HOUSE OF ASSEMBLY

Tuesday 3 May 2005

The SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

CONSTITUTION (FOURTH SESSION OF THE FIFTIETH PARLIAMENT—CHANGE OF PLACE FOR SITTINGS OF HOUSE OF ASSEMBLY) PROCLAMATION 2005

The CLERK: Under section 6 of the Constitution Act 1934

1—Short title

This proclamation may be cited as the Constitution (Fourth Session of the Fiftieth Parliament—Change of Place for Sittings of House of Assembly) Proclamation 2005.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Change of place for sittings of House of Assembly

I declare that—

(a) the place for holding the sittings of the House of Assembly on 3, 4 and 5 May 2005 will be the Sir Robert Helpmann Theatre at 10 Watson Terrace, Mount Gambier; and

(b) for the remainder of the fourth session of the Fiftieth Parliament, the place for holding the sittings of the House of Assembly will be the building known as Parliament House at North Terrace, Adelaide.

Made by the Governor's Deputy
with the advice and consent of the Executive Council on 14 April 2005.

The SPEAKER: This is a most historic occasion—the first sitting of the parliament of the House of Assembly outside Adelaide since its inception nearly 150 years ago. Accordingly, we are on the eve of the sesquicentenary of our parliament. It is appropriate that we acknowledge and prepare for that, and one of the ways of doing that is to sit here in the City of Mount Gambier.

I make a couple of housekeeping announcements. I think that members have been advised that their microphones are active all the time, unlike on North Terrace, so that kind words about the Speaker will be picked up. Also, I point out that, for the purpose of divisions, if there are any (and the Speaker never knows whether there will be), I urge members to try to get to the floor of the chamber. However, if members happen to be in the gallery, can they please make that quite clear to the tellers.

ASSENT TO BILLS

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

Acts Interpretation (Gender Balance) Amendment

Acts Interpretation (Miscellaneous) Amendment

Adelaide Dolphin Sanctuary

ANZAC Day Commemoration

Motor Vehicles (Licences and Learner's Permits) Amendment

National Electricity (South Australia) (New National Electricity Law) Amendment

Oaths (Abolition of Proclaimed Managers) Amendment

Podiatry Practice

Primary Produce (Food Safety Schemes) (Miscellaneous) Amendment

Statutes Amendment (Drink Driving).

CITRUS INDUSTRY BILL

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

MARINE PROTECTION AREAS

A petition signed by 1767 residents of South Australia, requesting the house to urge the government to withdraw proposed marine protection areas and consult with the fishing, tourism and boating groups before introducing new proposals, was presented by the Hon. D.C. Brown.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*.

BALL PUBLIC RELATIONS

In reply to **Ms CHAPMAN** (28 October 2004).

The Hon. M.J. ATKINSON: I have received this advice:

Ball Public Relations was engaged in October, 2003, after the need for media training arose from the Nemer Case. Mr Kym Kelly, the Acting Chief Executive at the time, approved a request from the Office of the Director of Public Prosecutions to seek a media trainer.

The Office of the Director of Public Prosecutions have since used Ball Public Relations.

When Ball Public Relations was first engaged, the estimated cost was below $20 000. This was classified as a low-cost consultancy under Justice procurement policies. It was therefore permissible to seek only one offer.

The Office of the Director of Public Prosecutions is now going through a tendering process to formalise a contract for its long-term needs. In addition, to cater for its public-relations' needs until this competitive tendering process is completed, the Office of the Director of Public Prosecutions will be seeking a waiver of tender for Ball Public Relations to continue to provide services up until early 2005.

CROWN SOLICITOR'S TRUST ACCOUNT

In reply to **Hon. R.G. KERIN** (7 February).

The Hon. M.J. ATKINSON: The Chief Executive to the Attorney-General's Department advises:

Child Protection Funds

On 3 February, 2004, Kate Lennon approved a deposit into the Crown Solicitor's Trust Account (C.S.T.A.) of $300 000 with the descriptor—'contractual related costs associated with Business Reform processes relating to the provision of Social Housing and Justice matters'.

On 5 April, 2004, Bill Cossey, the Acting Chief Executive of the Attorney-General's Department approved the payment of an amount of $90 000 of these funds to SAPOL for additional policing in the A.P.Y. Lands—this was not a Layton report recommendation.

It is understood that while it might have been intended that the balance of these funds of $210 000 be spent from the Trust Account on Layton Report recommendations in 2004-2005—this did not occur and the balance remained unspent at 26 July, 2004.

Crime Prevention Funds

On 26 June, 2003, Kate Lennon approved the deposit of $350 000 with the descriptor—'provision for payments to local councils for Local Crime Prevention Program Contractual Obligations'. Over the

course of 2003-04, the amount of $344 471.26 was spent by the Crime Prevention unit for these purposes—with the cash coming from the C.S.T.A.

On 16 June, 2003, Kate Lennon approved that the $350 000 be spent in the following way:

Claims from Council for Reimbursement 1 July—31 December, 2002 (Port Pirie)	$35 000
Claims for councils for 'binding commitments'- Whyalla; Holdfast bay possibly Adelaide based on negotiations for six months salary and vehicle lease (for Whyalla)	$94 000
Ceduna additional funding for Bush Breakway program	$30 000
Funding for three metropolitan regions to develop feasibility work	$45 000
Remaining funding to be used to provide seed funding in the event D.H.S. identifies Port Augusta and Noarlunga as the trial sites for intensive parenting programs for 'at risk and high risk families	$146 000.
The funds were spent on City of Norwood, Payneham and St Peters—additional funding for Crime Prevention program	$15 000
Payment to Synapse for second payment for residential break and enter	$10 000
University of South Australia—submission of final report for the Children and Domestic Violence Program	$3 272
Transport S.A. Northern Metro Regional Crime Prevention Strategy research and feasibility study	$15 000
City of Holdfast Bay—Southern region Crime prevention funding—feasibility Study	$16 304
City of Holdfast Bay—Southern region Crime prevention funding—Separation of former crime prevention consultant to Council	$15 000
Grafxar Multimedia—Early Intervention C.D. ROM	$2 198
Ceduna—Bush Breakaway Program	$30 000
City of Port Augusta—Summer activities funding	$ 4 545
Department of Human Services payment for 2002-2003 funding of the Panyappi Program	$ 80 000
Town of Gawler—funding for 2003/04 Northern Crime Prevention Strategy	$ 90 000
Contribution to the Australian Crime and Violence Prevention awards	$ 6 684
Transport S.A. Northern Metro Regional Crime Prevention Strategy research and feasibility study $10 000	$ 10 000
The University of Western Australia—evaluation of N.D.V. domestic violence project	$ 36 818
Human Services—Port Augusta Youth Support Service Basketball program	$ 9 648

Office of the Public Advocate

On 1 July , 2004, the Office of the Public Advocate transferred from the Department for Human Services to the Attorney-General's Department. Two cost pressures emerged. These were:

- $162 000 for ongoing I.T. costs
- funds for accommodation fitout

The funds for the I.T. costs have since been found from the A.G.D. budget for 2004-05.

In reply to **Hon. DEAN BROWN** (8 February).

