270 953
Health Outcomes International	FAYS Workload Analysis Project	DHS	Selected Tender	169 785
Quality Management Services	HACC Appraisals	DHS	Tender	449 091

DNA TESTING

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: I rise to update the house on the impact that expanded DNA testing is having in South Australia. In April 2003 the government introduced new laws allowing for the testing of all prisoners and suspects of

serious indictable offences, as well as some summary offences. What that means is that those who possess child pornography, commit indecent behaviour, take other people's cars, mislead or assault police and wield weapons are subjected to DNA testing for the first time, even if they are only suspected of the crime. This is in addition to murderers and rapists who are already subjected to testing. I have the results of the testing to reveal to the house.

We are also investing an additional $5.7 million over four years to fund 12 new staff and new equipment within the Forensic Science Centre where DNA samples are processed and matched. Since late 2003 police specialist testing teams have collected DNA samples from South Australia's 1 187 untested prisoners and home detainees, and another 2 000 operational police were trained to collect samples from suspects. In the 21 months since DNA testing was expanded, 15 000 DNA samples from suspects and offenders have been added to the Forensic Science Centre's database—a huge jump on the 500-odd convicted offenders collected in the first four years of operation. Of these I am told that just over 1 540 different individuals have been linked to DNA samples found at crime scenes.

In the last year alone, DNA evidence was used by the South Australian police to charge 250 people with 952 offences arising from 461 separate incidents—action, not words. I do not know why I should continue to be surprised by these outcomes, but it just goes to show what a great impact the expanded testing is having, because 159 of those 250 people charged were serving prisoners at the time of arrest. The testing of prisoners and suspects has helped reinvigorate a haul of old cases including:

- 19 rapes;
- 12 robberies;
- three arsons;
- 28 aggravated serious criminal trespass matters;
- 386 non-aggravated serious criminal trespass cases;
- three assaults; and
- 10 other property offences.

The SPEAKER: Order! Does the Premier have a copy of the statement?

The Hon. M.D. RANN: Yes, sir; I apologise. These outstanding results are testament to the government's decision to expand DNA testing and show the Democrats that, contrary to their claim, this not a 'gung-ho' step that has been exaggerated in its promotion. What it is doing is making criminals more accountable, and I am told that the feedback from victims has been very positive. The Sexual Criminal Investigation Branch has recently charged five people in relation to eight historical rapes, using DNA evidence that linked the suspect to the crime. Police have also advised that DNA evidence has been instrumental in the branch's investigation of recently committed sexual offences. Among the breakthroughs are:

- a 36 year old man arrested in December over the alleged rape of five women, spanning two years to 1991;
- a 37 year old, who was extradited from Cairns to be charged with rape offences against a 14 year old dating back to 1989; and
- another man arrested in relation to a serious sex offence in Kent Town during 2001.

DNA evidence has also been instrumental in the arrest of:

- a 47 year old man last October, after 18 business break-ins over four years;
- a 36 year old Murray Bridge man, who is alleged to have shot at people in the process of robbing a shop; and
- a 1995 robbery and sexual assault.

SAPOL expects more arrests will flow as police continue to process match group reports. I am told that a further 69 investigations are already under way, which mostly relate to non-aggravated serious criminal trespass. Recent figures suggest that 20 per cent of DNA sampled suspects and offenders are linked to DNA profiles found at crime scenes. Even more significantly, half of the DNA profiles found at crime scenes are linked to DNA found at other crime scenes and belong to known people who are recorded on the database.

These figures speak for themselves. Offenders have a far greater chance of being caught since we widened South Australia's DNA web. We are proud of it, and we look forward to going to the next step, when South Australia's DNA samples will be cross-matched with profiles on record throughout the nation, through CrimTrac's national criminal investigation database.

McBRIDE, STEPHEN WAYNE—APPLICATION FOR PAROLE

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The SPEAKER: I ask the Premier to avoid pejoratives otherwise contained in the first statement he has just made.

The Hon. M.D. RANN: Thank you, sir.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. M.D. RANN: Earlier today, the Governor's Deputy (Hon. John Doyle) in Executive Council, on the advice of cabinet, rejected a recommendation of the Parole Board that Stephen Wayne McBride be released on parole. McBride was sentenced on 4 August 1983 for the murder of an innocent woman on 18 April 1982, the armed robbery of a woman in her own home on 2 June 1982 and the malicious wounding of another woman in her own home on 18 October 1982. On 16 August 1983, McBride was also sentenced for the attempted murder of another woman on 16 October 1982. The circumstances of the offences were extremely grave.

On 18 April 1982, McBride, in company with his brother, went to the Sandy Creek post office and store, armed with a rifle, and held up the proprietor, Ms Shirley Docking. During the robbery, Stephen McBride deliberately shot the innocent victim in the head, killing her instantly. In sentencing McBride, the court rejected any possibility that the shooting was an accident. On 2 June 1982—just six weeks later—McBride robbed a woman in her own home at knife point. Later that same year, on 16 October 1982, McBride attempted to murder a woman bus driver at Pooraka. In sentencing McBride, the court noted that there was no apparent motive for the crime, and the victim was left in a grievous state. Just two days later on 18 October 1982, McBride maliciously wounded a woman in her own home by stabbing her.

The cabinet's recommendation to Her Excellency the Governor was made having considered all the relevant material. The cabinet weighed very carefully the factors of the case, including the gravity of the offending, McBride's conduct as a prisoner and his two previous failures to comply with parole conditions when released in 1997 and again in 1999. The recommendation was made by cabinet in the public interest and, in particular, in the interest of public safety and community safety in South Australia.

Members interjecting:

The SPEAKER: Order!

EYRE PENINSULA BUSHFIRES

The Hon. K.O. FOLEY (Treasurer): I seek leave to make a ministerial statement.

Leave granted.

The Hon. W.A. Matthew interjecting:

The Hon. K.O. FOLEY: Very reluctantly. Yesterday during question time, the member for Flinders asked me a question regarding stamp duty relief for those affected by the Eyre Peninsula bushfires in January this year. I did not have the detail regarding the matter available to me at that time and undertook to get back to the house with an answer. Let me be clear that eligibility for stamp duty relief is not affected by the receipt of the state government's $10 000 grant, despite claims to the contrary. On 21 January, the Premier announced significant stamp duty relief for people affected by the Eyre Peninsula bushfire. This relief is over and above assistance previously offered by the state government.

Relief from stamp duty was given on mortgage financing and refinancing for both commercial and residential properties. Stamp duty relief was also given for the purchase of vehicles and farm machinery to replace those lost in the bushfire. I am advised that exemption from stamp duty on the purchase of a new house was not raised with the government at the time and subsequently was not included as part of the government's relief package. Notwithstanding this, I am happy to give favourable consideration to such requests on a case by case basis. As a government we will do all we can to help the victims of the Eyre Peninsula bushfire.

The government established a senior ministerial presence in Port Lincoln immediately following the disaster, and together with the West Coast Recovery Committee Chairman, Mr Vince Monterola, has maintained regular communication with residents, farmers, local MPs and council representatives.

QUESTION TIME

BUSH BREAKAWAY PROGRAM

The Hon. R.G. KERIN (Leader of the Opposition): Will the Attorney-General confirm to the house that money which went to fund the Bush Breakaway Program was carried over from the 2002-03 financial year into the 2003-04 financial year using the Crown Solicitor's Trust Account to conceal the funds from Treasury? On 5 May 2003, the Attorney-General gave a commitment to the Bush Breakaway team in Ceduna to fund the program. On 25 June 2003, the Attorney-General announced that he had found the money for the funds on the same day that it was deposited into the Crown Solicitor's Trust Account, where it sat through the change in the financial year. In September, in the new financial year 2004, it was withdrawn from the trust account, with the Attorney-General announcing on radio that he had just signed the cheque.

The Hon. M.J. ATKINSON (Attorney-General): How quickly the lessons of government are lost when a party goes into opposition. Let me reiterate what I told the house yesterday in response to what is essentially the same question; that is, that if one wants to reorder spending priorities as a minister, one can do it in a number of different ways. One of them is to reorder spending within that particular program, in this case the Regional Crime Prevention Program. Another way to do it is to reorder spending priorities within the same financial year across the whole portfolio.

An honourable member interjecting:

The Hon. M.J. ATKINSON: That is right. Another way to obtain the money—if one aims to spend it in the next financial year—is to seek permission for a carryover from Treasury. There were, I think, two purposes for which Kate Lennon (the former chief executive of my department) misused the Crown Solicitor's Trust Account. One of them was to carry over money into the next financial year without obtaining the permission of Treasury. According to the Auditor-General that is unlawful and, at the very minimum, it is wrong; but, at least according to Ms Lennon's own lights, it is the purpose for which she was doing it.

The carrying over into the Crown Solicitor's Trust Account of the crime prevention program money was in accordance with that purpose, albeit an illicit purpose and one which we must all condemn. The second purpose for which Kate Lennon used the Crown Solicitor's Trust Account was to pretend that money had been spent when it had not been spent. She put it in there, avowedly for the purpose of carrying it over, but, indeed, spent it on completely different things, some of which the Attorney-General, the Treasurer and the government never contemplated spending money on.

The Hon. R.G. KERIN: As a supplementary question, will the Attorney answer the question as to whether or not the relevant money was carried over into the Crown Solicitor's Trust Account?

An honourable member: You're an optimist, Kero.

The Hon. R.G. KERIN: I know, because he has not answered it.

The Hon. M.J. ATKINSON: These are the same questions that were asked yesterday, and I said that I would obtain information for the honourable member and give him a very precise answer. I think that it is perfectly clear from the answer I have just given that something like $350 000 was paid into the Crown Solicitor's Trust Account by Kate Lennon without my knowledge for the purpose of carrying it into the next financial year to have money without asking for Treasury permission—Treasury permission which almost certainly would have been granted for regional crime prevention, and Ceduna Bush Breakaway is a small component of that.

CARERS

Ms BEDFORD (Florey): My question is directed to the Minister for Families and Communities. What initiatives are being put in place by the state government to provide respite for ageing people who care for family members with a disability?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question and ongoing involvement and commitment to this question of disability services. I know that the honourable member has been a regular attendee at a range of functions and events that have been arranged by those campaigning on this topic, and I must pay tribute to those people. They have raised an important issue, and put it at the forefront of our thinking. Indeed, there is a bit of baying from those opposite but, really, it would not sit well in their mouth to make any points at all about the state of disability service funding in this state.

I am pleased to inform the house that we have agreed with the federal government—and I must also acknowledge the federal government's contribution here—a $12 million package of additional support for respite for people who care for disabled people—people who are older; so, people over 65 who care for their often quite aged sons and daughters. Some of these people—and the member for Goyder, in fact, brought a delegation to see me, and other members have brought delegations of constituents to see me—are aged carers, sometimes in their 80s, caring for 50 or 60-year old children.

The burden of that obviously grows enormously as the years go on. They begin to have their own health problems to grapple with, and often the needs of dealing with an aged disabled son or daughter can grind down those families. Central to our policy is trying to keep families together, because that is the best possible way in which to care for people with a disability—within their own homes and their own families. So this $12 million package of support, I believe, will be very much welcomed and, indeed, was welcomed by the disability sector.

The details of the arrangement are that the various clients who seek access to this service can approach the various funding agencies—the Intellectual Disability Services Council, the Adult Physical & Neurological Options Coordination and Brain Injury Options Coordination—and arrange for this respite. Respite can take a number of different forms. It might be a week or so when the son or daughter may go into some supported accommodation to give the family a complete break; it might be a day or two here and there; or, indeed, it might be support services in the home to assist older people carrying out the ordinary chores of their life. It can be anything that can assist the older person to cope with their most important task of caring for a son or daughter. It is all about ensuring that these packages are tailored to the special needs of the families.

We have been greatly assisted in this campaign by a range of organisations, including the Carers Association, and I pay tribute to them and their ongoing explanation of the issues around age carers. I once again acknowledge the federal government and its contribution in paying half of this funding increase. It is an ongoing funding increase, and amounts to the most significant injection of funds into disability services for some considerable period.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Did the Attorney ask Kate Lennon to find additional funds for law and order programs at Westwood housing project in The Parks area, and did that money come from the Crown Solicitor's Trust Account?

The Hon. M.J. ATKINSON (Attorney-General): The Liberal Party has been running with this Westwood story for a long time, and the Liberal Party in speaking to journalists—

The Hon. DEAN BROWN: Sir, the question was a very specific question to the Attorney, and under standing order 98 the Attorney is required to answer that question, not go off at a tangent.

The SPEAKER: I uphold the point of order. I wonder whether that question has not already been asked but, at the same time, I point out to the house, and particularly to the Attorney, that he should not seek to discover a motive for a question being asked of him or debate the background which he believes surrounds the reasons for asking it, but rather simply provide the information sought. The honourable Attorney.

The Hon. M.J. ATKINSON: Mr Speaker, I am happy to comply with your instructions. I think the house must first realise that Westwood is a housing development which is a redevelopment of what was almost 100 per cent a Housing Trust area at Ferryden Park. The assumption behind the question and the backgrounding that has been done by the Liberal Party and by Ms Lennon's statements previously in another place is that Westwood is an example of a project in my electorate that it was necessary to fund. She was compelled to fund it and, being unable to find the resources, it was necessary for her to set up this rort with the Crown Solicitor's Trust Account.

The Hon. R.G. KERIN: I rise on a point of order, sir. It was a very plain question. It was not just an opportunity for the Attorney to attack someone personally.

The SPEAKER: The Attorney-General has the call and I am listening carefully to what he is saying.

The Hon. M.J. ATKINSON: Yes, Westwood was discussed between the chief executive and I, but I did not ask Ms Lennon to find money for Westwood because I was most sceptical of the project as outlined. I gather that Ms Lennon did seek to find money for Westwood, but the advice that I have received is that any money that was spent at Westwood was not spent from the Crown Solicitor's Trust Account, as it turns out. Westwood, of course, is in the electorate of Enfield.

The opposition continues to try to attribute to me, without evidence, some knowledge of the Crown Solicitor's Trust Account. Let me say on Westwood, as I would say on any number of projects, on the documents that my department has kindly provided to the select committee and thereby to the opposition, that if my chief executive, or deputy chief executive, or director of finance, had come to me and said, 'Attorney, I am preserving funds in the Crown Solicitor's Trust Account,' which none of them did, it would have been like their coming to me and saying, 'Attorney, I have put money aside in the Second-hand Motor Vehicles Dealers Compensation Fund, or the bodies in the barrel case account.'