The Hon. M.J. ATKINSON: On 26 June, 2003, Kate Lennon approved the deposit of $350 000 with the descriptor—'provision for payments to local councils for Local Crime Prevention Program Contractual Obligations'.

Over the course of 2003-04 the amount of $344 471.26 was spent by the Crime Prevention Unit for these purposes—with the cash coming from the Crown Solicitor's Trust Account. On 16 June, 2003, Kate Lennon approved that the $350 000 be spent in this way:

Claims from Council for Reimbursement 1 July—31 December, 2002 (Port Pirie).	$35 000
Claims for councils for binding commitments—Whyalla, Holdfast Bay, and possibly Adelaide based on negotiations for six months salary and vehicle lease (for Whyalla).	$94 000
Ceduna additional funding for Bush Breakway program.	$30 000
Funding for three metropolitan regions to develop feasibility work.	$45 000
Remaining funding to be used to provide seed funding in the event D.H.S. identifies Port Augusta and Noarlunga as the trial sites for intensive parenting programs for at risk and high risk families.	$146 000
The funds were spent on: City of Norwood, Payneham and St. Peters—additional funding for Crime Prevention program.	$15 000
Payment to Synapse for second payment for residential break and enter.	$10 000
University of South Australia—submission of final report for the Children and Domestic Violence Program.	$3 272
Transport S.A. Northern Metro Regional Crime Prevention Strategy research and feasibility study.	$15 000
City of Holdfast Bay—Southern region Crime prevention funding—feasibility study.	$16 304
City of Holdfast Bay—Southern region Crime prevention funding—separation of former crime prevention consultant to Council.	$15 000
Grafxar Multimedia—Early Intervention CD ROM.	$2 198
Ceduna—Bush Breakaway Program.	$30 000
City of Port Augusta—Summer activities funding.	$ 4 545
Department of Human Services payment for 2002-3 funding of the Panyappi Program.	$ 80 000

Town of Gawler—funding for 2003/04 Northern Crime Prevention Strategy.	$ 90 000
Contribution to the Australian Crime and Violence Prevention awards	$ 6 684
Transport S.A. Northern Metro Regional Crime Prevention Strategy research and feasibility study.	$ 10 000
The University of Western Australia—evaluation of N.D.V. domestic violence project.	$ 36 818
Human Services—Port Augusta Youth Support Service Basketball program.	$ 9 648

In reply to **Hon. I.F. EVANS:** (8 February).

The Hon. M.J. ATKINSON: At the end of 2001-02 the Attorney-General's Department requested a total of $15 200 000 of carryovers. An amount of $7 563 000 was rejected by the Department of Treasury and Finance.

In casting the 2002-03 budget, those programs the new Government regarded as essential or obligatory that were affected by the $7.5 million of rejected bids were funded by reallocating the existing Justice budget. This included funding Commonwealth and externally-funded programs.

As far as I am aware, there was little effect on services to the public from the Treasury rejection of some of the carryover bids.

SNOWTOWN MURDERS

In reply to **Hon. R.G. KERIN** (15 February).

The Hon. M.J. ATKINSON: Cabinet approved to 2003-04 a total of $19.272 million for funding for the bodies-in-the-barrel case. The budget for the case is a separate administered item in the Attorney-General's Administered Department budget. This money was not deposited in the Crown Solicitor's Trust Account.

An amount of $1.76 million for this case was requested to be carried over from 2003-2004 into 2004-05. This was done through the approved Cabinet carry over process.

CROWN SOLICITOR'S TRUST ACCOUNT

In reply to **Mr HAMILTON-SMITH** (15 February).

The Hon. M.J. ATKINSON: The former management of the Attorney-General's Department deposited the money into the Crown Solicitor's Trust Account and formally approved the deposits. Accordingly, neither staff in SAPOL nor the Minister for Police had any involvement in transacting or authorising the deposits.

In reply to **Hon. R.G. KERIN** (9 February).

The Hon. M.J. ATKINSON: On 26 June, 2003, former Justice Chief Executive, Ms. Kate Lennon, approved a deposit of $350 000 into the Crown Solicitor's Trust Account with the title of 'Provision for payments to local councils for Local Crime Prevention Program contractual obligations'.

On 28 November, 2003, the former Director of the Crime Prevention Unit, Dr. Hank Prunkun, approved the payment of the $30 000 to the Ceduna Bush Breakaway Program. These funds were paid from normal operating and then credited with a debit to cash. A corresponding amount of cash was then drawn from the Crown Solicitor's Trust Account.

As I was not aware that a deposit into the Crown Solicitor's Trust Account occurred in June 2003, I am not in a position to explain why the funding was transferred to that account. I can only speculate that there was underspending in June, 2003, and the former C.E.O. thought it might be difficult to gain Treasury approval for the carryover. The action of placing the amount in the Crown Solicitor's Trust Account was, nevertheless, wrong and outside the Cabinet approved processes.

In reply to the **Mr HAMILTON-SMITH** (8 February).

The Hon. M.J. ATKINSON: I am advised that I was not given a folder of material titled '*A summary of Carryover and Cost Pressure Submissions for the Attorney-General's Department for the Year 2004-05'* during 2004.

This document, I am advised, was an internal working document drafted in the finance area of the Attorney-General's Department for use in the final decision-making processes for setting the 2004-05 budget. I believe it was originally considered by Mr Bill Cossey in his role of Acting Chief Executive Officer and it was then given by Finance to Mr Mark Johns on his appointment as Chief Executive in late June, 2004.

The document was referred to in evidence given by Ms Debra Contala to the Legislative Council Select Committee on Allegedly Unlawful Practices Raised in the Auditor-General's Annual Report 2003-04. The Committee asked for and was sent this document on 2 December, 2004. A copy of this material was then sent to my Office for information—along with all other documents sent to the Select Committee at its request.

In reply to **Mr HAMILTON-SMITH** (8 February).

The Hon. M.J. ATKINSON: I am advised as follows:

On 17 March, 2004 , Mr Bill Cossey, the former Acting Chief Executive of Justice approved a transfer of $95 000 from within the existing Attorney-General's Department budget to the Video Conferencing project. These funds were not paid from the Crown Solicitor's Trust Account.

A search of the Departmental file on that project has not been able to locate any document showing that the Mr Bill Cossey gave approval for additional funds to be paid from the Crown Solicitor's Trust Account.

PAROLE BOARD

In reply to **Hon. R.G. KERIN** (23 September 2004).

The Hon. M.J. ATKINSON: The Attorney-General has provided this advice:

Ms Nelson makes some valid points; however, it is difficult to say whether courts have been too lenient or otherwise without looking at the facts and results in particular cases.

The law itself states that if a person is mentally incompetent to commit the offence or unfit to stand trial, he or she is found not guilty but is subject to a 'limiting term' pronounced by the judge. The courts have decided that the limiting term is the maximum sentence appropriate to the offence deemed to have been committed. In the case of murder, that would be life. In the case of common assault, that would be 2 years. That is a fixed outer limit.

At any time during the limiting term, the court may, on the application of the Crown, the defendant, Parole Board, the Public Advocate or another person with a proper interest in the matter, vary or revoke a supervision order and, if the order is revoked, make, in substitution for the order, any other order that the court might have made under the mental impairment provisions in the *Criminal Law Consolidation Act*.

The court, in deciding such proceedings, among other things, should have regard to whether the defendant is, or would if released be, likely to endanger another person, or other persons, generally.

The Attorney-General sought advice on the mental impairment provisions from the Policy and Legislation Section of his Department.

For the purpose of assisting the court to determine proceedings under mental impairment provisions, the Crown must provide the court with a report setting out, so far as reasonably ascertainable, the views of the victim (if any) of the defendant's conduct; and if a victim was killed as a result of the defendant's conduct, the next of kin of the victim.

The Attorney-General points out, however, that a report is not required if the purpose of the proceeding is to determine whether a defendant who has been released on license should be detained or subjected to a more rigorous form of supervision; or to vary, in minor respects, the conditions on which a defendant is released on license.

Furthermore, a means a person who suffered significant mental or physical injury as a direct consequence of the offence, and the next of kin of a person killed means that person's spouse (or putative spouse), parents and children.

The Forensic Mental Health Service employs a social worker to prepare reports on the views of victims or next of kin, such as Peter Hurst's next of kin.

The Attorney-General met with Ms Nelson to discuss these issues in May, 2003. At the end of the meeting, the Attorney asked that Ms Nelson summarise her submissions in writing so that he could use the letter as the basis for obtaining further advice. Ms Nelson's letter of 24 May, 2004 to the Attorney was the result of their discussion. It was never intended that this letter would receive a separate response.

CROWN SOLICITOR'S TRUST ACCOUNT

In reply to **Hon. R.G. KERIN** (10 February).

The Hon. M.J. ATKINSON: I am advised as follows:

On 16 June, 2003, the former Chief Executive of Justice, Miss Kate Lennon, decided that approval be sought to carry over unexpended funds from the Crime Prevention Unit budget (2002-03) of $350 000. It was also approved that $30 000 of this amount be spent on the additional funding for the Ceduna's Bush Breakaway Program.

On 26 June, 2003, Miss Kate Lennon approved a deposit of $350 000 into the Crown Solicitor's Trust Account with the title of 'Provision for payments to local councils for Local Crime Prevention Program contractual obligations'.

On 28 November, 2003, the former Director of the Crime Prevention Unit, Dr. Hank Prunkun, approved the payment of the $30 000 to the Ceduna Bush Breakaway Program. These funds were paid from normal operating and then credited with a debit to cash. A corresponding amount of cash was then drawn from the Crown Solicitor's Trust Account. This was Miss Lennon's and Mr Pennifold's routine M.O. In disguising their misuse of the Crown Solicitor's Trust Account. It is this M.O. to which the Liberal Opposition makes no objection.

In reply to **Mr HAMILTON-SMITH** (15 February).

The Hon. M.J. ATKINSON: I am advised as follows:

The former Chief Executive of Justice, Ms Kate Lennon, and the former Acting Chief Executive of Justice, Mr Bill Cossey, had financial expenditure delegations of $500 000 excluding G.S.T. Ms Lennon approved the payment to SAPOL under her own expenditure delegation with no reference to me. The final approval to pay the cheque was made by Mr Bill Cossey.

ESTIMATES COMMITTEES A AND B, UNDERSPENDING

In reply to various members.

In the financial year 2002-03, for all departments and agencies reporting to the Premier(1), what underspending on projects and programs was not approved by Cabinet for carryover expenditure in 2003-04?

(1) In addition the question was also asked of the following ministers:

- Treasurer/Minister for Police
- Minister for Industry, Trade & Regional Development/Minister for Mineral Resources Development/Minister for Small Business
- Minister for Infrastructure/Minister for Energy/Minister for Emergency Services
- Minister for Aboriginal Affairs and Reconciliation/Minister for Correctional Services/Minister Assisting the Minister for Environment and Conservation
- Minister for Health/Minister assisting the Premier in Social Inclusion
- Minister for Transport
- Minister for Employment, Training and Further Education/Minister for Status of Women
- Minister for Administrative Services/Minister for Recreation, Sport and Racing
- Minister for Education and Children's Services/Minister for Tourism
- Minister for Families and Communities/Minister for Housing/Minister for Disability

The Hon. K.O. FOLEY: For the Ministers of whom the question was asked, the enclosed table lists the 2002-03 carryover requests submitted and those that were not approved for carryover. It should be noted that government agencies are not required to seek Cabinet approval to carryover all underspending. This means that there is some underspending that is not considered by Cabinet for possible carryover.

There is not, in all cases, a one to one relationship between Ministers responsibilities and the scope of agency activities. The agency data may therefore only reflect that part of the agency that reports to the Minister.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Remuneration Tribunal, Determination and Report of the—Travelling and Accommodation Allowances—No. 1 of 2005

By the Treasurer (Hon. K.O. Foley)—

Electricity Industry Superannuation Scheme—Report 2003-04

By the Minister for Transport (Hon. P.F. Conlon)—

Regulations under the following Acts—
Road Traffic—Photographic Detection Devices—Impounding and Forfeiture of Motor Vehicles

By the Attorney-General (Hon. M.J. Atkinson)—

Regulations under the following Act—
Summary Offences—Impounding and Forfeiture of Motor Vehicles

By the Minister for Health (Hon. L. Stevens)—

Ceduna Koonibba Aboriginal Health Service Inc—Report 2003-04
Controlled Substances Advisory Council—Report 2003-04
Regulations under the following Acts—
Dental Practice—Special Needs Dentistry
Medical Practice—Elections
Occupational Therapists—Fees

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Acts—
Fees Regulation Act 1927
Industrial and Employee Relations—
Representation
General
WorkCover Corporation—Claims Management

By the Minister for State/Local Government Relations (Hon. R.J. McEwen)—

Boundary Adjustment Facilitation Panel—Report 2003-04
Regulations under the following Acts—
City of Adelaide—Allowances and Benefits
Local Government—Allowances and Benefits
Local Council By-Laws—
Kangaroo Island Council
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Bird Scaring Devices

By the Minister for Consumer Affairs (Hon. K.A. Maywald)—

Regulations under the following Acts—
Liquor Licensing—Long Term Dry Areas—Nairne, Mount Barker and Hahndorf.

McGEE, Mr E.

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

Leave granted.

The Hon. I.P. LEWIS: Mr Speaker, are copies of the statement available?

The SPEAKER: It is being distributed now.

The Hon. I.P. LEWIS: Mr Speaker, on a point of order, may I ask that, in future, the subject matter of ministerial statements be flagged at the time that leave is sought?

The SPEAKER: The house seeks to do that, and it is being done now. It is always the intention that the paperwork be available at the time of the statement. The Premier has leave.

The Hon. M.D. RANN: Thank you, sir. I am quite happy to wait until the material is distributed—and I can inform the honourable member that it relates to the Eugene McGee trial.

The SPEAKER: The Premier may commence his statement.

The Hon. M.D. RANN: Thank you, sir. The tragic death of cyclist Ian Humphrey in a shocking hit and run collision on 30 November 2003 has touched all decent South Australians. I have made my views known about the lack of humanity shown by Eugene McGee, the driver who killed Ian Humphrey and left him for dead on the side of the road.