The fact of the matter is that any mention of preserving funds in the Crown Solicitor's Trust Account would immediately, in any minister's mind, have lit up in neons the word 'rort'. It would have been just completely surprising. It would have puzzled any minister. It would have puzzled me. The Crown Solicitor's Trust Account was never mentioned to me by Ms Lennon or by Mr Pennifold, and in their evidence there are no dates, no agenda items, no minutes, nothing in writing, no witness and, indeed—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —when Ms Lennon was asked could she supply—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, member for Davenport!

The Hon. M.J. ATKINSON: —the names of witnesses to her apprising me of the Crown Solicitor's Trust Account, its existence or its operation, she nominated Mr Andrew Lamb, who has sworn a statutory declaration that it was never mentioned in our presence or in his presence, and she nominates, interestingly, the idea that, and I will quote: 'I am taking a guess that we did it at some time based on some paper I was given by the Director of Finance.' Later on—

Mr HAMILTON-SMITH: Point of order, Mr Speaker.

The Hon. M.J. ATKINSON: You don't like it, do you!

The SPEAKER: The honourable member for Waite has a point of order.

Mr HAMILTON-SMITH: Sir, I seek your guidance because earlier you ruled that questions could not refer to evidence given before either of the select committees dealing with this matter. In his answers, the Attorney is quoting extensively from evidence given before the committees. I seek your guidance as to whether the Attorney is out of order.

The SPEAKER: The simple solution to that is, of course, that I will rule all questions on the subject out of order until the committee reports. The honourable member for Giles.

Members interjecting:

The SPEAKER: Order! The honourable member for Giles has the call.

GRADUATE TEACHERS

Ms BREUER (Giles): My question is to the Minister for Education and Children's Services. How is the state government supporting the new graduate teachers working in our government schools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Giles, with whom I have had many conversations about recruitment and retention of school teachers in her area, in particular recruiting graduate teaching—

Members interjecting:

The SPEAKER: Order! I am trying to hear the minister, who has the call.

The Hon. J.D. LOMAX-SMITH: We have just recruited 363 teaching graduates to work in our public education system in South Australia; 81 of these graduates have been given permanent jobs through the state government's country teaching scholarships scheme and our early graduate recruitment schemes. Many appointments were indeed made well before the beginning of the school year in order to recruit the best and brightest into our public education system before they were recruited elsewhere. This provides teaching students with some certainty about their future careers and prevents them looking either interstate or into other systems.

Our country teaching scholarship scheme has been particularly effective in that it has ensured we have a pool of teachers ready to teach in the country when they finish their degrees. We want to make sure, however, that all new teaching graduates are supported. For many of them, leaving home for the first time and going to a new region, can be challenging and for that reason we invested $1 million in a new induction program which makes sure that when we recruit young teachers we support them, mentor them and encourage them throughout the beginning of their careers because retention is of course as important as recruitment if we want them to have a long and productive career in our regions.

That induction program, of course, includes allowing them to know the area they are moving to before they relocate, making sure they are aware of the advantages and opportunities, because for many teachers going to work in the regions can mean you are welcomed with open arms into a community and very soon become the backbone, through volunteering and other community works, in a small community where you are valued far more than you might have been if you had stayed in Adelaide.

As well as telling them much of the local issues and opportunities, for each region we give details of local services and photographs of the region, in particular to tell them what the schools would like if they do not first go to interviews, a series of maps and district profiles and details such as which sporting opportunities are available, such as the footy team or the rowing club, as well as an A to Z guide of the many common questions young teachers ask. The new teachers statewide will also have conventions and up-skilling programs to ensure they learn from peers and other experienced teachers and to make sure we are doing this so they are mentored, supported and stay within our public education system, where they are certainly very welcome.

Mr BRINDAL (Unley): By way of supplementary question, will the minister advise how many of the country teaching scholarships to which she just referred were offered to, and accepted by, male graduates, and how many male graduates have been recruited to the primary sector of the Education Department this year?

The Hon. J.D. LOMAX-SMITH: I am not responsible for the private sector, so I cannot give those details.

Mr Brindal: Primary.

The Hon. J.D. LOMAX-SMITH: I apologise. I do not have those details, but I will get back to the honourable member as soon as I can.

CROWN SOLICITOR'S TRUST ACCOUNT

Mr HAMILTON-SMITH (Waite): My question is to the Attorney-General. Was the Crown Solicitor's Trust Account used to pay or to reimburse—

Mr RAU: Point of order, Mr Speaker. I take a point of order on the basis of the member for Waite's last point of order, which I understood you upheld.

The SPEAKER: Yes, and let me further explain for the benefit of the house. It is not possible for any member of this house—which is the collective will and wisdom of the minds of the people elected to be part of it; and having made that point again I go on and explain—to know what is on foot in the Economic and Finance Committee, leave alone the chair to know it. If the house has, as is quite proper, an inquiry proceeding under the auspices of the Parliamentary Committees Act in one of its committees, then it ought not to seek to revisit the same inquiries through the processes of question time. That is not to say that there is not a means by which members, be they members of the opposition or not, if they are unhappy with progress in that committee, can draw attention to that point by substantive motion, urgency motion or any other kind of motion in which they might present information to the chamber in support of their dissatisfaction with progress, but that is a separate matter.

In consequence of the decision in my mind, which is altogether fair, you cannot run an appeal in the appeal court before you have a verdict and the proposition of the facts coming from the primary inquiry court on any matter. This house is no different from that in its relationship with its committees. For simplicity and to prevent further misunderstanding, points of order, ambiguity and what I regard as shadow boxing in the dark, questions about the Crown Solicitor's Trust Account await the report of the Economic and Finance Committee so they may be better informed questions than currently appears to be the case. The question, therefore, is out of order.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Under standing orders, firstly, it was not this house that specifically referred the matter to the Economic and Finance Committee.

The SPEAKER: No, but, to deal with that point immediately, it was this house that gave the authority to the Economic and Finance Committee to take matters on inquiry on its own motion.

Members interjecting:

The SPEAKER: Order! And the second point of order from the deputy leader?

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport does not have the call and ought not to be responding to interjections, which are out of order, from government ministers.

The Hon. DEAN BROWN: Mr Speaker, on the very argument you have used, that the Economic and Finance Committee is using the authority of this house, it would mean, if the Economic and Finance Committee on its own motion can look at any matter relating to finances, this house would then be precluded from asking any questions about any financial matter. That is an illogical proposition to put to this house. Mr Speaker, that is the argument you have used. Therefore, I highlight the fact that this house has an authority under standing orders and Erskine May to allow questions to be asked without specific reference to the Economic and Finance Committee and without reference to a select committee of the other place. In all the time I have been in this house, I have never seen a ruling such as the one you, sir, have just made, because it effectively means we may as well pack up and not have question time. We have standing committees that deal with virtually every aspect that this house would deal with in question time. It makes an absolute mockery of the powers of this house in terms of asking questions.

Members interjecting:

The SPEAKER: Order! The chair must respond to that, on what appears to be a quite reasonable proposition put by the deputy leader. However, the deputy leader will know that, until very recent times, matters on foot in the statutory committees of this chamber were confidential to those committees and were never disclosed by members outside the committees. It was only in recent years that members of those committees chose to disclose them in their party rooms or caucuses and then allow others, albeit in mock innocence of what was on foot in the committees, to ask questions about them; and thereby bastardise the whole process of the integrity of process in the committees and the relationship between the committees and the chamber. It blurred the lines of responsibility, roles and functions between the house and the committees it has chosen to establish. It therefore took us into uncharted waters such as now require us to make a decision about whether or not we really believe that those committees serve the public interest or, rather, that they instead serve the partisan interests of the parties to which the members of the committee belong, regardless of whether or not that is in the public interest. I put that serious proposition to all members of the house to contemplate.

It is not with any comfort at all that I came to the conclusion in making the ruling I did just a few minutes ago, but it is necessary to precipitate a definition of what those statutory committees are established to do and the way in which they are intended to relate to the collective wisdom of the house in their process. It is for that reason that the point, apparently valid, made by the deputy leader in fact does not stack up.

The Hon. DEAN BROWN: Mr Speaker, as you know, this house has always worked on precedent. I may not have been in this house quite as long as you (although it may be longer; I am not quite sure)—

The SPEAKER: Probably longer.

The Hon. DEAN BROWN: —but I can recall sitting on the government benches when the now Deputy Premier asked question after question about the Industry Development Fund whilst that fund was under broad investigation by the Economic and Finance Committee. I can name hundreds of other cases—and I suspect thousands of other questions—when other committees, or the Economic and Finance Committee, have been considering broad issues which have still been subject to questions in this house without anyone challenging that. Therefore, Mr Speaker, based on that precedent, I cannot see any grounds for suddenly changing what is the precedent and the practice of this house, which appears to have been done through your ruling today. I argue that, at the very least, there be a meeting of the Standing Orders Committee to discuss that matter, as you are chair of that committee, because I do not believe that this house should suddenly be changing its practices.

Mr HANNA: I have a point of order, Mr Speaker.

The SPEAKER: Order! May I answer the point of order; the chair needs to deal with them one at a time. Whilst I acknowledge that other members have a far superior memory to my own in their ability to recall multiple points and respond to them in proper sequence, I have difficulty doing that and prefer to do, as the conventions have otherwise required Speakers to do in the past, and that is deal with points of order one at a time. In this case it is not as precipitous as the deputy leader believes, because the changes have occurred over time. We have reached the high tide point. I invite him to contemplate that he should not hold the incumbent responsible for the sins of predecessors.

Notwithstanding the fact that the Deputy Premier, or any other honourable member, may have asked questions about matters which were on foot within statutorial committees in the last five or 10 years, it does not alter the fact that, prior to that time, the business of committees was restricted to those committees, statutorial committees or select committees, until they reported to the house. The house itself has changed the practices by stealth and by a process of attrition. The point has now been reached where it is a farce, because neither the chair nor any other member can know what is going on within those committees. It is farcical for the house to presume, or for the chair to presume, that something alluded to in an answer, or mentioned in the course of a question, has or has not been under examination in the committee without the report of the committee to give knowledge of it in a definitive way to the honourable member, including the chair, in question. The honourable member for Mitchell.

Mr HANNA: My point of order is that the contribution from the deputy leader should have been raised as a dissent from the chair because all of it was argument against your ruling, sir.

The SPEAKER: I understand that but I am trying to be reasonable. The honourable member for Enfield.

Mr RAU: My question is whether or not it is orderly for a member to take a point of order against themselves?

The SPEAKER: No; and I think I understand the import of that but I will not try to second guess the member for Enfield. So that we can get this issue behind us, I will undertake within a matter of days to convene a meeting of the

Standing Orders Committee not only to examine this matter but other matters that are already on the agenda in the Standing Orders Committee and which sorely need our attention, surely. Maybe we should set aside some time during the next week or so of sitting to debate the standing orders and the direction in which we wish our house to go and, in the process of doing so, examine the relationship between our house and that of the committees to which it delegates authority to do specific tasks, as well as the way in which we conduct ourselves in question time and answer time, rather than debate, and a few other things of that nature. The member for Davenport has a point of order.

The Hon. I.F. EVANS: As I understand it, the Economic and Finance Committee has moved by its own motion to make public all evidence and all documents received in relation to the matter to which the question relates. The way I understand your ruling, Mr Speaker, is that now that the documents are public, the opposition is unable to ask questions from a document that is public. To me that seems an injustice and seems to be a breakdown in parliamentary procedure, and I will give two areas where it gives me some concern.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: I am seeking some clarification on the ruling. Had the State Bank matter been referred to the Economic and Finance Committee by its own motion and the Economic and Finance Committee moved by its own motion to make public all the documents, on the ruling as I understand it, the opposition could not have asked any questions. If the Motorola matter had been sent to the Economic and Finance Committee by its own motion and the Economic and Finance Committee by its own motion made all the documents public, the way in which I understand the ruling the opposition of the day would not have been able to ask any questions. To me that seems an unusual ruling to make and I seek your clarification as to why the opposition cannot ask questions of a document that is public.

The SPEAKER: The member for Davenport complains that the opposition cannot ask questions of a document that has already been made public. There are two points to be made in response to that, notwithstanding the fact that it is a disorderly inquiry, I will allow it and respond to it, and it further underlines the uncertainty and, indeed, ignorance that there is in the mind of many members about what the house's question time is meant to be for and what the committees' roles are. In the first instance, the house itself cannot come to a resolution or a conclusion about any matter that is before a committee until the committee has reported. The house, for instance, does not seek to override the Public Works Committee.

In a recent decision of the house, only a few years ago, it directed the Public Works Committee to bring in a report which it craved and the Public Works Committee obeyed that direction, as it should, regardless of how members of that committee may have felt about the direction. Secondly, the equally important point to be made there, in relation to the member for Davenport, is that the committee itself ought not to be seen as the creature of a party: it ought to be seen as a creature of the house. It has become a creature of the party in government. The entire Parliamentary Committees Act ought to be revisited such that the government cannot have a majority on any committee. It may be that the opposition from time to time would not have a majority on the committee either.

That would ensure that committees do not become creatures of the parties of which the members who belong to them also belong, and that the act appointing them should renovate that aspect of their formation to make it more in keeping with the way in which committees function in other parliaments, such as the Westminster parliament, the mother of parliaments. That would avoid the problem that has arisen in recent times. None of this is precipitous, other than that we have now recognised that we have a botch and we had better fix it soon.

I am not prepared to allow further debate in question time of the matter. It is better that we deal with it first in the Standing Orders Committee, in the judgment of the chair; and, then, perhaps, by resolution and amendment within the chamber, to address the problems that have been identified. It is not a denial of justice in any sense that the matters cannot be inquired into in two places at once—both the house itself and its committee. It is improper for the reasons I have already given to attempt to do it in two forums at once. Let us move on.

The Hon. DEAN BROWN: Without going back over that issue, as the chair of the Standing Orders Committee, can I ask that you, sir, bring that committee together—

The SPEAKER: Yes, I have tried to very often.

The Hon. DEAN BROWN: —to discuss this matter prior to this house again sitting. I believe that this is so fundamental to the whole democracy and rights of this house that it is an issue that needs to be resolved before the house again sits.

The SPEAKER: I strongly agree with the deputy leader, and I do hope that the other members of the Standing Orders Committee—including the deputy leader—set aside the priority time that membership of that committee requires of them, because it has not been my experience that that has happened very often.

The Hon. M.D. RANN: One point of clarification that needs to be made before that meeting is that I asked the opposition to come with one position, because we have a situation where—

Members interjecting:

The Hon. M.D. RANN: No; this is serious. A frontbencher—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —suggested that we cannot quote from the report in answering a question, but another frontbencher on the other side says that you can quote from the report in asking a question. Please, sort yourselves out because your divisions are apparent to everyone.