The investigation of Ian Humphrey's death and the subsequent trial of McGee have given rise to a number of issues that the government intends to address in the public interest. Firstly, today the Attorney-General will give notice of the introduction of a bill to enact legislation to increase the penalty tenfold for drivers who negligently or recklessly cause the death or serious injury of another person and then flee the scene. Hit and run drivers who cause death or injury will be subject to the same maximum penalty of 10 years as drivers who cause death by dangerous driving. If passed, there will no longer be any incentive for irresponsible drivers to flee the scene of the crime. The loophole that provides for a lesser term for cowardice will be closed.

The bill will also increase the maximum penalty for causing death or serious injury by dangerous driving in aggravated circumstances such as fleeing police apprehension, having a blood alcohol concentration of .15 or greater, driving under the influence of drugs or excessive speeding. Those convicted of an aggravated offence of causing death by dangerous driving will face a maximum penalty of 15 years' imprisonment if this legislation is passed by the parliament. The maximum penalty for repeat offenders will also be increased.

Secondly, the government will establish a royal commission to consider a number of issues relating to the investigation and prosecution of offences committed by McGee. The royal commission will consider the following issues:

- the failure to breath test or blood test McGee following his arrest to determine the level of blood alcohol concentration;
- whether the principal prosecution witness, Mr Tony Felice, was given adequate opportunity to give evidence on the issue of whether McGee was attempting to overtake Mr Felice immediately before the collision;
- what information Tony and John Zisimou gave to the police and why they were not called to give evidence at the trial;
- whether there was adequate opportunity for the prosecution to present rebuttal evidence at the trial in relation to psychiatric evidence presented by the defence and, if so, why such evidence was not presented;
- whether psychiatric evidence should have been presented by the prosecution as part of the sentencing hearing and, if so, whether there was adequate opportunity to do so; and, if so, why no such evidence was presented.

The royal commission will inquire into and make findings and recommendations in relation to those issues. It will also be invited to make any recommendations in relation to changes to any law, practice or procedure it considers necessary and practicable arising from its findings. The government is determined to ensure that the justice system learns from this tragic experience and that the mistakes of the past are not repeated. Rather than eroding the fabric of our justice system, as claimed by those who do not want scrutiny, we want this inquiry and our actions to strengthen the system.

The royal commission will have extensive powers to undertake its inquiries. Under the Royal Commission Act, the commissioner will have the power to:

- Summons witnesses;
- summons the production of documents or records; and
- examine witnesses on oath.

Under the terms of the act, the royal commission may at its discretion take evidence in public or private. Unless the commissioner directs otherwise, persons appearing before it may be represented by counsel or a solicitor. However, the government does not intend to fund counsel or solicitors at any hearings conducted by the commission. I want this inquiry to be undertaken as quickly and professionally as possible. I do not want another expensive and long lawyers' frolic—

Mr Brindal: Like the State Bank Royal Commission?

The SPEAKER: Order! The member for Unley is out of order.

The Hon. M.D. RANN: I would have thought that all members of this house would be interested in finding justice on this issue.

Members interjecting:

The Hon. M.D. RANN: According to statements made by the Leader of the Opposition—

Members interjecting:

The SPEAKER: The member for Davenport and the member for Unley. The member for Unley is off to a bad start.

The Hon. M.D. RANN: I am particularly interested in changes that will prevent the prosecution from being ambushed at trial by psychiatric and other expert evidence without the opportunity to properly test that evidence. I was also concerned to learn that there may have been some difficulty in this case in the presentation of the victim impact statement. The government is therefore interested to hear directly from victims' organisations about how the process for presenting victim impact statements to court can be further improved. The Attorney-General will be following this up with victims' groups.

I want victims and the families of victims, like Ms Gilchrist-Humphrey, to have every opportunity to present their views to the court. The royal commission will be asked to report as soon as practicable and no later than 20 June 2005. The government intends to recommend to Her Excellency the Governor that former justice Gregory Reginald James QC of New South Wales be appointed as the commissioner to undertake the inquiry. Gregory James QC is eminently qualified to undertake this inquiry. He has served a distinguished legal career, practising in all states and territories in Australia. Former justice James QC retired from the Supreme Court of New South Wales on 1 May 2005, last Sunday. He was appointed as Justice of the Court on 14 April 1998.

Prior to his appointment to the bench, former justice James practised as a barrister and was involved in a number of significant trials and royal commissions. He was appointed a Queen's Counsel in 1982. Mr James prosecuted the Australian war crimes trials in South Australia between 1990 and 1994. He has appeared in the royal commissions into British nuclear tests in Australia; into Aboriginal deaths in custody; into WA Inc.; and into the New South Wales building industry. Mr James is a commissioner (part time) of the New South Wales Law Reform Commission.

He was formerly vice-chairman of the Australian Criminal Lawyers' Association and chairman of the New South Wales

Criminal Lawyers' Association, director of the International Society for the Reform of the Criminal Law and consultant to the Australian Law Reform Commission. Mr James is aged 60 and is married with two children.

REGIONAL DEVELOPMENT INFRASTRUCTURE FUND

The Hon. K.A. MAYWALD (Minister for Regional Development): I seek leave to make a ministerial statement regarding the Regional Development Infrastructure Fund.

Leave granted.

The Hon. K.A. MAYWALD: Since 2002, the Regional Development Infrastructure Fund has committed approximately $7.4 million to strategic infrastructure in the region. Infrastructure projects approved in 2002-03 and 2003-04 financial years are expected to generate 190 jobs and $4.7 million in direct capital expenditure. They include $1 million committed to the Fitzgerald Bay commercial fishing harbour, $400 000 committed to the Port Broughton boat harbour, $200 000 committed to the Port Lincoln wastewater reuse scheme and $40 000 committed to the Limestone Coast phylloxera treatment facility.

Over the last six months, the RDIF guidelines have been reviewed. Based on consultation with the state's regional development boards, the review considered how the fund could be better aligned with regional industry and state priorities. This review has resulted in an increase in both the quality and quantity of applications. I anticipate that, for the first time since its inception six years ago, the amount allocated for the Regional Development Infrastructure Fund for this financial year will be fully committed. This year, the fund's support has been provided to the strategic priorities identified in the State Infrastructure Plan and, in particular, includes $2 million towards upgrading the reliability of the Kangaroo Island power supply, intensive poultry farming and meat processing in the Wakefield Plains area, and regional industrial estates.

Regional development infrastructure funding has recently been committed to the following projects: the Flinders Industrial Estate at Port Pirie—and I think that the Leader would be happy to know that $538 400 has been granted for the provision of common use infrastructure to the allotments within the Flinders Industrial Estate including gas, electricity, sewer, water, telecommunications, roads and kerbing, lighting, drainage and associated earthworks. This project will support and assist viable small to medium business enterprises to improve opportunities for expansion to achieve long term sustainability.

Further, $140 000, made up of a grant of $80 000 and a loan of $60 000, has been awarded to the Blyth Industrial Estate towards a project which will provide assistance to the upgrading of the water supply and power for the proposed estate; the Clare North Industrial Estate will receive $112 500; the Baroota Reservoir has received a grant of $100 000 to assist with the cost of a common pipeline and manifolding installation for the reservoir's irrigation expansion; Port Wakefield Poultry Farm was granted $85 000 to assist with expansion of broiler farms; Chickenmate farms has received a grant of $60 000; the Ozone Hotel at Kingscote has received a grant of $72 500 to offset infrastructure costs associated with the augmentation and connection to power, water and STEDs; Coonawarra Gold at Nuriootpa (the member for Schubert would be pleased to know) has received a grant of $78 500 to assist with the upgrade of the Nuriootpa town gas regulator and a gas meter; and Snowtown Meats has received a grant of up to $35 000 to assist with the upgrade of power supply.

Additionally, under the state government's Enterprise Zone initiative for the Upper Spencer Gulf and Outback, $3 million has been committed over four financial years. While this fund is for projects broader than just infrastructure, it would be reasonable to assume that infrastructure projects will feature heavily. I am aware that projects under this fund are currently under consideration. Further, through its annual Tourism Development Fund, the South Australian Tourism Commission allocates funding for tourism infrastructure projects. So, contrary to recent inaccurate reports in the local paper here, the Regional Development Infrastructure Fund is going from strength to strength. With the support of—

Mr Venning: Don't take Rory's word for it.

The SPEAKER: Order! The member for Schubert is out of order.

The Hon. K.A. MAYWALD: With the support of the state's regional development boards, infrastructure projects vital to local community needs are being supported and facilitated by this government.

Members interjecting:

The SPEAKER: Order! Some members have indicated that it is very hot under the lights. The chair is trying to get the temperature reduced. We do not want members fainting or turning into scaring devices. In the absence of the Deputy Premier, his questions will be taken by the Minister for Transport.

MARINE PARKS

The Hon. I.F. EVANS (Davenport): I rise on a matter of privilege. About two weeks ago I was briefed on the government's marine park proposal as shadow minister for environment. As marine parks touch on a number of my members' electorates, I asked for a brief for the full Liberal Party room.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! A matter of privilege is a serious matter. Members should listen in silence.

The Hon. I.F. EVANS: Thank you, Mr Speaker. As the fishing industry is important to the South-East, it was agreed that the briefing would be held this Thursday at Mount Gambier. At 5 p.m. Friday, the government contacted my office cancelling the briefing on the basis—

An honourable member interjecting:

The Hon. I.F. EVANS: —that is true—that it would cost too much to bring the public servants down to Mount Gambier. The government's denying the brief this week on the basis of costs impedes us in our role as MPs. In the normal course of events, the brief would have been provided to us in Adelaide and should have been provided to us here at Mount Gambier. We ask you, sir, whether there has been a breach of privilege.

The SPEAKER: The chair will consider the matter and ask the minister to provide all relevant material.

The Hon. J.D. HILL (Minister for Environment and Conservation): Mr Speaker, perhaps I can—

Members interjecting:

The SPEAKER: Order! It is not appropriate to debate the matter now. The minister always has the opportunity, if he wishes, to make a statement during the proceedings of the parliament.

QUESTION TIME

BUS SERVICES, REGIONAL

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Given the depth of feeling demonstrated outside the chamber today, will the government now commit to matching the Liberal Party's undertaking to fully fund bus services in regional centres, including Mount Gambier?

Members interjecting:

The SPEAKER: Order! When the house comes to order the minister will respond. The Minister for Transport.

The Hon. P.F. CONLON (Minister for Transport): Thank you, sir. I am the minister—

Members interjecting:

The Hon. P.F. CONLON: Sir, this being the first question asked in Mount Gambier, I would ask those on the other side to have a little more decorum and courtesy. As the Minister for Transport, I have been dealing with this issue for some four weeks.

Members interjecting:

The Hon. P.F. CONLON: It really is difficult, isn't it, to provide an answer to a serious question with this sort of raucous behaviour.

Members interjecting:

The SPEAKER: Order! I remind members that all standing orders apply in Mount Gambier equally as well as they do in North Terrace.

The Hon. P.F. CONLON: The question was whether we will match the Liberal commitment made today. I will talk about that. I will tell the Leader of the Opposition what we, as a government, have been doing on this.

The Hon. I.F. Evans: Why don't you answer the question?

The Hon. P.F. CONLON: I will answer the question as soon as you have the courtesy to allow me. I met with the Local Government Association dealing with the provincial cities on this issue last week; and I am meeting with the Mount Gambier local government representatives tomorrow on it. I can say that our meeting last week—

The Hon. I.F. Evans: That's not the question.

The Hon. P.F. CONLON: I will come to the commitment you made today, because I have some questions about your commitment—

An honourable member interjecting:

The Hon. P.F. CONLON: I am not allowed to? That is all right. I had discussions last week; I will have further discussions with the LGA. I will have very positive discussions with the Mount Gambier council on this and a range of issues. I point out that the buses are running in Mount Gambier because—

Mr Brokenshire interjecting:

The SPEAKER: Order! I warn the member for Mawson.

The Hon. P.F. CONLON: The buses are running in Mount Gambier because the state government stepped into the breach when the local government withdrew its funding. We would like to get relations back on a far more positive footing, so we will be talking about that tomorrow. We have not let down the ratepayers or the taxpayers of Mount Gambier. We have stepped in. I can tell members that those buses will continue to run. Let us not talk about promises next year. Those buses will continue to run; that is this government's commitment.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson has been warned; he will be named in a minute.

The Hon. P.F. CONLON: It would be difficult for me to agree with the proposition of the Leader of the Opposition that we agree to their commitment. The commitment members opposite released today is that the Liberal Party will fund all regional services completely. How many are those? There are six regional services at present. When Renmark rings up, will you fund its bus service? What about Berri?

Members interjecting:

The Hon. P.F. CONLON: Can you tell us how much that will cost?

The Hon. W.A. Matthew interjecting:

The SPEAKER: I warn the member for Bright. The next member who transgresses will be named.

The Hon. P.F. CONLON: The history of this funding is that there has not been a role for state government to provide bus services in small or regional towns. There has not been. This came about because local councils proposed that if they paid a proportion of the bus services the state government would step in and pay two-thirds. I point out to everyone here that was the arrangement that obtained for 8½ years under the previous Liberal government—under John Olsen, Dean Brown and Rob Kerin that was the arrangement. I indicate to the house that their commitment to fund all regional services is as reliable as their promise not to sell ETSA.

Mr WILLIAMS: I rise on a point of order, sir. The minister is debating. This is question time. He told the house that he would answer the question if we gave him the opportunity.

The SPEAKER: Order! It is a point of order of debate. The minister needs to focus on the question, not debate it.

The Hon. P.F. CONLON: If the commitment of the Leader of the Opposition is that members opposite are committing a future government to fund all regional bus services—no matter where they are in South Australia—we will not be matching that because it is utter nonsense and it will never happen. It is as good as their promise not to sell ETSA—and the people of Mount Gambier will not fall for it. We will have positive discussions—

Mr Brokenshire interjecting:

The SPEAKER: Order!

Mr Brokenshire interjecting:

The SPEAKER: Order! I name the member for Mawson for defying the chair. Does he wish to be heard in explanation? Is there an apology?

Mr BROKENSHIRE: I am prepared to apologise, but I was antagonised about the lack of commitment.

The SPEAKER: There is no excuse. Do you apologise?