Mr BRINDAL: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Unley has the call.

Members interjecting:

The SPEAKER: Order! The member for Unley has the call, not the Deputy Premier.

Mr BRINDAL: Mr Speaker, you have called on questions without notice. The Premier rose to his feet, not in answer to a question, not in discussion of a point of order, but to make a speech berating the opposition. I ask you to rule that the Premier's behaviour is disorderly and he should apologise to the house.

The SPEAKER: As for the second part, no; as for the first part, as has been most of the discussion. As for the third part (so that we can put this behind us today), let me reiterate my position. It is not so much that questions cannot be asked

but that the house should consider seriously, on a recommendation coming from the Standing Orders Committee at the earliest possible opportunity, that questions should not be asked until reports have been received from the respective committees that may have matters under investigation within those committees, rather than have the house try to second guess what the committee's opinion is going to be.

If the house is unhappy with the progress being made by a committee it can, by motion of any member, contemplate that proposition and, in the majority if not in the consensus, direct the committee to make a report so that the house can then deal with the matter that is delivered to it in the report which it receives. Let us move on.

The Hon. P.F. CONLON (Minister for Infrastructure): I move:

That question time be extended by 25 minutes.

I move that motion in order to be fair to the opposition for the time lost on this issue.

Motion carried.

CROWN SOLICITOR'S TRUST ACCOUNT

Mr HAMILTON-SMITH (Waite): Sir, before I ask this question I want to be perfectly clear, so I seek your guidance.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: Are we, in accordance with your earlier ruling this week, in a position where you are happy for a question to be asked about matters to do with the Crown Solicitor's Trust Account, provided evidence given in committee is not quoted? Or are we in a position where it is your wish that no questions be asked on the matter of the Crown Solicitor's Trust Account?

The SPEAKER: Because we have the predicament of the opposition members of that committee knowing what has been on foot in that committee, as well as government members who are also members of the committee likewise knowing it, and some members of the ministry (albeit whether or not they include more than the Attorney-General I am not sure) knowing what has been on foot there, the chair cannot judge. So if a question is asked and the inquiry which has just been made and which precipitated the position the chair has determined, then take the point of order that what the minister is doing in responding is referring to matter which is before the committee. The chair cannot know what is before the committee. Therefore, all questions on the Crown Solicitor's Trust Account, until a report has been received, are out of order.

Mr HAMILTON-SMITH: We will give it a go, sir. My question is to the Attorney. Was the Crown Solicitor's Trust Account used to pay or to reimburse the Attorney's Visa card in nine transactions during April 2004, the Minister for Infrastructure's Visa card—

Mr RAU: I have a point of order, Mr Speaker, on two counts. Count one: you have given a ruling very clearly on a number of occasions. Count 2: the honourable member is very well aware of the fact that that matter has been brought before that committee, because not only is he on that committee but also he asked those questions about that particular matter. So, even he cannot be under any misapprehension that that matter is before the committee.

The SPEAKER: Notwithstanding my sympathy for the anxiety of the member for Waite, the question is out of order.

The Hon. P.F. CONLON: On a point of order, the clock has not been restored regarding the 25 minutes that the house agreed to.

The SPEAKER: The clock is quaint and antiquated and the minister must allow the chair and those people who serve the chair and the chamber well to deal with its osteoporosis in virtual reality. We are about to fix it and we will add the 25 minutes, I assure the minister.

POLICE, RECRUITMENT

Mr BROKENSHIRE (Mawson): Will the Minister for Police explain why he could not find enough South Australian or Australian applicants to join the South Australian Police Force when, on 24 February last year, the minister told the house:

From 8 December 2003 to 2 January 2004, 126 applications were received. . . the most important point I would like to make is that I am advised that the standard is extremely high, as well as the number of applications. The very outstanding set of skills in most applicants is very good news for the future skill profile of our Police Force.

The Hon. K.O. FOLEY (Minister for Police): As I said, I provided that answer on advice and I will seek a response from the Police Commissioner, whose responsibility it is to oversee the recruitment program.

Mr BROKENSHIRE: My question is again to the Minister for Police. How does the minister propose to achieve his target of 200 extra police on the beat by September 2005? The minister assured the house twice, once on 24 February 2004 and again on 22 March 2004, that there would be an additional 200 police serving South Australia within 18 months. Figures in the police department's latest annual report show that there were 18 fewer active police in 2003-04 than in the previous year.

The Hon. K.O. FOLEY: As I have said before, a very tight labor market means that recruiting police—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —is extremely difficult at this point in time. We are recruiting to the best of our ability from local sources, from interstate sources if need be and available, and also from the United Kingdom. A national advert will be appearing in *The Weekend Australian* on Saturday, and we are advertising in all the police journals. However, I am advised by the Commissioner that there is a very tight market, in particular because most, if not all, police forces are attempting some form of interstate recruitment, and there is competition amongst other police forces. I am also advised that the other main competition that we are facing in recruiting police officers is the armed forces. They are recruiting heavily in the market at present, and we have made no secret of the fact that it is a difficult process given the tight labour market. However, I have confidence that the Commissioner will do all within his, and his department's, powers and abilities to get the numbers and the quality that we need.

Mr BROKENSHIRE: I have a supplementary question given that answer from the Minister for Police. If serving police officers from other states apply and are accepted into SAPOL, will they be given the courtesy of only a 12-week course as against the current requirement to do a six-month course?

The Hon. K.O. FOLEY: My advice is that that can occur. I will get that checked and come back to the house.

Mr BROKENSHIRE: My question is again to the Minister for Police. Will the minister advise the house what percentage of local applicants has been deemed unsuitable for employment with SA Police since the announcement of its recruitment drive to recruit 200 extra police, and will he explain the reasons why they were rejected?

The Hon. K.O. FOLEY: I will come back to the house with some data and some advice on the recruitment program. I will get this clarified, and I stand to be corrected, but my understanding is that there has been no change, or little change, in the criteria for selection since the member himself was the minister. So, to the best of my understanding, and I will have this checked, we still have the same high standards today that we had when he was the minister. I have not doubt that we had problems when he was the minister, as he would be well aware. They are shaking their heads; it did not happen when they—

The Hon. P.F. Conlon: That is because they did not recruit.

The Hon. K.O. FOLEY: That is right; they did not recruit. Let us not forget that on 30 June 1997, the police force hit its lowest in decades at 3 410 when the member for Mawson was the police minister.

The SPEAKER: Order! The honourable member for Mawson.

Mr Brokenshire: I will let him finish with his waffle, sir.

The Hon. K.O. FOLEY: Today the police force numbers are nearly 500 more than when the member for Mawson and his colleagues in 1997 held the treasury bench.

Mr Brokenshire interjecting:

The SPEAKER: Order!

The Hon. Dean Brown: He has amnesia when it comes to the State Bank.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! So, the house has seen an illustration of what I say should be an amendment to the way in which we do things; that would have been more effectively contributed as part of 20 grievance debates, each of three minutes, at the conclusion of question time rather than a disorderly interjection across the chamber between the Deputy Premier and the deputy leader. Also, it would have contributed, perhaps, to a better public understanding, but without the apparent indifference to standing orders as well as the acrimony which interjections invariably induce.

SENIOR HEALTH POSITIONS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health confirm that the state government is in the process of appointing 18 new senior executives at the level of executive director or above in the department of human services and the health regions and that all of these positions will be paid a salary package greater than $100 000 a year? On 22 January 2005 the careers section of *The Advertiser* carried an advertisement for 18 new senior executives for the Department of Health and the newly created health regions. The two-page advertisement indicated that 14 of these high-paid executives will be newly created bureaucrats in the three new health regions.

The Hon. L. STEVENS (Minister for Health): To correct the deputy leader, the department of human services no longer exists. There are now two departments in its place: the Department of Health and the Department of Families and Community Services.

The Hon. W.A. Matthew interjecting:

The Hon. L. STEVENS: No, not with more bureaucrats. As a result of the new governance changes flowing out of the government's health reform agenda we have created three new entities, two new metropolitan regions—the Central Northern Adelaide Health Service and the Southern Adelaide Health Service—and the new Children's, Youth and Women's Health Service. Executive positions, as the deputy leader mentioned, have been advertised. I will obtain details in terms of remuneration for the deputy leader. The new positions will be part of the new arrangements. We do not believe there will be more bureaucrats as a result of this at all.

DIGNITY FOR THE DISABLED GROUP

Mrs REDMOND (Heysen): Will the Minister for Disability advise why he, or another minister representing the minister, a ministerial staff member or a departmental staff member did not attend the Dignity for the Disabled Group public awareness campaign launch held in parliament house earlier today? The organiser of the Dignity for the Disabled Group said that in December 2004 he invited the minister to the launch but did not find out until he rang the minister's office this morning that the minister would not be attending.

The Hon. J.W. WEATHERILL (Minister for Disability): I have many opportunities to meet with Mr Holst and take on board his and his campaign's viewpoint. This launch was one organised by the Democrats—a political party. It was in fact a campaign launch. I did not think that it was necessary for me to be there to cramp their style. They have a campaign, which I am sure I will hear about: in fact I have heard about it. Whenever there is an information briefing—and there is one on 23 February—I always make sure I attend or have representatives at that meeting. I have accepted an invitation for 23 February, which I will be attending with the federal minister for disability. I have made it my business to ensure that I am always available to this group to hear its views.

Often, to be frank, some of these events are publicity arrangements. That is fine: they are entitled to have publicity arrangements, but I seek information and seek to be engaged with those groups that can assist me in the task. The task is a large and difficult one. I pay tribute to a process that needs to be paid tribute to, namely, the working group we set up for the Moving On program. That working group initially had Mr Holst and Dignity for the Disabled Group on it. He chose to resign from that committee and I work carefully with the parents and other advocates who are on that committee.

This campaign does have a number of dimensions. I have sat down and been very frank with Mr Holst. I have said, 'Are you going to be a prophet or an adviser? If you want to be an adviser, I am happy to sit down and talk with you. If you want to be a prophet and run a public campaign, that is fine, but that is not a tremendous amount of help to me in finding solutions to the difficult questions.' I always remain ready and willing to listen to any ideas and serious suggestions. They will not be coming from the babble over there, I can tell members that, but I do remain ready, willing and able to listen to disability advocates, the parents and, most importantly, the people with disabilities.

Mrs REDMOND: I have a supplementary question. Is the minister aware that he was invited to speak at the meeting today?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I had understood that this was to be a process by which this particular lobby group would reveal to the world its campaign strategy. I thought I would look a little out of place at a function of that sort. I must say that I did attend an earlier briefing that took place in Old Parliament House. I happily stood there and made a contribution and then for about half an hour was shouted out. That was fine. I was content to be shouted at for half an hour. I probably would have stayed to be shouted at for another half an hour, but I did suggest that would not necessarily advance the matter further. I have been to a number of public meetings and I remain content to absorb all the anger that exists in these groups. I believe it is my role to sit there and listen to the pain and suffering these parents and young people have had to endure for far too long.

Members interjecting:

The SPEAKER: Order!

MEDICAL RECRUITMENT, OVERSEAS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Has the Minister for Health provided funds, either directly or indirectly, for the recruitment from overseas of a nurse for Lameroo and a doctor for Wudinna; and, if so, how much? The nurse for Lameroo and the doctor for Wudinna were recruited from overseas and both stayed in South Australia for less than one week.

The Hon. L. STEVENS (Minister for Health): As the deputy leader knows, the recruitment of medical staff to country units is the responsibility of those units. I will have to get information about whether—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: Well, yes, I am the minister and you would know, being a former minister, that these boards and units are incorporated units. They do their own recruiting. Of course, the state government, together with the commonwealth government, does fund the Rural Doctors Workforce Agency that provides a lot of services and good work in terms of the recruitment and retention of rural practitioners. As to the two particular cases, I doubt it, but I will get the information for the deputy leader. I would like to say that I heard the deputy leader talking on the radio about how embarrassed the state government should be in relation to these matters. I think that it is really important to put these things into perspective. Hundreds of appointments like this are made across South Australia, unfortunately, and that is an issue—

The Hon. DEAN BROWN: I rise on a point of order, sir. The minister is now attempting to debate a much broader issue. I draw your attention to standing order 98.

The SPEAKER: I uphold the point of order. The minister needs to respond to the specific inquiry about whether funds known to her were appropriated to assist in the recruitment of the doctor at Wudinna and the nurse at Lameroo. I think that the minister holds the view that the question has been answered, so we can move on.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My questions are again to the Minister for Health:

1. What amounts of money have been paid by the Department of Health and the Rural Doctors Workforce Agency Incorporated, which is a jointly funded body with the federal government, in the year ending December 2004 for the recruitment of doctors and nurses from overseas?

2. What effort has been made by the state government to ensure that doctors and nurses recruited from overseas are compatible with working in small country communities, such as Wudinna and Lameroo?

The Hon. L. STEVENS (Minister for Health): In my answer to the previous question, I talked about the Rural Doctors Workforce Agency. I do not have at my fingertips the figures of how much it would have spent in relation to the recruitment of those professionals or any others. I will get that information for the deputy leader.

RESIDENTIAL SUPPORTED FACILITIES

Mrs HALL (Morialta): My questions are to the Minister for Families and Communities.

1. Will he inform the house whether there is an appropriate protocol, or set of procedures, for reporting and dealing with incidents of serious sexual assault, including rape, in supported residential facilities?

2. If not, will he ensure that such a protocol, or set of procedures, is established as a matter of urgency?

A constituent has reported to me issues surrounding an alleged assault and rape that occurred earlier this week at an SRF. The matter is now in the hands of the police, but my constituent is distressed at the response of the person on duty at the SRF and the subsequent delay in the police report and the assistance and counselling provided to the victim.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her important question, and I am very concerned to hear about the inquiry she makes. I will attempt to obtain more detail to assist me to provide a better answer, but I will make these general remarks. The Supported Residential Facilities Act is an act of the South Australian parliament. The responsibility for supervision of the residential facilities resides with local government. I think that it has been the subject of a report commissioned by the former minister for social justice which identified a number of deficiencies in the way in which supported residential facilities are managed. I will reflect upon those recommendations to see whether they have any bearing on this matter.

I do not wish to make any general remarks about the clientele of a residential facility, and I think that it is important that we do not generalise about their character. I make these remarks: people with disabilities who are likely to find themselves in a supported residential facility are more likely to be the victim of crime than the perpetrator. Having said that, I will inquire into this matter and bring back in answer to the house.

PRIVACY ISSUES

Mr WILLIAMS (MacKillop): My question is to the Premier, or whomever is taking questions on his behalf. Will that minister assure the house that the ministers in this government will not permit government agencies under their responsibility to sell rights to the use of their registered name, logo or trademark and/or provide access to their client databases to any private business for the promotional use of that business?

The Hon. K.O. FOLEY (Deputy Premier): I will take that question on notice and come back with a considered answer.

HOME SERVICES DIRECT

Mr WILLIAMS (MacKillop): My question is to the Minister for Administrative Services. Before giving permission to the SA Water Corporation to enter into a contract with Home Services Direct, a contract which authorised Home Services Direct to use SA Water's name, logo and trademark, did the government seek any advice regarding a potential breach of section 52 of the commonwealth Trade Practices Act which relates to deceptive and misleading conduct?

The Hon. M.J. WRIGHT (Minister for Administrative Services): Last year, members may well recall that I made a statement regarding this particular contract to which the member for McKillop refers. Amongst the detail of that, obviously points were made regarding a number of accusations made either by the opposition or, in some cases, others. The most sensitive of those at the time was the issue of privacy, which, on behalf of SA Water, I have apologised about because clearly there was a breach of privacy. In respect of this particular accusation now being made by the member for McKillop, if he has any evidence of what he is alleging, perhaps he should provide that to the ACCC. I am not aware of the accusation having—

Mr WILLIAMS: Mr Speaker, I rise on a point of order. My point of order relates to relevance. The minister has suggested that I am alleging something. I am simply asking whether he or his department made any inquiries into this matter prior to entering into a contract with Home Services Direct. I am making no allegations at all: I am simply asking a question.

The SPEAKER: I uphold the point of order in the context that the question was a straight question. No minister should attempt to second guess what might be in the mind of whomever it is who asked the question of the minister. Does the minister have any further information?

The Hon. M.J. WRIGHT: No.

CHILD PROTECTION ACT

Ms CHAPMAN (Bragg): My question is to the Minister for Families and Communities. When does the minister propose to introduce amendments to the child protection laws to require police checks on all persons employed on school sites, as promised by the Minister for Education and Children's Services? During last year's debate on the Teachers Registration and Standards Bill, the Minister for Education and Children's Services told the parliament:

> . . . I think there is a justifiable concern about other individuals who are involved in school activities. I am very pleased to say that the Minister for Families and Communities is acting and developing a new child protection act. The reason that the other employees or volunteers and other people associated with schools should not be trapped within the Teachers Registration Board legislation is that we need a more comprehensive broad structure that will take on volunteers in a range of sporting organisations, voluntary activities and groups, and that is best done within the Child Protection Act.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): It is the intention of the government to promote to this parliament a broad bill concerning child protection. It will deal with a number of matters which were canvassed and recommended in the Layton review into child protection. It will grapple with the questions raised by the member for Bragg and, indeed, a number of other issues. We believe that a range of accountability bodies could be assisted by some legislative support, and we would seek to promote a range of other important measures before the house.

Ms CHAPMAN: Supplementary question, sir: when?

The Hon. J.W. WEATHERILL: A whole lot sooner if those opposite were able to pass our legislation in a timely fashion. We have a backlog of legislation because, unhappily, we do not have a majority in both houses, but that is a matter we seek to remedy.

LOCHIEL PARK

Mr SCALZI (Hartley): Will the Minister for Urban Development and Planning advise the house as to the progress of plans for the development of the 30 per cent of Lochiel Park for housing, and whether any of the housing development will be public housing? On Tuesday 9 September 2003, the government announced that 30 per cent of Lochiel Park would be developed for housing. Lochiel Park has been cleared, however the community is yet to see any further progress of works. According to the Campbelltown Residents and Ratepayers Association (August 2004) the area is deserted and subject to acts of vandalism and that abandoned, stolen and burnt out cars are often an unwelcome part of the scenery.

The Hon. P.F. CONLON (Minister for Infrastructure): I thank the member for Hartley for the opportunity to talk about this very excellent initiative of this government. The 30 per cent of the land to be developed is for the reasons pointed out in the explanation given by the member for Hartley so that there is a presence that offers a degree of scrutiny and security for the 70 per cent open space, which is the existing open space that has been protected by this government after an attempt by the former Liberal government to turn it into housing. What will occur in that 30 per cent will be in consultation with the community, as every step has been because we care about the community, rather than the Liberals' approach to it. Every step has been in consultation with the community.

I am pleased to say that many of the member for Hartley's constituents were very happy that this government saved the open space from those villainous Liberals. We continue to consult with them on creating what will be a model green village on the remaining 30 per cent. If the member for Hartley, given that we are great consulters and will listen even to him, suggests that we should have a public housing component, I am prepared to take some of that on board. However, we will certainly be doing our best to listen to the community and build a model green village in an urban forest, in a place that we will protect by law so that no future Liberal government will be able to go back and carry out its plan to turn the open space into housing.

Mr SCALZI: Supplementary question, sir: how much of that 30 per cent is for public housing?

The Hon. P.F. CONLON: I just told the member for Hartley that, if he is interested in getting some public housing, we are happy to talk to him about that. It is not finalised is my understanding. I will check that out for him, but if he believes that there should be a public housing component—because we are prepared to consult people and listen—I am prepared to take that on board. I am prepared to take on his suggestions. Not only that, I am prepared to circulate my answer to his electorate in Hartley so that they understand what we are doing.

BUNNINGS DEVELOPMENT

Dr McFETRIDGE (Morphett): Will the Minister for Urban Development and Planning explain why the government is joining an appeal to stop a $7 million Bunnings development being built on the outskirts of Mount Gambier? I have been advised that, although it did not lodge an objection to the initial proposal, the Development Assessment Commission subsequently chose to be a party to two private appeals against the development after it was approved by the Grant District Council.

The Hon. P.L. WHITE (Minister for Urban Development and Planning): I would have to take advice from the department because that does not ring a bell with me at all. I will bring back some information to the house.

SCHOOLS, NAIRNE PRIMARY

Mr GOLDSWORTHY (Kavel): My question is directed to the Minister for Transport. When can I expect a response to my letter written to the minister on 5 May 2004 concerning traffic problems at the Nairne Primary School crossing at the Woodside main road intersection?

The Hon. P.L. WHITE (Minister for Transport): I am surprised that a question from that time is outstanding, because my understanding is that there are very few outstanding letters. I will check and ensure that we received the letter and it has not gone amiss. I will find out for the member. If something has been overlooked by my office, I apologise to the member and I will chase it up for him. As to the particular issue he raises, I will look into that also.

MULTICULTURAL SA

Mrs HALL (Morialta): Will the Minister for Multicultural Affairs inform the house when a director of Multicultural SA will be appointed and if the position has been advertised nationally? It is now more than eight months since the former director of Multicultural SA (Ms Joy de Leo) left the position. Multicultural organisations have expressed to me their concern that the appointment of a permanent director does not appear to be the priority of the minister.

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): The Acting Director (Mr Simon Forrest) is doing an outstanding job. The office is in better condition than it has been for a long time. I look forward to the appointment of a person on a permanent basis.

RANGELANDS, PERPETUAL LEASES

The Hon. G.M. GUNN (Stuart): My question is to the Minister for Environment and Conservation in his capacity as minister responsible for the—

The Hon. M.J. Atkinson: So, which piece of the environment do you want to get rid of?

The SPEAKER: Order!

The Hon. G.M. GUNN: Well, the first one is the Attorney-General, and it is not far off.

Members interjecting:

The Hon. G.M. GUNN: I am really shy, and you are upsetting me. Mr Speaker, my question is to the Minister for Environment and Conservation in his capacity as minister responsible for the Crown Lands Act. Can the minister advise the house whether he is now prepared to allow those people who have perpetual leases used basically for pastoral purposes to join the freeholding process? I point out to the minister that many of these leases already join existing freehold land, and I am sure the Treasurer would be pleased to have the extra money; and my suggestion is in line with the recommendation of the select committee.

The Hon. J.D. HILL (Minister for Environment and Conservation): I can advise the house that the Attorney-General is not a protected species, but I am prepared to consider the matter. In relation to perpetual leases, as the member would know, as well as the select committee that looked at crown lands, we have gone through the process of considering whether or not the perpetual leases in what is known as the rangelands area should be freeholded as well. I have reached a policy decision not to do it on a general basis, but I have made exceptions in some circumstances. I have had representations from the member for Stuart's constituents and I agreed with the propositions put to me that in the circumstances of their leases it ought to be freeholded, because they are relatively small titles, and through the freeholding process those titles would be brought together. So there was a net benefit for the environment as well as for the particular land owner. However, the advice to me is that the land held under perpetual lease in what otherwise would be pastoral land is not being looked after in the same way as the pastoral land—

The Hon. G.M. Gunn interjecting:

The Hon. J.D. HILL: I know the member for Stuart does not agree with this analysis, but that is the position that was put to me. So, for the time being, we are not prepared to do it, but I am considering actively whether or not there is some mechanism that we could put in place to get a benefit for the environment and also assist those particular leaseholders.

SCHOOLS, FUNDING

The Hon. G.M. GUNN (Stuart): Can the Minister for Education assure the house that changes to P21 will not affect small rural schools who are concerned that, with changed arrangements, some of their funds have been cut? I seek the permission of the house to briefly explain my question. The Chairman of the Wilmington School Council indicated to me recently that the new arrangements to be put in place are making it particularly difficult for the school to budget for the future. They were one of the first schools to join the program, and were very satisfied with it up to this stage, but they are now concerned that the minister and her department are changing the arrangements and giving them less money, and they are now relying on special grants.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Stuart for his comments about the school. I am very happy to have extra advice go to that particular school because the new funding arrangements are not so much a change to a previous Liberal government policy, as our own policy, which we have introduced in funding schools, and supported with an extra $15 million worth of funding, from memory. That money has gone into the system to help with the imbalances, where some schools had, for instance, stepped funding without per capita funding, that represented the number of children with particular needs and also allowed a distribution that was more consistent from year to year. Inevitably, where enrolments fall in even a small school there will be less funds, and it is not possible to have a funding arrangement which supports per capita funding that does not have some uncertainty if there are falling enrolments.

Having said that, the small schools have particular problems. They do not have the economies of scale of large, urban schools. They cannot support particular programs with the same facility. They have the tyranny of distance and the additional costs for many areas of their endeavour—

Ms Chapman: Well, they need more money then.

The Hon. J.D. LOMAX-SMITH: Absolutely; that is why this government has increased the funding to small and remote schools because we want to support them. So, if the school in the member for Stuart's electorate feels that the additional funds have not flowed to them, and there is a problem with their funding, I will, of course, take the matter up on his behalf. We will ask the district director to assist them. We have certainly introduced more assistance in the district offices, and I am very happy to look into that particular problem, because our intention is to support small rural schools.

STUDENT CONCESSION CARDS

Dr McFETRIDGE (Morphett): My question is for the Minister for Transport. Why are students travelling on public transport not given any opportunity to verify their proof of concession? Many students receive fines for having invalid concession cards due to faulty stickers which were supplied by the Office of Public Transport. When a student has an invalid concession card they are not given any time to prove their concession. The maximum penalty for this offence under the regulations is $1 250.

The Hon. P.L. WHITE (Minister for Transport): The honourable member asked this exact same question—

Members interjecting:

The SPEAKER: Order!

The Hon. P.L. WHITE: —last year. The member wrote to me and I responded. I think that he had one constituent with this very complaint. From memory, and after a lack of sleep this week I am not sure how well my memory will serve me—

The Hon. W.A. Matthew interjecting:

The Hon. P.L. WHITE: I work hard. The stickers that university students receive—and I believe, although he may not have said so, that the constituent to which the honourable member refers is a student of some ilk, a student concession—are put on their ticket by the university administration and they are designed to disintegrate, and do disintegrate if they are pulled off and tampered with. This was put in place quite some years ago because there was passing around of student IDs, tampering with the concession stickers and putting them on other cards. I know I have responded to the honourable member, hence my surprise at his asking the question again. I provided him with a full response in the letter and that information still stands.

COMMUNITY SERVICE PROGRAMS

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. LOMAX-SMITH: The Minister for Correctional Services made a statement in another place on Tuesday 8 February regarding an alleged incident at a primary school on Friday 4 February. This involved a participant in a community service program. The Minister for Correctional Services advised at the time that he had suspended the program while a full review is conducted by his department. I confirm the action taken by the minister in another place and provide assurance to this house of the progress of the investigation. The Minister for Correctional Services has advised that this review is well under way and will include consideration of community service programs in general.

Whilst programs of this type provide a valuable community service, the greater priority must always be the safety and protection of our children and students. I advise the house that as Minister for Education and Children's Services I have reinforced the commitment of the Minister for Correctional Services and directed that such programs be suspended indefinitely in all government schools and pre-schools. The safety of our students is of paramount importance and will always be given the highest priority in assessing the future of any programs in our schools and preschools.

GRIEVANCE DEBATE

LAND TAX

Mr SCALZI (Hartley): Today I wish to put the so-called land tax reform issue into perspective. Whilst any relief is welcome, it is important to note that these land tax measures are only a short-term band-aid measure. There is no question that relief is needed and any relief is welcome, but, to put it in context, it will not really last. It will last to the next election, if that far, or until the next valuations come into effect. Last year I was able to contact my constituents after the public meeting held in my electorate at the Payneham Community Library at Felixstow, called by the Land Tax Reform Association. It was well attended; in fact, there was standing room only. After 12 months there has been a response because the government had no choice. The valuations—the increase in land tax—got to the point where the government had to respond, but the response is short-term. On 23 February another public meeting will be held in the Norwood Town Hall in the electorate of the member for Norwood, a marginal seat, and the government should take note. At last weekend's Carnivale Italian Festival the Premier and members of the government no doubt were asked on numerous occasions, as I was, what was going to happen about land tax because the burden has got to the point where the community can no longer bear it.

The Hon. R.J. McEwen: They must be happy with the outcome.

Mr SCALZI: They are not happy with the outcome. If someone has a shocking migraine you do not give them a Bex and say, 'Go away,' because it will come back. This solution is short-term and short-sighted and in the end will not deal with the bracket creep of property increases, which will ultimately bring back revenue to the government, unless there is some sort of system indexed to inflation and increases in property values.