Mr BROKENSHIRE: Sir, I apologise totally.

The SPEAKER: The chair will accept it at present, but if the honourable member continues he will suffer the consequences.

The Hon. R.G. KERIN: I have a supplementary question. Will the minister agree to meet with a delegation from the community later today about the bus services?

The Hon. P.F. CONLON: I will meet with any reasonable person who has a reasonable—

Members interjecting:

The Hon. P.F. CONLON: I have arranged meetings—

Members interjecting:

The Hon. P.F. CONLON: They are just so rude. I have agreed to meet everyone who has a reasonable position to put on local transport here. I am meeting Mr Paul Jenner—who your federal minister ran away from when he was down here. Isn't that right? Presumably, he ran away from Mr Jenner, who has campaigned on local transport issues for years. I am meeting with him this week. I am meeting anyone with a reasonable request to meet me. I have never had a request from this delegation you mention. I have not had a request, but I am happy to fit them in somehow. We will do it because we meet people and we are happy to do it; that is why we are here. Do not forget who opposed coming down here to meet local people.

The SPEAKER: Order! The minister is debating the question.

SIR ROBERT HELPMANN THEATRE

Ms THOMPSON (Reynell): My question is to the Minister Assisting the Premier in the Arts. Given the importance of this auditorium—the Sir Robert Helpmann Theatre—to the people of Mount Gambier, has the theatre benefited from the government's extra investment in regional cultural facilities?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): I am pleased to be able to answer this question, standing on the stage of this theatre. This theatre, as members would know, was opened in 1982 as part of the Mount Gambier Civic Centre by His Royal Highness The Prince of Wales. The theatre was later named, of course, the Sir Robert Helpmann Theatre. That world-renowned ballet dancer was born in Mount Gambier in 1909 and spent his early childhood in the town before moving to Adelaide with his family.

For 25 years the building has been well used and loved, but it is now getting a bit tired—as members of the audience, in particular, would recognise. In fact, the theatre has not had a major upgrade, other than work commenced in 2003-04 under this government's program for better regional theatres. In 2003-04 the government through Country Arts has funded better fire services for this theatre, replaced theatre lights—perhaps they are the lights about which the member for Stuart is complaining—provided new emergency communications systems between front of house and backstage staff and provided new auditorium speakers. This year, we will fund new seats, and the foyer will be repainted and recarpeted. In addition, sound loops will be installed to improve the theatre experience for the hearing impaired.

I advise the house that the theatre will be closed from 20 May 2005 until 10 June 2005 for these refurbishments to be completed. I further inform the house that an official function to mark the refurbishment will be held in conjunction with the performance of Fiddler's festival on Saturday 18 June. Thanks to this new investment, the Sir Robert Helpmann Theatre will again rank as one of the best theatres in regional Australia.

McGEE, Mr E.

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Will the royal commission into the Eugene McGee case assess whether underfunding of the DPP's office was a contributing factor in the prosecution's management of the case? In the aftermath of the case, there has been considerable comment about the prosecution's failure to rebut psychiatric evidence provided by the defence or to introduce evidence from two witnesses who have raised questions about the defendant's driving on the day of the accident.

The Hon. M.J. ATKINSON (Attorney-General): The royal commission will deal with all matters that might have led to any deficiencies in the prosecution of Eugene McGee. What I can say is that only efforts to improve resources to the Office of the Director of Public Prosecutions have occurred under this government. From memory, there have been five separate special increases, recurrent increases, to the Office of the Director of Public Prosecutions since this government came to office. In fact, just to make that more precise, I think it is four recurrent increases and a one-off increase to the Office of the Director of Public Prosecutions.

There was a report into the underfunding of the Office of the Director of Public Prosecutions during the term of the previous government, and nothing was done in the budget by the then Liberal government to act on that report. However, that report's recommendations have been largely fulfilled by this government, which has made a series of increases in real terms to the budget of the Office of the Director of Public Prosecutions to get the case load of individual prosecutors down from the backbreaking level that it was under the former attorney-general—

Members interjecting:

The Hon. M.J. ATKINSON: Money has been provided well ahead of the consumer price index. Indeed, under this government, the Office of the Director of Public Prosecutions has been one of the most generously treated agencies in the whole of government.

SOLAR SCHOOLS PROGRAM

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. What are the latest developments in the South Australian solar schools program?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Wright for her question—

Mr Brindal interjecting:

The SPEAKER: The member for Unley will come to order!

The Hon. J.D. LOMAX-SMITH: She is one of those members who is absolutely committed to ongoing improvements in education and recognises the link between educational and environmental values. The member for Wright refers to a program which began in the year 2003 when the Premier announced that we would be solar powering schools and kindergartens with a $1.25 million SA solar school strategy. This is part of our South Australian State Strategic Plan, which urges us to complete 250 installations within 10 years. We are well on track to that goal with the recent announcement today of 30 new schools, bringing to 74 the number on which we have worked since coming to power.

The new schools which have been announced include two in this area, in fact, and I have spoken to the principal of Keith Area School. I also visited Michelle De Garis' Kindergarten, which is a stunning kindergarten, with a very strong focus on water watch, solar energy and water conservation. This kindergarten will be receiving solar panels in the next few months. In terms of the activity in the electorate of the member for Wright, two of her schools will receive solar

panels in this tranche—Golden Grove Primary School and Manor Farm Kindergarten. They will also be switching onto solar power. The truth of the matter is that schools have a great opportunity to harness the sun's energy and return any excess power generated out of school hours and during the holidays. They can return power to the grid so that they are saving energy when they are working but, in addition, they are returning power to the grid so that they are reducing emissions.

The solar panels we have installed have had a significant impact on educational outcomes, because they enmesh with our other strategy, the complementary strategy in which we have had to put $1 million worth of water-saving devices into schools so that children in schools and kindergartens see those activities taking place within their own schools. I think it is really important that our educational processes not only think about saving money through saving electricity but also look at the educational opportunities and the chances that children have to inform their parents and families about solar energy and water conservation. I am particularly pleased that the students are such good advocates, and I know that the students in the member for Wright's electorate will be working hard to spread the word.

The SPEAKER: Before calling the next member, can I ask members to be fairly close to the microphone when they speak, because the sound is not being picked up very clearly for those in the gallery.

McGEE, Mr E.

Mr BROKENSHIRE (Mawson): My question is to the Attorney-General. Will the royal commission into the Eugene McGee case assess whether the inability of the government to honour its undertaking to provide additional police was a contributing factor in the failure of the police department processes in its investigation and, in particular, its failure to breath test Eugene McGee after the accident?

The Hon. M.J. ATKINSON (Attorney-General): The question of why Mr McGee was not breath-tested is a matter before the royal commission.

Members interjecting:

The Hon. M.J. ATKINSON: Mr Speaker, with the exception of the member for Hammond, the people who are disrupting and interrupting this parliament are all members of the Liberal Party. The breath-testing of Mr McGee, as I said, is a matter before the royal commission.

Mrs Redmond: What royal commission?