The Hon. R.J. McEwen interjecting:

Mr SCALZI: He is a born again Labor supporter because when he was here before the minister did not make such speeches. I can understand that now. We must remember that the minister is referring to the time after the State Bank disaster when property values went down. To compare today's conditions to those days, when the government coffers have been flooded with GST revenue, increased stamp duties and property prices that have not been seen in the past 10 or 15 years, and to have a go at the previous government, is a bit rich. They will find out because people are not happy. Unless you have a system in place you will have problems because the increased valuations are affecting not only land taxes (and there has been a little bit of relief for investors) but also all other government charges—water and sewerage rates and council rates. I have a constituent who cannot bear the impost of this government as a result of increased valuations.

Time expired.

PUBLIC SERVICE, ETHICS

Mr O'BRIEN (Napier): Today I will discuss ethics within the public sector. Ethics are all about making decisions in the face of competing loyalties, priorities, responsibilities and accountabilities. In this respect ethics often include an internal dilemma concerning how to deal constructively with moral ambiguities and uncertainties. While ethics are important in all walks of life, they are especially vital in the public sector. This is because government employees make decisions that can and often do have a major impact on the lives of the public.

Public employees therefore hold a special position of public trust and, consequently, the public has very high expectations with regard to the use by public employees of government resources, information and power. In recognition of the vital need for ethics within the public sector, South Australian public sector employees are bound by special codes of conduct that have been designed to foster and maintain standards of behaviour that ensure public trust and the successful operation of the public sector.

The ethical framework for the South Australian public sector is provided by part 2 of the Public Sector Management Act 1995 and applies to all public sector employees and agencies. This ethical framework consists of three broad principles, which underpin ethics and standard of conduct in the public sector. These principles are integrity, respect and accountability. Integrity within the framework concerns the intent or meaning of an employee's actions. Consequently public sector employees have a responsibility under legislation to always attempt to meet performance standards to the best of their ability and to act honestly in the performance of their duties.

Respect concerns issues about how employees treat other people. Therefore, public sector employees are expected to treat other people with courtesy and uphold the values of human dignity, regardless of the situation.

Accountability refers to a public sector employee's responsibility to the government, the agency, the public and themselves. Notions of accountability are such as to ensure that people take responsibility for their own decisions and actions and that they recognise the consequences of their actions. Notions of accountability within the framework emphasise that judgments and decisions should be exercised within the confines of legislative requirements, government policy, ministerial direction and consideration of equity, efficiency and effectiveness.

In order to assist agencies to effectively implement the principles of integrity, respect and accountability, the Office for the Commissioner for Public Employment has developed an ethics education and communications strategy, in conjunction with senior management council and agency representatives. This education strategy has been specifically designed to assist agencies to effectively implement ethical practices for all public sector employees and agencies. This reflects recent amendments to the Statutes Amendment (Honesty and Accountability in Government) Act 2003, which modifies the Public Sector Management Act and which makes it clear that the code of conduct applies to all public sector employees.

This education strategy comprises three components which are designed for chief executives and non-chief executive employees. The first component is a facilitated discussion between the Commissioner for Public Employment and portfolio chief executives. This facilitated discussion is designed to ensure that chief executives have a comprehensive understanding of the impact of the honesty and accountability legislation.

The second component of the education strategy is a tailored education course for executive level employees, which is delivered through the SAVVY web site. This web site helps to raise the ethical standards required of chief executives and, therefore, helps to prevent undesirable behaviour. The last but equally important component of the education strategy is a tailored education course for all non-executive level employees. This course is produced as a training package called the ethics resource kit. This comprehensive and easily accessible ethics training program ensures that all employees of the public sector are aware of the statutory requirements of their actions and behaviour. Therefore, there is no excuse for unethical behaviour by public sector employees, particularly those at chief executive level.

Time expired.

HOON DRIVING

Dr McFETRIDGE (Morphett): On 26 March 2003—it seems such a long time ago—I asked the then minister for transport (Hon. Michael Wright) whether he would do something to allow local government to access details of drivers of motor vehicles from the Registrar of Motor Vehicles when these drivers were using their vehicles to do burn-outs in car parks and around the streets. Of course, when they do burn-outs they leave rubber on the road, which, apparently, can be considered littering. As well as being stupid, dangerous driving and life threatening in some cases, hoon driving is littering. Unfortunately, there is an anomaly where councils can get details of the drivers of motor vehicles if they are illegally parked; even if a dog defecates and a person does not pick it up and they drive away, councils can get details of the motor vehicle.

In this case, despite a question in March 2003, a letter to the Hon. Michael Wright in April 2003, a letter in September 2003, a letter to the current transport minister in March 2004, a question without notice to the Treasurer in May 2004, I asked the Attorney-General a question without notice on 27 March 2004—and he has responded positively. It is good news. I know the wheels move slowly in government. I thank the Attorney-General for doing this, because this is a very serious problem. We have seen hoon driving legislation pass through this place to enable police to confiscate vehicles and clamp down on hoon drivers, but there is nothing more annoying than lying awake in the middle of the night because

you have been woken by idiots screeching around the place and leaving rubber. If you are able to get the details of that car through the clouds of smoke and pass them onto the local council officers, they cannot do anything because they cannot get the details of that driver. Despite two ministers for transport saying that it was an issue and they would do something about it, nothing happened; but the Attorney-General has done it.

I cannot understand why things take so long in this place to achieve a result, but it is happening. I look forward to seeing many prosecutions. Hoon driving would be the No. 1 issue on the surveys returned to my office, when I send out letters and welcoming letters to new constituents and do letterbox drops around the place. Hoon driving around the Bay is a real issue.

We are getting more police. I congratulate Paul Schramm, the officer in charge of Sturt LSA, not only on his Police Service Medal in the recent Australia Day Awards but also for his positive policing. He is under enormous pressure. We are getting more police down at the Bay. They are in patrol cars or on foot; the mounted police were there the other day, and we are getting undercover police. It is starting to have an effect. We get 3 million visitors a year to Glenelg, 45 000 on any weekend. It is hard to be everywhere at once. If local government has the power to get information from the Registrar of Motor Vehicles for hoon driving, in this case for littering through burn-outs, then it will be an extra disincentive to the idiots who recklessly drive, cause annoyance and put people's lives in danger. I thank the Attorney-General for his help and I look forward to seeing the councils doing their bit in preventing hoon driving and burn-outs.

INDUSTRIAL REFORM

Mr RAU (Enfield): Today I want to say a few words about the proposals that I have read in the national media—proposals emanating from Canberra designed to centralise the industrial relations system in Australia in Canberra. I place on record the fact that this is a very Sydney centric view of the world. It amounts, in effect, to an attack on the regions, of which, of course, we in South Australia must consider ourselves to be a part. Why is it an attack on the regions and the states? First, it is an attack on our constitutional sovereignty. We have the constitutional right and obligation to make laws for the peace, order and good government of the people of South Australia, including industrial laws dealing with what goes on exclusively within the South Australian jurisdiction. That is a matter that has been the exclusive province of the state since well before federation—and it survived federation.

The second more important aspect of it is that this type of measure, which is a flattening out of the industrial relations system so it has a one-size-fits-all style of approach, actually removes the competitive advantage that we in South Australia have by imposing national standards in South Australia in circumstances where those standards may not necessarily be to our advantage. It is no secret to members who have had any thought about this matter that part of the reason this state was able to advance in an industrial way during the period of the Playford premiership was that we had a competitive advantage in South Australia in terms of our wage and cost structure. Part of that was our local industrial relations system; another part of that was the Housing Trust; and another part of that was good, active intervention of state government.

We had all that under Sir Thomas Playford, and it did this state a great deal of good. If we wind up with an homogenised national industrial relations system, we will find that, in terms of labour, the cost structures in South Australia will be identical to those in Sydney, Melbourne, Brisbane and all those great population centres. This will provide a tremendous opportunity for people on the eastern seaboard to pinch jobs from Adelaide and from the regions, such as those represented by the member for Stuart, and move them interstate.

Part of our competitive advantage is that we have our own indigenous cost structures, and they are determined here by reference to our local Industrial Relations Commission and to our local industrial relations laws. If those were to be swept away, the capacity of this parliament, and any government of South Australia, to deliver what amounts to architectural advantages to business in South Australia would be removed. That is something all of us should think about very seriously. The fact is that, in making a proposal such as this, the commonwealth government is not governing for the benefit of all Australians. Either knowingly or in ignorance, it is governing for the East Coast, the big triangle, the big populations and the big centres. It will move the focus (even more than is presently the case) of industrial practice and law to practices which may be very pertinent in Sydney and Melbourne but may have no application here. That will leave us with very little room to manage our own system.

I hope that those opposite will speak to their federal colleagues and point out that small business, farmers and rural communities in South Australia need reform of this type like a hole in the head. What they need is for us to be able to make our own decisions in South Australia for the people of South Australia who elect us to this parliament. I urge them all to get on the telephone, or write letters to their federal colleagues, and say, 'Look, chaps, remember all those years ago when you used to complain about the Canberra octopus? You are now the Canberra octopus. What about backing off and letting South Australia get on with what it is doing and let us manage it? That's what we were elected to do.' I urge all members opposite, particularly the great and influential member for Stuart, to pick up their pen, write to their federal colleagues and say, 'Why don't you chaps focus on something else?'

EYRE PENINSULA BUSHFIRES

The Hon. G.M. GUNN (Stuart): I listened with some interest to the distinguished member for Enfield's new-found support of state rates. I am pleased that the Labor Party, from its past centralist views, is becoming a party that believes in the decentralisation of power and in local people making the decisions that affect them—something that members on this side have always supported. I suppose it is a good thing to have a debate about these issues, let people let off a bit of steam and leave it at that. I hope that, in the fullness of time and in the coolness of the evening, these people will consider their position. Unfortunately, one day (long down the track though it may be) there will be a change of government, and the things it talks about may be used in reverse against it. I have a view that there needs to be a dual system of industrial relations, just as I do not think that it would be very beneficial for the hospital system to be centralised.

First, I commend members for their comments in relation to the Eyre Peninsula fires. The member for Schubert and I saw much of the damage, the horrendous effects of the bushfire and the disruption to the community. I think that it is true to say that all those people involved in attempting to contain and control it need our admiration and support. The fires certainly brought home the urgent need to ensure that land-holders have the ability to take positive steps to reduce hazards so that they are in the best position possible to protect their property. The foolishness of the Native Vegetation Act can no longer be allowed to stand in the way of people putting in decent firebreaks, having cold burning of native vegetation on the property and having the ability to graze some of the native vegetation to reduce the fire hazard. I say to the minister responsible, and those obstructionists in his department (although there are one or two good, sensible people): 'You've had your go and you failed.'

This morning, there were discussions on the radio about the likelihood of more fires, and the general advice was that there will be more and that they will be worse. So, let us take some positive steps: let people put in 20-metre firebreaks, let people put in decent access tracks and let us not have any red tape. Let us get rid of that foolish chairman of the Native Vegetation Council and put in a practical person who understands the realities. I have been calling for this for a long time, so I have a clear conscience. I say to these people that they had better come to their senses, because it will catch up with them, and the effects on innocent people could be horrendous.

The other matter to which I want to refer briefly relates to the question I asked the Minister for Environment and Conservation about freeholding of those perpetual leases that join the pastoral areas, the transitional rangelands. There is no reason whatsoever why they should not be freehold, and it is the same with miscellaneous leases. There is no reason—only the intransigent attitude of those wanting to keep control. It is untrue and misleading for these people to write these foolish reports (which cannot be substantiated by fact) that these particular areas of land are in a worse condition than the pastoral areas. That is not correct. Even the minister agreed that it was hard to justify the report put before the select committee. It is a nonsense. It is people with an intransigent and dog in the manger attitude, and their time has long since passed. People should be allowed to freehold this land and pay the money to the government so that they could have a bit more security. We should get rid of this unnecessary red tape. I freely admit that, in government, we were dudded, but it will not happen again. We know who they are, and it will not happen again.

Mr Snelling interjecting:

The Hon. G.M. GUNN: That is dead right: you need a hit list. You need to have the files in the right place and turn the right page! It is the same with miscellaneous leases. We must take steps to give the pastoral industry the ability to invest.

Time expired.

TAILGATING

Ms THOMPSON (Reynell): I rise today to express my concern about a significant road safety issue: tailgating. It is simple logic that the closer you get to the vehicle in front, the less chance you have to avoid that vehicle if it suddenly slows or stops. All of us should be what I like to call 'proactive drivers'. By this I mean that we need to be aware of the situation in which we are driving and take steps to avoid potential collisions, a key element of which is to stay back a safe distance behind a vehicle—in other words, maintain a safety cushion or buffer. I am sure you know, sir, that tailgating is a significant cause of rear end collisions. Data provided by the Department of Transport shows that, over the five-year period from 1999 to 2003, 36 per cent of crashes in which someone was injured or killed in the Adelaide metropolitan area were rear end collisions.

Certainly, the Motor Accident Commission is very concerned about these sorts of collisions, as they form a major part of its claims. It is you and I, sir, who have to pay a higher premium to cover the cost of those claims. I am advised that, if these sorts of crashes were halved, there would be savings of around $40 million per annum in terms of CTP insurance costs, as well as large savings in vehicle repair and other costs, such as health costs. I am pleased that police have been able to deploy new technology that can detect tailgating. SA Police have said that some 570 people have been detected tailgating in the last six months of 2004.

I am pleased that they are now able to detect more drivers who engage in this practice. I am pleased that the RAA supports this enforcement. Quite simply, it is bad driving on any road and, on high speed roads such as the South-Eastern Freeway, the Southern Expressway and most rural roads, it is simply foolhardy. Many of my constituents have contacted me over the issue of tailgating and their fear on the roads when having someone driving too close behind them. Occasionally, other constituents contact me who believe that they are capable of making decisions about what is safe driving at any particular time. I respect their views of their own capabilities but ask them whether they have a similar trust in all other drivers on the road. In other words, do we need road safety rules that have been determined by this parliament, or do we think that every driver on the road is capable of making a clear decision at all times about what is safe?

I urge motorists to adopt the two-second rule promoted by police and road safety experts. It is a simple rule. At a constant speed you should be able to count at least two seconds before you get to a point the car in front of you just passed. In adverse weather, that distance should be extended. I commend the steps that the government has taken to remind motorists of the dangers of tailgating. In fact, this was another request from several of my constituents who had observed that interstate there were often large signs on major roads reminding drivers of the need not to tailgate. I was pleased that, after my request to the minister, some of these signs appeared fairly quickly on the Southern Expressway, and I am sure the constituents who had asked for them were similarly pleased.

I note that in *The Courier* of Wednesday 9 February 2005 Hills police officer, Superintendent Tom Rieniets, talks about the recent campaign on safe driving which was conducted in the Hills and Murraylands areas. He noted that, during that time, 47 motorists were reported for tailgating. Superintendent Rieniets also applauded the new technology which had proved successful in catching tailgaters—a dual-purpose laser gun which measures the distance and time between travelling vehicles. He said: 'The new laser gun had been used regularly on the freeway and had led to a 42 per cent increase in the detection of tailgating.' There was further concern in the Hills' campaign about motorists who were not wearing seat belts. Rules of the road are there for the safety of us all, not for the convenience of drivers who think they can make expert decisions at all times.

Time expired.

The Hon. M.J. WRIGHT: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 9 February. Page 1486.)

Clause 13.

The Hon. I.F. EVANS: Why are we extending the term of the board from two years to three years; and who has requested this?

The Hon. J.D. HILL: It was just a matter that was considered during the process of the review of the act. It is consistent with other boards. When we had the debate about the natural resources management board, if the member recalls, I wanted to bring it in for four years and the opposition suggested three years. That caused us to consider the term of this board. There is no big deal or big problem if it is not supported, but three years is a reasonable length of time.

Clause passed.

Clause 14.

Mr HANNA: My amendment is consequential and I am not proceeding with it.

The Hon. I.F. EVANS: Given the way in which the bill is drafted, if the deputy presiding member is not there, who chairs the meeting? I was in favour of the member for Mitchell's amendment because it gave the board the capacity to elect its own chair in the absence of the presiding member and the deputy presiding member. As I read it, the bill says that if the presiding member is not there then a deputy presiding member chairs the board, which is logical. It then does not give a resolution about what happens if the deputy presiding member is not there. The member for Mitchell's good amendment, I thought, resolved that by giving the board the capacity, by its own motion, to elect its own chair.

The Hon. J.D. HILL: I am advised that the arrangements are in place now. The arrangements have been in place for eight years and they have worked adequately. As the honourable member and the committee would know, the bill provides that a particular person from the board can be identified as the deputy chair to preside in the absence of the presiding officer. I am advised that is sufficient flexibility to allow the board to operate. Meetings are called only when one of those two officers is around, and that is the way it has worked for eight years—adequately. As the honourable member said, I am not necessarily opposed to the proposition put by—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: I will have a look at it between houses and, if necessary, I will move it in the other place.

Clause passed.

Clause 15 passed.

Clause 16.

The Hon. I.F. EVANS: I move:

Page 7—
Line 15—
Delete paragraph (a) and substitute:
(a) councils declared to be administering agencies by the minister by notice in the *Gazette*;
Lines 18 to 20 inclusive—
Delete subclause (2) and substitute:
(2) The minister may only declare a council to be an administering agency at the request of the council.
(3) The minister may, if the minister thinks fit after consultation with the council, and must at the request of the council, by subsequent notice in the *Gazette*, declare that a council that is an administering agency will cease to be an administering agency on a day specified in the notice.

I have withdrawn my amendment No. 4. Essentially this amendment says that a council can become an administering agency by way of own motion, and the government therefore must accept it as an administering agency, which is in the bill anyway. It then separates out the exit provisions of a council that does not want to remain an administering agency. This bill gives the council, by way of its own motion, the opportunity to exit from being an administering agency. It also gives the minister the power, following consultation with the council (as a result of the minister's own decision), the ability to withdraw the capacity of the council to be an administering agency.

He must consult with the council first because, obviously, the council may have locked itself into certain liabilities, such as car leases or employment of staff, etc. So, there may have to be a time delay before the minister's decisions could be implemented. That is why there is a need for consultation. However, just as the local government minister occasionally takes off the power of councils and appoints administrators because councils are not performing their role sufficiently, it seems logical to me that there must be a process in the bill so that if the council, as the administering agency, is not performing to the minister's or the bill's requirements, there must be a process for the minister to act after consulting with the council.

Mr HANNA: The amendment moved by the member for Davenport seeks to do exactly the same thing as expressed in my amendment. I acknowledge that it is more explicit, so I will be supporting it and not providing my own amendment. I believe that the effect would be the same as between the member for Davenport's amendment and mine. My amendment may not have been explicit that councils would have to request the state government to take them off the list of councils performing the EPA role; but, in reality, if a council did not want to do it after it had been prescribed it would simply stop doing it and the state government would step in any way. I am happy with the wording of the member for Davenport's amendment.

The Hon. J.D. HILL: I indicate that the government accepts and supports the amendments that have been moved by the member for Davenport. I think that they are superior, in fact, to the set of words that were in the original bill. They provide more flexibility. I understand that—my office having talked to the Local Government Association today—the LGA is happy with that amendment. The member for Davenport has facilitated the LGA's request in the fact that this is a second set of amendments to effect the same purpose, that is, the process of consultation, which is what it indicated it wanted included.

If the LGA is happy, if the member for Davenport (and therefore the opposition) is happy and the member for Mitchell is happy, I can assure the committee that I am absolutely delighted. That means that we have a consensus on this issue, which is a good thing.

Amendment carried.

The Hon. J.D. HILL: I move:

Page 7, lines 34 and 35—

Delete ', subject to any conditions specified in the regulations' and substitute:

(subject to any conditions specified in the regulations) other than prescribed activities of environmental significance or activities undertaken at the same place as a prescribed activity of environmental significance

This amendment has been sought by the Engineering Employers Association. It sought an amendment to limit the jurisdiction of public authorities that became administering agencies. For example, a council that becomes an administering agency would not have jurisdiction over licensed premises. We would certainly support that. That is the purpose of this amendment. I am pleased to move it.

Amendment carried.

The Hon. I.F. EVANS: New section 18A(1)(b) talks about any other public authorities prescribed by regulations becoming administering agencies. Could the minister give the committee some examples of the public authority that the government is looking at becoming administering agencies under the bill?

The Hon. J.D. HILL: The areas about which we are talking are the areas that are not covered by local government, that is, the unincorporated parts of the state or the Aboriginal lands. For example, the Anangu Pitjantjatjara Lands Council and the Maralinga Tjarutja Land Council might become administrative arms. That would be quite an interesting advance on where we are in relation to those lands. Obviously, it is very difficult for the EPA to operate in that area without a lot of cultural activity taking place.

If the AP or MT land councils were to take on that role to look after unlicensed activities in that area that, in my opinion, would be quite a good thing. Equally, I guess, any other public authority in a particular area could do it, too. This is hypothetical; I am thinking aloud here. For example, the South-East Local Government Association (SELGA), which operates across the whole of the South-East, may decide to take on these duties as a broader body rather than individual councils. So it is put in particularly to help the Aboriginal lands, and the Department of Aboriginal Affairs thought it was an option that should be pursued.

The Hon. I.F. EVANS: In a similar vein, I notice in new section 18B dealing with the powers and functions of the administering agencies, that it gives the minister the opportunity to prescribe persons or bodies which the administering agency will not have authority over. New section 18B(1)(a) exempts the licence activities, in effect. Then 18B(1)(b) exempts activities undertaken by the Crown, the council or another public authority or a prescribed person or body. Can the minister give an example of a prescribed person or body that the government might be looking at?

The Hon. J.D. HILL: The example I am given is aquaculture, which is not covered by the EP act and, if this were to pass without establishing that that is not covered, it would be that it is not covered by the EP but it could be covered by a local council, for example. Aquaculture is not licensed under the act. If you were to say the difference between state and local is that state does licensed and local does unlicensed, it might be thought that they would deal with aquaculture but, in fact, PIRSA is responsible for the regulation of aquaculture. So it would be to make plain that local authorities could not regulate in those areas.

The Hon. I.F. EVANS: So, why has the minister not given the bill the flexibility the other way, so that if the owner of the licensed activity is comfortable and the local administering authority wants, it can administer licensed activities? I will give an example. The minister said yesterday that I was wrong in my assumption that it has cost the EPA the same amount of money to administer this as it cost the local council because some of the local councils are regional. Take the Jamestown sawmill water example that I referred to. My guess is that there are not a lot of licensed activities in Jamestown—I might be wrong but there would not be 100, there might be 10 in the whole area, probably. There would not be a lot. It may well be a more efficient system to go to the owner of that licence and say, 'We can either administer this from Adelaide or we can have the local council administer it if you are comfortable with that.' It does not seem to me to have the same flexibility. The flexibility is taking things away from the administering agencies, not giving things to the administering agencies.

The Hon. J.D. HILL: I guess it is to do with the responsibility of the EPA, and its prime responsibility is to deal with the more complex and serious issues and they are the ones that end up being licensed. The member makes an interesting point, but certainly it is not something that had been contemplated and had not been raised with anybody who made submissions to us in relation to the act that I am aware of. I guess it is worthy of consideration but I cannot give a more explicit answer.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Well, it has not been considered. But the point is what we as a government want the EPA to do is concentrate on the serious and complex matters which are difficult to deal with, and they are by definition those that are licensed, and that is appropriate. What we want is for local government to do things which are local and unlicensed, and it is kind of a ready distinction between the authority levels of the two levels of government. But there is merit in what the member says and I guess it is worthy of further consideration.

The Hon. I.F. EVANS: I might have this wrong because I am only a lay person reading this, but I think I am right. The way I read the delegation powers in new section 18C is that the administering agency has a power to delegate to a committee of persons. I am not sure whether that is different to an incorporated association but I think they might be similar. Does that mean that a council can delegate to whomever the council wants to delegate without ministerial approval; and could a council, for instance, delegate its authorities to KESAB or some other organisation such as that which is made up of a committee of persons?

The Hon. J.D. HILL: As I understand it, I think the point the member asked was whether a particular council could delegate to KESAB. I guess it could, provided delegation was subject to the conditions specified in the instruments of delegation, and new section 18C(3) would also apply. The member asked whether the minister is involved. I am not involved. It is up to the council. Once it has that authority, it can then delegate it.

The Hon. I.F. EVANS: Would that include a delegation to a for profit entity? For instance, a company with a board, which is a committee of persons, I would assume is covered by that. So, if a council wanted to delegate the authority to a for profit entity made up of a committee of persons, I assume they can do that.

The Hon. J.D. HILL: That is true, and it could be a consultant or somebody with expertise in a particular area that the council chose.

The Hon. I.F. EVANS: And does that mean they can then come to any commercial arrangement in relation to the fines and levies issued? Because the for profit entity would then be issuing the fines. Can there be a commission structure between the person issuing the fines and the delegated authority, which is a for profit entity, and the administering authority?

The Hon. J.D. HILL: Can I clarify the question? The member is asking the amount of fines prescribed—

The Hon. I.F. EVANS: I will say it again. The council becomes an administering authority. Under new section 18C it can delegate without ministerial approval, so it delegates to a for profit entity, which is a committee of persons, and it says to the for profit entity, 'We will give you 50 per cent of all fines collected as a commission.' Does anything in the bill prevent that?

The Hon. J.D. HILL: The advice I have is no, but I say to the member that he is exploring hypothetical circumstances which are highly unlikely to occur. But, given the propensity for issues such as this to be exploited politically, I will undertake to move an amendment in the other place which will restrict that capacity.

The Hon. I.F. EVANS: Restrict which capacity—the capacity of local council to delegate to a for profit entity, or the capacity of the council to delegate to a for profit entity on the basis of a commission? What is wrong with the council which does not want to take the risk of the cost structure of this proposal saying to a for profit company, 'We are happy to delegate to you the powers as long as you cover the costs and we get a cut of the income'? The council might only want 10 per cent of the income but the company wears the expenses of running the scheme as a delegated entity, but it also provides some income to the council. What is wrong with the council's doing that?

The Hon. J.D. HILL: In the manner it has been described, there probably is no problem, but we would want to make sure—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Well, we would want to regulate it. I will have a look at it and see whether there are any issues with it. The member raises an interesting question, and it has not been raised before, whether or not there were any issues, because we would not want a perception, or a reality, of a for-profit company going out and creating profit from unnecessary use of these powers. This is about a proper exercise of powers by a properly elected body, which in this case is a council, and I would want to have a closer look at it and, if necessary, I will introduce some appropriate mechanisms to regulate it.

The Hon. I.F. EVANS: Does that mean that the minister has a problem with local councils making a surplus out of the administration of the provision? If a council, for instance, employs an officer say, on $50 000, but they achieve fines over and above costs of, say, $70 000, is that an issue to the government, given that the minister has expressed concern that the council might dare delegate it to a private company that might make a surplus? Is it a concern to the government that the council may well use it to create a surplus, and pay for other provisions that the council might be providing? Is that of the same concern to government or are they different issues because one is council and one is private?

The Hon. J.D. HILL: I think that it is clear that local elected authorities are responsible directly to their electors, and they take a broader interest in these things. I think that it would be unlikely that they would want to do this as a money-making exercise and the processes are in place for them to do it appropriately. In fact, I think in practice that it is very unlikely that what the member is describing would occur, and it is an interesting, hypothetical and academic argument. In fact, the councils are saying to me that the regime that we are proposing would not be sufficient to cover their costs.

So, it is unlikely if that is the case that they would be able to make profits out of it and, therefore, it is unlikely that they would enter into a deal with a private company to do it on some sort of share of the fines. It is more likely, I would have thought, that if a private company was employed to do it they would be on a contracted up-front payment basis rather than on a percentage basis. I will have a look at that more closely to make sure that we do not set up a system that would be seen to be unreasonable.

Clause as amended passed.

Clause 17.

The Hon. I.F. EVANS: The bill states:

> (ba) the prescribed percentage of amounts recovered by the Authority, by negotiation or as a result of the civil proceedings, in respect of the contravention of this Act

go into the Environment Protection Fund. What sort of percentage does the government envisage?

The Hon. J.D. HILL: I expect it to be the same as it is in relation to the criminal fines, that is, 100 per cent of expiation and penalties. That is the current situation—100 per cent. The current rule 24(3)(a) states that it is the prescribed percentage of fees paid under this act. So, it is a similar sort of language which applies to the existing arrangements and that is 100 per cent. With the licensing fees it is 5 per cent, but in relation to prosecutions it is 100 per cent.

The Hon. I.F. EVANS: Did I understand your answer to be that 100 per cent of fines and penalties, and 5 per cent of licence fees, go into the Environment Protection Fund?

The Hon. J.D. HILL: Yes.

The Hon. I.F. EVANS: Is that regardless of who issues the fine or penalty or the negotiation, even if it is local council or the Aboriginal authorities that you spoke of?

The Hon. J.D. HILL: The capital A authority is the EPA itself, the Environment Protection Authority, and the EPA is the only body that can exercise these powers.

Clause passed.

New clause 17A.