The Hon. M.J. ATKINSON: The royal commission that was just announced. If the member for Heysen had been listening earlier she would have heard it announced. If the member for Mawson mixed with police as much as he claims he would know that no police officer is authorised to breath test an alleged offender more than two hours after the accident or incident. That is the law of South Australia and it is police practice, and has been for many years. That was impressed on me as recently as Friday by the President of the Police Association, Mr Peter Alexander. Far from police resources being an issue, on the contrary, the Labor government in this state is engaged in hiring more police officers so that there will be more police officers in absolute terms and per head of population than at any time in South Australia's history. The South Australian Police Department is well resourced by this Labor government.

Mr BROKENSHIRE: Sir, I have a supplementary question. Based on what the Attorney-General just said to the parliament and given that the Attorney-General said there are more police now, why did he advise 5AA that there was a considerable underspend in the current police budget for salaries because there were not sufficient police and recruits to take up that salary assessment and allocation? I am advised that in the last week—

The Hon. P.F. Conlon: That's not a question.

Mr BROKENSHIRE: Yes, it is.

The SPEAKER: It is more of a statement, I think. The Attorney.

The Hon. M.J. ATKINSON: Mr Speaker, it is well known that, although the most generous provision ever has been made for police recruitment in the state's history by this government, there has been a difficulty in hiring sufficient police—

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. M.J. ATKINSON: There has been difficulty—

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order, the member for Bright!

The Hon. M.J. ATKINSON: —in hiring suitable police recruits. I would have hoped that the Liberal Opposition would agree with the government that, before someone is recruited as a police officer or for police training, those people must be very carefully scrutinised and checked so that suitable people are hired and, for that reason, police officers have been brought from the United Kingdom, ready-made police officers, to form part of that police complement. Despite the most unpleasant reflections that have been made on these recruits by the member for Mawson, we are pleased that bobbies are coming to Australia to serve in the South Australia Police.

HOUSING, SOUTH-EAST

Ms CICCARELLO (Norwood): My question is to the Minister for Housing. What is being done to assist people with complex needs in the South-East region?

The Hon. J.W. WEATHERILL (Minister for Housing): I was very pleased to accompany both the member for Norwood and the member for Florey to the office of UnitingCare Wesley in Mount Gambier, where we witnessed a magnificent program designed to provide support for people with complex needs, including psychiatric disabilities, in their accommodation. This supported accommodation project provides independent housing to six to eight people with these complex needs and really is a showpiece of what we wish to achieve with disability and psychiatric health services in the community.

Central to this model is a collaboration between a number of agencies: the South Australian Housing Trust; South-East regional health services; UnitingCare Wesley; and a range of other non-government organisations. The essential feature of this program is to assist people to live independently, to assist them to carry out those basic activities of life, and to allow them to take control of their life. We know that if we can achieve this—and we are seeing this in this very project—what will happen is that people will be better able to manage their own medication, and they will have an opportunity to avoid lengthy hospital stays.

We are already seeing an impressive amount of hospital avoidance through this process. Fewer bed days for people who have in fact had quite severe mental disabilities in the

past have all been avoided through the way in which this support can be provided. So, instead of actually placing people coming out of hospital or institutions straight into the community without any support, they have someone there who will provide a helping hand for them and, with that support, they are able to become better integrated people within the community.

It has a number of important knock-on effects. It reduces the difficulties that we have seen exist with disruptive tenancies, where people without this support get into trouble in their own neighbourhoods. It also has a massive effect on reducing the burden on the health care system and, in particular, the mental health care system. Significantly, and most importantly of all, it improves the outcomes for these individuals. They become better integrated, well-connected, happier and healthy members of our community. This is a fantastic project. Mount Gambier should be proud that it is working so well here, and we would like to see it introduced in other parts of the state. It will assist us in guiding our planning for disability and psychiatric services into the future.

McGEE, Mr E.

Mrs REDMOND (Heysen): Was the Attorney-General aware that, for several months prior to the McGee case, the Office of the DPP had been pressing for changes to legislation to require pretrial disclosure of expert evidence? The former DPP (Paul Rofe QC) has publicly stated that this government rejected suggestions that the law be amended to prevent defence ambushing prosecution in criminal trials with unanticipated expert testimony. My question seeks information about when the Attorney-General became aware of this problem.

The Hon. M.J. ATKINSON (Attorney-General): Problems with the criminal trial were apparent even before we came into government, which is why Justice Martin brought down a series of recommendations about how to reform the criminal trial. These recommendations have been made periodically ever since I started law school in 1976. The difficulty is that it is very hard to reach agreement between all elements of the criminal justice system. After discussions with Mr Rofe, who was then the Director of Public Prosecutions, the matter was referred to a committee comprising Justice Duggan, who is a criminal law specialist, Justice Sulan of the Supreme Court, Justice Rice of the District Court, Wendy Abraham—

The Hon. I.F. Evans: Good memory.

The Hon. M.J. ATKINSON: —of a blessed memory—was on the committee dealing with just this topic together with Gordon Barrett, a renowned defence lawyer. There are many more issues than the question of defence disclosure. There is also the question of prosecution disclosure.

Mrs REDMOND: I rise on a point of order. My question specifically sought from the Attorney-General an answer to when he became aware of the problem.

The SPEAKER: The Attorney will answer that issue.

The Hon. M.J. ATKINSON: The answer is periodically since 1976.

MAGISTRATES, RURAL AREAS

Mr RAU (Enfield): My question is to the Attorney-General. Can the Attorney report on the posting of magistrates to rural areas?

An honourable member interjecting:

Ms Breuer: Shut up.

The SPEAKER: Order! The member for Giles, that is not very dignified behaviour.

The Hon. M.J. ATKINSON (Attorney-General): Before 1994, there were resident magistrates in Mount Gambier, Whyalla and Port Augusta. In a demonstration of the commitment to rural South Australians by the previous Liberal government, all resident magistrates in country areas were withdrawn by the former Liberal government. This was the decision of the former attorney-general, the Hon. K.T. Griffin. In 2002, the Labor Party's pre-election justice policy included this promise. As a pilot program, Labor will base a magistrate at Port Augusta to test whether this increases community confidence in the judicial process. We honoured our election commitment. On 30 September 2002, Mr Fred Field commenced duty as resident magistrate at Port Augusta on a trial basis. Not only is Fred Field still a resident magistrate in Port Augusta but the trial was so successful that we gave Port Augusta a second resident magistrate—the member for Stuart would know this—in local lawyer Clive Kitchin.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Is the member for Mawson disputing that Clive Kitchin was a Port Augusta lawyer? We did not stop there in trying to undo the damage which the Liberal Party had done to our justice system. In January last year—

Mr BRINDAL: I rise on a point of order. Mr Speaker, you have berated me and other members of the opposition for being incited by ministers. Can I ask you as chair to ensure that ministers do not incite the opposition by their answers? They are clearly not allowed to debate.

The SPEAKER: The member for Unley's point of order is valid. The Attorney was making unnecessary comment about the opposition.