The Hon. J.D. HILL: I move:

After clause 17—
Insert:
17A—Amendment of section 25—General environmental duty
(1) Section 25(4)b—after 'duty' insert:
; and
(2) Section 25(4)—after paragraph (b) insert:
(c) failure to comply with the duty will be taken to be a contravention of this Act for the purposes of section 135.

This proposition, which I move after consultation with the Local Government Association, allows recovery of costs for a contravention. The LGA received legal advice indicating that a breach of the environmental duty, as would often be inspected by councillors and administrative agencies, is not a contravention of the act. Accordingly, this amendment has been prepared to ensure that failure to comply with the duty

will be taken to be a contravention of this act for the purposes of section 135.

The Hon. I.F. EVANS: Can the minister give me an example of what the Local Government Association was concerned about? Can he give me a breach in environmental duty that is not currently a contravention?

The Hon. J.D. HILL: It could be undue noise at night time from machinery or such, where the council has issued an order. I am advised that this is really a clarification of the existing arrangements, but the noise issue is the one that springs to the minds of my advisers.

New clause inserted.

Clause 18 passed.

Clause 19.

The Hon. I.F. EVANS: It is a minor point, but I cannot quite work out new subsection (9), which reads:

> Where written submissions are made in response to a draft policy, the Authority must, as soon as is reasonably practicable after the end of the period specified for the making of submissions, prepare a response to the submissions and make the response available for inspection by interested persons. . .

Why not say that they will be put on the web site within so many days? It is all right for people in the city who can walk into the EPA office during 9 to 5, Monday to Friday, and look at the responses but what about the people of Whyalla, Port Lincoln and the Riverland who cannot access that easily? I know it is a minor point, but the agency does have a web site.

The Hon. J.D. Hill: We are going to do that.

The Hon. I.F. EVANS: It does not say that in here. It would make far more sense to change this provision to state that it has to be on the web site within 40 days or 30 days or a specified time.

The Hon. J.D. HILL: This is the way that it has been drafted to create the general responsibility. It will, as a matter of practice, be put on the web site but it will be made available in other forms as well for those who do not have access to the web.

Clause passed.

Clause 20 passed.

Clause 21.

The Hon. I.F. EVANS: This clause amends section 29 of the act in relation to the making of policies, which I assume is the EPP process. I may have misinterpreted some of these issues, but I want to make sure I understand what the new provisions say. The way I read clause 21, amending section 29(1a)(ii), the minister can amend an EPP as he considers necessary in response to an EPP measure. It gives the minister a very broad power to expand on even the EPP measure. It simply says 'a draft environment protection policy that amends or revokes another environmental protection policy as the minister considers necessary or desirable. . . ' It gives the minister carte blanche. Where is the public consultation in relation to the minister's changes?

Progress reported; committee to sit again.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

BROOK, Mr P.

The DEPUTY SPEAKER: For the information of members, I point out that the Head Attendant, Perry Brook, will have served 25 years tomorrow. We appreciate the work that not only the attendants but all other staff here do in supporting the role of the parliament. We trust that Perry has a nice day off, at least on Sunday.

The Hon. J.D. HILL (Minister for Environment and Conservation): I extend to Perry the government's congratulations as well.

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

In committee (resumed on motion).

The Hon. J.D. HILL: The request is that we try to simplify the process, so you have to take something out of it somewhere. The extra stage of consultation has been taken out. Consultation has been done at a national level in relation to the NEPM and we translate that into an EPP. That is consequential upon and in addition to the other amendment we talked about last night, which allows the NEPM to be translated into something that fits in with the framework that we have in South Australia other than sit as an uncomfortable thing on the side of our own set of regulations and policies.

The Hon. I.F. EVANS: I accept what the minister is saying, but it is not as simple as that. First, under new section (1a) the national environment protection measure could have been revoked or expired and therefore not even exist, and then this provision gives the minister the power to bring in any policy he wants on a matter that does not exist. There would be no consultation on the new matter brought in on a revoked policy. I accept consultation would have occurred at the time of making the national policy. It is then revoked or expired and therefore has no effect. Then this gives power to the minister to bring in any policy the minister wants on that issue and no consultation process is involved.

Further down, new section (1b) states that the minister may implement a national environment protection measure, despite the fact that it includes provisions that are not included in or required by the measure. If the measures are not included in the measure, that being the national environment protection policy, how were the people consulted? The minister's answer was that the people were consulted as part of the national environment protection measure. This says the minister can bring in a policy at his own discretion on a matter that has either been revoked, does not exist or includes provisions that are not included or required by the measure. It seems that there is far greater flexibility for the minister—I am glad everyone is listening—under this provision than under the previous provision. I do not have a problem with the consultation provisions being streamlined, but they should be streamlined in relation to things that exist or on which there has been consultation, or be streamlined in relation to provisions that are included or required by the measure. This basically says that the minister does not have to consult and can do what he or she wants.

The Hon. J.D. HILL: I do not think it is as serious as the member suggests. This is about establishing goals or policy frameworks for the development of other policies. It is something that is in the province of government. The government can set a goal, a target or policy. Normally before governments do that they would seek the views of others, but this is in part trying to simplify the process, so you have to do something that is simpler if that is what you want—and everybody says that is what they want. This is a relatively minor process to ensure that those kind of policies are introduced into South Australia. It would not be a policy

saying that a particular chemical or process is banned. It is a broader, more strategic kind of thing.

The Hon. I.F. EVANS: I understand what the minister is saying, but please explain what consultation process the minister by law has to follow under this bill if an environment protection policy has been revoked and the minister wishes to bring in a new environment protection policy as the minister considers necessary or desirable as a consequences of the national protection measure being revoked? What is the public consultation process you must follow—not what is desirable. What do you have to do by law under this bill?

The Hon. J.D. HILL: I am trying to clarify it for the honourable member. Subparagraph (ii) provides:

> a draft environment protection policy that amends or revokes another environment protection policy as the minister considers necessary or desirable—

has to be said in terms of what comes next—

> in consequence of implementation of the national environment protection measure. . .

Let us go through them. If there has been an implementation of a national environment protection measure, then the minister can do certain things. If there has been an amendment of that, then the minister can do certain things. In those cases there has been consultation. If there has been a revocation or expiry then the minister can do those things, as well. That is as I understand it. It is really translating to the state level the things that have been done on a national level without consultation.

The protection for the public, or, if you like, for the broader community, is in the fact that any of these things which are done are subject to disallowance by either house of the parliament.

The Hon. I.F. Evans: Say that last bit again?

The Hon. J.D. HILL: As I understand it—and I have just had it confirmed—any of these measures would be subject to disallowance procedures of the parliament. It is not something the minister can do solely. It is subject to a broader scrutiny, which is that of the parliament. It is similar to a regulation, therefore.

The Hon. I.F. EVANS: I understand that. New subsection (1b) provides that a draft environment protection policy can include provisions that are not included in the NEPM. How is the public consulted on those provisions which are not included in the NEPM but which are included in the environment protection policy?

The Hon. J.D. HILL: This is an enforcement provision which is limited to the NEPM policies. It is necessary to do it because there is no other way of getting those policies into practice.

The Hon. I.F. EVANS: I understand the public is consulted when a NEPM occurs at the national level, but new subsection (1b) provides:

> . . . a draft environment protection policy will be taken to implement a national environment protection measure—

the measure has been consulted, I understand that—

> despite the fact that it includes provisions that are not included in [the NEPM].

I am interested in those issues which are not included in the NEPM but which can be included at any stage. How is the public consulted on those?

The Hon. J.D. HILL: I am advised that this is a technical requirement that allows the provisions, on which there has been consultation already, to come into effect. It is the mechanism that allows it to happen. It is not something on which you would probably consult because it is a device to allow this to happen.

Clause passed.

Clause 22.

The Hon. I.F. EVANS: Why is the penalty increased under these provisions from $120 000 to $150 000?

The Hon. J.D. HILL: This is consistent with the changes that were made in the first bill. It was the government's policy that there ought to be a greater level of penalty applied to offenders. This measure pursues that general agenda. It also broadens the range of fees. In fact, some of the fines are reduced, as I understand it. There is a possibility of having a new and smaller fine, which is as low as $50, for very minor offences.

Clause passed.

Clauses 23 and 24 passed.

Clause 25.

The Hon. I.F. EVANS: This clause amends section 39. Why is new subsection (1)(b) drafted in the terms of 'owner or occupier'. If you notify the occupier, which to my mind would be a tenant, and the tenant does not get on with the landlord, which to my mind would be the owner, how does the owner know what the occupier is agreeing to if it is 'or'?

The Hon. J.D. HILL: It is administratively difficult in all cases to identify owners. When consultation is occurring, the most logical thing is to place a letter in the letterbox to either the owner or the occupier or the owner/occupier. It is to ensure that parties most likely to be affected by a prescribed activity are directly informed about the licence application. That is what it is about. If you are doing something in a community, you want everyone who will be affected by it to be advised.

The Hon. I.F. EVANS: I agree with you; I think everyone affected by the activity should be advised. This does not protect the owner or, indeed, the occupier. Without wishing to be pedantic, it is my view that it should be 'owner and occupier' rather than 'owner or occupier'. It seems a flaw in the system if the owner of the property is not advised when the occupier is. New subsection (1)(b) provides:

> if the application relates to an activity that is to be undertaken on a particular piece of land—cause notice of the application to be given to the owner or the occupier of each piece of adjacent land, inviting the owner or occupier to make written submissions. . .

It could work in this way: if you do not locate the owner, you notify the occupier. The occupier, who could be having an argument with the owner and leaving in six months' time, says, 'We don't have any problem with this new activity going on next door.' The adjacent owner knows nothing about it and does not get the opportunity to make a submission. With due respect to the officers, I do not accept the advice that it is hard to find an owner's whereabouts. The business affairs section of government has something like 80 000 businesses registered. It could certainly inquire there about the owner of the business. Every employer in the state is registered with WorkCover. You could use the powers under the act to ask the tenant who the owner of the building is, and I think most tenants would advise you.

It is a flaw in the system, minister, that the owner and occupier are not notified. I reverse the argument and say that the occupier also has a right to be notified. You might locate the owner, who may well not have a problem with it, but the tenant might. A classic example which I remember well (as, I am sure, does the EPA) is the old Mount Barker foundry. I remember when there were some rumours that it might be placed next to the Mount Barker salmon factory, or within the

general facility. Naturally, the tenant of the salmon factory complained because of odours, etc., but was the owner of the building ever notified? I am not quite sure. There are issues, of course, for owners about industrial fumes, corrosion metals, roofing and long-term maintenance issues. In that respect, I think there is a flaw in this bill. It should be an 'and' not an 'or', because, if it is an 'and', all occupiers need to be notified. I think that would be a better provision.

The Hon. J.D. HILL: I understand that, in an ideal world where there are unlimited resources, you would do that, but I draw the member's attention to the existing provisions, namely, 39(1)(a) and (b). At the moment, all the EPA needs to do is cause public notice of the application to be published in a newspaper circulating generally in the state and, in the public notice, invite interested persons to make written submissions. That is all it needs to do. So, what it is trying to do is go one better. That will happen and, in addition, a notice will be placed in the letterbox of everybody who lives in the district, so there will be direct consultation. What you want to do is to go to an additional stage. Ideally, that would be great, but an enormous burden would be placed on the authority to undertake a search to find all the owners, which might not be successful.

The Hon. I.F. Evans: And you may well find that the owner is in breach of the act.

The Hon. J.D. HILL: That would be one owner, but what we are talking about here is how many owners? It could be hundreds or thousands in a particular district, depending on the nature of the activity. It could be unduly onerous. I draw the member's attention to the Development Act. Category 2 developments have a similar provision in relation to the requirements for notice to be given. This is consistent with the Development Act, and it is an improvement on what is there. The request the member for Davenport makes, no matter how noble, is impractical.

The Hon. I.F. EVANS: So that I am clear, the way that I read new subsection (3)(aa) in clause 25 is that, if the minister wants to, he can put a provision in the EPP policy that this provision not apply (so, owners and occupiers are not notified) and he can also do it by regulation, if he so chooses.

The Hon. J.D. HILL: A very good practical example has just been given to me, namely, licensed transport businesses which roam the whole state. You would have to put a letter in everybody's letterbox in the whole of South Australia if it were a transport business. That is the advice I have received.

The Hon. I.F. EVANS: Can you ask your officers whether the transport businesses must have a registered office for their company for tax purposes and why they could not simply send it to the registered office?

The Hon. J.D. HILL: I do not follow the honourable member. This is to notify people who may be affected by the licensed activity, and that licensed activity might be a transport company. So, if the transport company is travelling on every road in the state, you cannot, practically, put a letter in—

The Hon. I.F. Evans: Well, I would be very happy to be practical in that circumstance.

The Hon. J.D. HILL: Thank you.

Clause passed.

Clause 26.

The Hon. J.D. HILL: I move:

Page 12, lines 38 and 39 and page 13, lines 1 to 3—
Delete subclauses (3) and (4) and substitute:
(3) Section 43(6)—delete subsection (6) and substitute—

(6) The Authority may, of its own initiative and without application by the holder of an environmental authorisation, renew the authorisation if the Authority is satisfied that it is necessary or appropriate for the protection or restoration of the environment that the holder of the authorisation be bound by conditions of an authorisation (and may do so notwithstanding that the activity undertaken pursuant to the authorisation has ceased but only if the activity ceases after the commencement of this subsection).

The LGA sought amendment to the bill to clarify that the EPA may only renew a licence post closure pursuant to the proposed new section 43(6) of the act if the activity ceases after the commencement of clause 26 of the bill. This clarifies that the clause is not retrospective, and we are happy to make that clarification for the LGA. I understand that, as a result, the LGA supports the general provision about post-closure licensing.

Amendment carried; clause as amended passed.

Clause 27.

The Hon. I.F. EVANS: Why does the EPA need an extra three months following the 12-month period under clause 27, which deals with section 45, new subsection 3(ab)? Is this just a provision to say, 'We can't quite get ourselves organised, so we need an extra three months'?

The Hon. J.D. HILL: This is a request from within the authority, namely, this is the appropriate amount of time required. I point out that, under the honourable member's government, drafting instructions on this were also given. It allows time for appropriate negotiations to take place.

The Hon. I.F. EVANS: Just because they were drafted does not mean they were introduced.

The Hon. J.D. Hill: I understand that.

The Hon. I.F. EVANS: One assumes that authorisation would maintain in force while the negotiations are occurring for that three months. If that is the case, when the new authorisation is finally negotiated, which might be three months into the next year, they cannot have any retrospective effect, other than would already exist in the existing authorisation while the negotiations were occurring.

The Hon. J.D. HILL: I think that the member for Davenport is barking up the wrong tree. It is not the renewal of a licence after one year; it is if a licence were given for, say, five years. Every year, on its anniversary, there is a three-month window to renegotiate certain provisions of the licence. It does not re-establish the licence: it allows it to continue. What this is about is trying to provide a mechanism so that the EPA can grant longer licences to companies, particularly those with good track records, while maintaining the capacity to amend certain elements of the licence, and those elements relate to testing, monitoring and auditing. So, a limited range of things can be renewed, and this is a matter on which we consulted heavily with the Engineering Employers Association.

Business basically wants longer licensing to give them certainty. The EPA is reluctant to do it because it means that it cannot change some of the conditions, so it tends to give short-term licences. This is a compromise to try to allow longer term licences, while giving the EPA some capacity once every year for a three month window to alter, by negotiation, the licence in relation to testing, monitoring and auditing.

Clause passed.

Clauses 28 to 32 passed.

New clause 32A.

The Hon. J.D. HILL: I move:

After clause 32—Insert:

32A—Insertion of section 52A

After section 52 insert:

52A—Conditions requiring closure and post-closure plans

(1) The authority may, by conditions of an environmental authorisation granted in relation to an activity, require the holder of the authorisation—

(a) to prepare, in accordance with specified requirements and to the satisfaction of the authority, a plan for the cessation of the activity; and

(b) to prepare, in accordance with specified requirements and to the satisfaction of the authority, a plan for the management and monitoring, after cessation of the activity, of any land on which the activity was carried out; and

(c) to comply with any plan so prepared to the satisfaction of the authority.

(2) The authority may only impose conditions under this section on an environmental authorisation if satisfied that the conditions are reasonably required for the purpose of preventing or minimising environmental harm that may result from the activity undertaken pursuant to the authorisation after the activity has ceased.

(3) The regulations may limit the circumstances in which conditions may be imposed under this section or make any other provisions relating to the imposition of conditions under this section.

(4) If the authority imposes any conditions on an environmental authorisation granted in relation to an activity requiring the holder of the authorisation to prepare a plan described in subsection (1)(b), the following provisions apply:

(a) the authority must specify the period during which compliance with the plan will be required (which may be until a specified day or until the holder of the authorisation satisfies the authority that a specified event has occurred or that compliance with specified standards has been achieved); and

(b) at the end of the specified period, the authority must notify the holder of the authorisation, in writing, that compliance with the plan is no longer required; and

(c) if the authority has notified the holder of the authorisation that compliance with the plan is no longer required, the authority may not issue an environment protection order under section 93A for the purpose of preventing or minimising environmental harm that may result from the activity.

Once again, this amendment was developed as a result of consultation with the LGA and it provides a process for a closure and post-closure plan to be submitted to the EPA. It specifies that the EPA may only impose conditions on the closure and post-closure plan if they are reasonably required for the purpose of preventing or minimising environmental harm. It specifies that the content of closure and post-closure plans may be limited by regulation, and specifies a process for the holder of the authorisation to gain EPA recognition for the completed implementation of the closure and post-closure plan.

It precludes the EPA from issuing a post-closure EPO on a site where the requirements of the closure or post-closure plan have been fulfilled for the purpose of preventing or minimising environmental harm that may result from the activity. That will give the LGA some certainty, and I am happy to move that.

New clause inserted.

Clauses 33 and 34 passed.

Clause 35.

The Hon. I.F. EVANS: What was the business community's response to this provision during your consultation; and what protections are there that the EPA will not specify its own course?

The Hon. J.D. HILL: I am advised that the proposed new section 54A of the act empowers the EPA through a condition of licence to require the holder of the licence to provide information, training and supervision that is necessary to ensure that employees and agents understand and are able to comply with the requirements of the act. Section 54B of the act empowers the EPA, by condition of authorisation, to require the holder to provide certificates of compliance regarding the extent to which the conditions are being complied with; the particulars of any failure to comply with the conditions of the authorisation, including reasons for such failure; and any action taken or to be taken to prevent any recurrence of that failure to mitigate the effects of the failure.

The proposed amendment regarding training of employees and agents may provide significant savings for holders of authorisations by helping to prevent costs associated with failure to comply with the act. Increased compliance with the act would also provide environmental benefits and reduce the EPA's operational costs regarding compliance enforcement. I am not aware of any particular comments from business groups. EEA and Business SA have not raised it with me personally. I am not aware of its being an issue for either group. I have to say that they went through this incredibly thoroughly, so I think they would have raised any problems with me if they had any.

Clause passed.

Clause 36.

The Hon. I.F. EVANS: This is one of the more controversial clauses in the bill. This clause essentially brings in the strict liability offence, as I understand it. This is the substitution of the previous section 82. This will simply now read that a person who by polluting the environment causes environmental nuisance is guilty of an offence. Previously three questions were required to be answered in relation to proven guilty. The minister in his second reading explanation outlined the government's reasons why it is bringing in this strict liability offence. The opposition indicated during its second reading contribution that it does not support the strict liability offence.

I think that what the government is trying to solve by bringing in these strict liability offences is the issue surrounding whether the person had knowledge that an environmental nuisance was going to be caused through the action. By taking out the second of the questions, which is the recklessness question or the question of intent, it broadens the provision significantly. The government could have achieved a substantial improvement to the bill by simply removing the knowledge requirement but leaving a recklessness requirement in the provision, so that someone who was reckless and caused an environmental nuisance still did not have to have the knowledge that they were going to do that.

That would have still broadened the event but it would have protected more people on the ground because they would have had to be reckless. The minister is now saying that you do not have to be reckless; you can actually be careful, because a person by polluting the environment causes an environmental nuisance and is guilty of an offence. Previously they had some protections. They could say, 'I was not reckless', 'I did not intend to do it', or 'I did not have the knowledge.' Those questions are now not there to act as a defence, so it is a strict liability offence. The opposition does not support the introduction of a strict liability offence. We acknowledge that the officers and the government will argue that it is not the intention of the government to pick up those people and that they will apply some practical application.

The opposition's judgment is that some people will get caught by this provision now that is far broader. Combined with that, I think the penalty remains the same for this provision. The government has not even compromised by saying, 'We will broaden the provision but lessen the penalty slightly because we acknowledge that we will catch more people.' Between the houses, the minister might want to look at whether that would not be some form of giving ground, if you like, to those people who will now be caught by this broader offence. We do not support this form of strict liability for the reasons I have outlined and the opposition will be voting against this particular provision.

The engineering association has done the opposition the courtesy of sending it a submission and it is opposed to this particular provision. I will remind the committee why they are opposed to it. They say that, in addition to the broadening of the offence, the proposed amendments will apply evidentiary provisions in section 139(4) of the act that will enable the authorised officers to form an opinion based on his or her senses that the defendant caused an environmental nuisance. The Engineering Employers Association believes that this method of assessment for strict liability offence is too subjective and does not believe that it is reasonable that one person could make the interpretation of what does or does not amount to environmental nuisance.

I acknowledge that the provision relating to an officer forming an opinion based on his or her senses is already in the act, but it is now applied to a different set of circumstances. It is now applied to a strict liability offence where a person has simply no defence—in essence, they have been taken away.

Of course, when combined with the broadening of 'environmental nuisance', which I went through in my second reading contribution, and the definitions that I went through at the start of the committee stage, I can understand the business community's concern about exactly where this will end up, not only for the business community but also for the broader community generally. This is one of the provisions where we think that the government has got it wrong, and we will be voting against this provision accordingly.

The Hon. K.A. MAYWALD: I would also like to express some concerns about this provision. I draw the attention of the committee to the original act that contains two other types of offences—serious environmental harm, and another section relating to material environmental harm, where there are two different levels of proof: one is an intent to undertake the environmental harm, which attracts a higher penalty than just the strict liability, which attracts a lower penalty.

I would ask that, rather than just removing the provisions for recklessness and intent to cause the environmental nuisance, between the houses, the minister considers whether or not it would be possible to introduce a tiered level (a reduced charge) as there is in the other two. The reason is that an instance was related to me where an employee poured some acid into a vat that contained some water and created a plume. He thought that he would fix that by pouring in more acid which created a greater plume and quite a significant environmental nuisance.

Whilst there was not material harm it was a significant nuisance to the people who were affected by it. A conviction was not possible in that instance given that, under the current provisions, the matter could not have been proven. One thing that concerns me is that if we take out that provision completely and replace it with a strict liability provision, we could see ourselves in a situation where an employee who may have gone through a training process but who may have forgotten that part of his training makes a mistake yet attracts the higher level of penalty.

I would prefer to see a couple of levels of penalty or a separation of corporation and individuals in respect of how that might be applied. I ask the minister whether he could consider between houses what options might resolve those matters of concern.

The Hon. J.D. HILL: I thank both members for their comments. I acknowledge that this is probably the most controversial element in the legislation. It does not have the universal support of the community. The member for Davenport indicated the objections from the Engineering Employers Association. The member for Davenport asks that I consider between houses whether or not the penalty ought to come down, and the Minister for the River Murray asked a similar question about setting up a tiered system. I am happy to take on board both those things.

In a sense the quantum of the fine is not really the issue: it is really being able to establish that something was done that should not have been done and having some way of making that known. I am happy to look at that. In defence of the fine that is currently there, when we put up the fines in the first round of the legislation a couple of years ago this is one fine that we did not put up. We left that where it was. I am happy to look at whether or not we can reduce it and, in fact, have a couple of fines. I am quite relaxed and sympathetic to that general proposition.

I strongly support the idea of having a strict liability offence at this lower level. We have strict liability at the higher level of offences but, at this level, we do not. It is very difficult to get a prosecution for an event that causes non-material harm. You have to prove that it was done recklessly or intentionally, that there was knowledge and that it caused a material harm to the environment.

The Hon. I.F. Evans: Take out the knowledge provision.

The Hon. J.D. HILL: The difficulty is the issue which I raised last night, and that is the example of the Hallett Cove sewage spill by SA Water that occurred on a couple of occasions. I was criticised by the opposition for the EPA's not taking action. The problem is that it could not prove negligence. It is still considering one of the issues, I should say. In some of the issues it has not been able to demonstrate intention or negligence because there was a power failure. There was no knowledge and there was no material environmental harm yet—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Yes, but that is not necessarily true in the legal sense. I know that the member is a very good bush lawyer but I am not too sure that that is the case. It is difficult proving a state of mind in relation to recklessness, I am told.

Still, the public would expect something to be done, and that was certainly the public's view. I was criticised by the member opposite, by the local member and by members of the local council, by a whole range of people, but there was nothing that the EPA could really do in relation to that event. This provision would allow the EPA to take some action and the public would, I think, be satisfied that that was an appropriate thing to do. But it is not just against SA Water for sewage. It could be a whole range of things; that is really what this provision is about. Other jurisdictions in Australia, particularly Tasmania and Queensland, have this measure.

I also make the point that there is a defence against this. The general defence under the act available regarding alleged

offenders remains unchanged, so this essentially requires a person to take all reasonable and practical measures to prevent the commission of the offence.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: The trouble is, to take that into a court, they might have 400 or 500 pumping stations in South Australia—

The Hon. I.F. Evans: This one has broken down three times; I think that is not a bad case.

The Hon. J.D. HILL: I am just giving you the advice I have. If there are 400 or 500 stations—and it may not be SA Water, think of another company that has a number of outlets—it would be impractical to have backup systems in every case or to have guards on duty in every case.

In practice, the EPA will use the offence of environmental nuisance to respond to more serious or ongoing environmental nuisances such as industrial noise or dust impacting upon the community. There are other tools in the act that the EPA would use for less serious offence nuisance or in taking preliminary action to address more serious nuisance offences such as issuing an environmental protection order or formal warnings under the act.

Environmental nuisances affect the wider community. The definition focuses on adverse effects on amenity values. The incentive not to detract from the value of the environment by causing a nuisance is a significant benefit to the community at large. More importantly, it will help meet the community expectations of a clean and healthy environment. That is really what the members opposite were arguing when they asked why the EPA did not take action in relation to Hallett Cove.

The CHAIRMAN: The minister has given an undertaking that this will be looked at between the houses, but we still need to deal with it as a clause.

The Hon. G.M. Gunn interjecting:

The Hon. J.D. HILL: I said I was sympathetic to the proposition put by the Minister for the River Murray and she raised it with me today. I have not had a chance to look at it yet, but I think what the member is asking is to maintain the existing structure, where you need to prove intent, recklessness and so on, and then have a secondary provision where it is a strict liability offence with a lower fine level. I think that is basically what she is arguing and I am certainly happy to look at that. I am sympathetic to it and I think that would be a reasonable outcome.

The CHAIRMAN: I think, minister, you could also look at repeat offences. Would that be in that same category? That is the Hallett Cove example.

The Hon. J.D. HILL: That would be in the sentencing. The first time you might get fined.

The CHAIRMAN: But you could have it built in.

The Hon. J.D. HILL: We will have a look at that and I am happy to take that on board.

The CHAIRMAN: We will deal with this on the basis that the minister has given a commitment to examine this between the houses.

The committee divided on the clause:

AYES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Conlon, P. F.	Foley, K. O.

AYES (cont.)

Geraghty, R. K.	Hanna, K.
Hill, J. D. (teller)	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (18)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F. (teller)
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Kerin, R. G.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

PAIR(S)

Ciccarello, V.	Kotz, D. C.
McEwen, R. J.	Penfold, E. M.

Majority of 5 for the ayes.

Clause thus passed.

Progress reported; committee to sit again.

TRANSADELAIDE RAILCAR MAINTENANCE CONTRACT

The Hon. P.L. WHITE (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: I am pleased to advise the house of the award of the railcar maintenance contract of TransAdelaide to Bombardier Transportation Australia. TransAdelaide's railcar maintenance services have been carried out by United Goninan since April 2000 and recently have been re-tendered, with all of Australia's leading railcar maintenance service providers participating. The tender process not only exposed the contract to contestability but also changed the nature of the contract to achieve the transfer of the major risks to the service provider.

Bombardier Transportation is a world-class rolling stock manufacturer and maintainer and will bring international expertise to the maintenance of TransAdelaide's railcars. The contract is for a period of 10 years and, in addition to providing vigorous maintenance standards, calls for an improvement in the asset condition at the end of the contract. It also provides these services at a lower cost to government. Bombardier is also the supplier of TransAdelaide's new trams, and the award of the railcar maintenance contract will mean a substantial presence in South Australia of this international company. Maintenance arrangements for the present and new trams will remain within TransAdelaide and will not be outsourced.

ADJOURNMENT

At 5.55 p.m. the house adjourned until Monday 14 February at 2 p.m.