The Hon. M.J. ATKINSON: In January last year, we gave Mount Gambier its own resident magistrate. We did not have the support of the opposition but we went ahead and did it. I understand that the first magistrate to take up the post was Chas Eardley. He was well received in the Mount Gambier community. The incumbent Mount Gambier magistrate, Mr Greg Clark, took up his post on 14 February this year, and I was pleased to meet Mr Clark and his staff at the Mount Gambier court for lunch today.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I am glad that the member for Bragg asked—

The SPEAKER: Order! The minister is now debating the issue.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: I was reintroduced to him by the member for Heysen, and I thank the member for Heysen for answering the member for Bragg's question. During the Griffin years, Adelaide-based magistrates conducted about 40 criminal circuits and five civil circuits a year. This resulted in a substantial over-listing of matters during each criminal circuit, and considerable delays for accused coming before the courts. Before the introduction of the Mount Gambier resident magistrate, the Adelaide Youth Court conducted care and protection applications by telephone, and there was comment from the legal representatives in these matters about the appropriateness of having such matters heard over the telephone. Now that a resident magistrate is here, the Adelaide Youth Court's family conference team unit, and the care and protection unit, visit Mount Gambier and Millicent regularly on circuit. In addition

to sitting full-time at Mount Gambier, the magistrate also sits once a month in Naracoorte, Bordertown and Millicent. When the resident magistrate is not sitting in any of the circuit courts, he sits here in Mount Gambier. In 2004, Naracoorte had 30 circuit sitting days, Bordertown had 12, and Millicent 11.

Resident magistrates allow matters to be listed more expeditiously, and they have a highly visible presence within the community which ensures greater equity of access to justice. Resident magistrates have additional responsibilities that focus on engaging with people at the local level. Each resident magistrate has the responsibility to liaise with the local legal profession, police, corrections, the Aboriginal Legal Rights movement—

The Hon. G.M. GUNN: On a point of order, sir: to flout the standing orders, and stop the opposition from asking questions, a ministerial statement is being made.

The SPEAKER: Order! I uphold the point of order. I think that the Attorney has taken longer than is really necessary. Ministers can use ministerial statements.

MENTAL HEALTH, MOUNT GAMBIER HOSPITAL

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health confirm that the two qualified mental health nurses at the Mount Gambier Hospital resigned last month, leaving the hospital without a mental health service, and was bullying and intimidation by senior management again a key factor in the latest loss of senior hospital staff? At the beginning of this year, two fully qualified and experienced mental health nurses and a registered nurse doing post graduate mental health training provided an effective mental health service at the hospital. Two weeks ago, the two qualified nurses resigned amid claims of bullying and intimidation at the hospital, leaving no mental health service at the hospital.

The Hon. L. STEVENS (Minister for Health): I am very pleased to answer the question from the Deputy Leader. I would like to start by saying that a whole range of services delivered through the Mount Gambier Hospital have improved immeasurably over the last three years. It was in no small measure due to the efforts of the staff of the hospital at all levels, and also the members of the board. In relation to the particular question regarding mental health services, at the moment I am informed that the Mount Gambier Hospital has only one mental health nurse and, of course, that is a concern, and I will be meeting with the Mount Gambier Hospital Board tomorrow, and that matter will be on the agenda for discussion. In relation to mental health services, the South-East Regional Health Service, including this area, has not been idle. At the moment they have instituted a full review of mental health services across the region. That is being looked at in depth by a whole range of people, and we will be expecting new measures.

Mr Brokenshire interjecting:

The Hon. L. STEVENS: The member for Mawson talks about the need for new nurses. We know that there are issues in relation to nurse shortages across South Australia, and since the state government came to office it has put into operation a $3 million per annum recruitment and retention strategy for nurses.

Mr Brokenshire interjecting:

The Hon. L. STEVENS: Perhaps the member for Mawson would like to direct his criticisms to his federal colleagues, whose major—

Members interjecting:

The SPEAKER: Order!

The Hon. L. STEVENS: —responsibility is the training of adequate numbers of nurses. There is an issue both here and across all of Australia.

Sir, the member for Finniss mentioned bullying and harassment. As I said, I will be talking with the board specifically in relation to the mental health situation. However, I would like to point out to the house that when the Stokes-Wolff review was undertaken at Mount Gambier Hospital a year or so ago issues of bullying and harassment were raised by Stokes. These matters are of a longstanding nature. I have read the follow-up report of Stokes into the recommendations that he originally made, and huge improvements have been made in that area as well. I will take up the issue with respect to the mental health nurse.

Members interjecting:

The SPEAKER: Order! Three or four members are trying to challenge the standing orders, and it is not a good technique. The member for Torrens.

STRUAN HOUSE

Mrs GERAGHTY (Torrens): My question is to the Minister for Administrative Services. What are the government's plans for Struan House?

The Hon. M.J. WRIGHT (Minister for Administrative Services): Members may be aware that Struan House—

Members interjecting:

The SPEAKER: Order! Members must speak at their microphone—almost regard themselves as giving it a kiss, but they need not go quite that far. The minister.

The Hon. M.J. WRIGHT: Struan House consists of two main houses used primarily as the regional headquarters of the Department of Primary Industries and Resources (PIRSA) and a number of other buildings, including laboratories that are used as part of PIRSA's research facilities, SARDI. The main house is a two-storey stone mansion, with a two-storey turret addition and is predominantly used for offices. The second building (the Mosquito Plains Homestead) is a single-storey stone building that was built in 1860 as a homestead, and is currently being used as PIRSA's agricultural research centre office and soil testing laboratory.

The government has recently approved the Department for Primary Industries and Resources SA to continue to operate from the site. Extensive restoration works have been undertaken involving the restoration of the principal internal spaces and identifying the original decorative paint schemes. The government is committed to maintaining and preserving this regionally significant building in accordance with heritage requirements. New works will be undertaken, including the upgrade of building services to provide for the ongoing operations of the Department of Primary Industries and Resources.

Approximately $1 million of planned refurbishment will include restoration and conservation works and the upgrade of the fire system and improved accessibility to the building. Work is expected to commence in late 2005. The collocation of PIRSA's business service delivery units together with the SARDI research and development operation at Struan is beneficial for the South-East region. The government is committed to supporting local regional communities and is

sensitive to the heritage and conservation issues that exist in local communities.

FAMILY AND COMMUNITY SERVICES OFFICE

Mr HANNA (Mitchell): My question is to the Minister for Families and Communities. Why have the people of Mount Gambier missed out on a permanent office for family and community services since the Elizabeth Street building burnt down in April last year?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I suppose that the obvious answer is that it was burnt down and we have not rebuilt it.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, I did not burn it down; I am sorry.

Members interjecting:

The Hon. J.W. WEATHERILL: We have decided to take the opportunity—

Members interjecting:

The Hon. J.W. WEATHERILL: Would you like to hear the answer? It is very difficult to give answers when there is misbehaviour by those opposite.

Members interjecting:

The Hon. J.W. WEATHERILL: It is easy to see why the people of Mount Gambier have lost confidence in the Liberal party when—

Members interjecting:

The SPEAKER: Order! The minister will not debate the question.

Members interjecting:

The SPEAKER: Order! The minister has the call and he should not provoke the opposition.

The Hon. J.W. WEATHERILL: Well, I was trying to create a little space to answer the question, sir. We have taken the opportunity now, with the Department for Families and Communities, instead of thinking of the various agencies which form part of the Department for Families and Communities—and they include the Housing Trust, Child, Youth and Family Services (CYFS), and the various other funding programs that we administer through CYFS, such as the supported accommodation project (which I mentioned earlier), the disability services and IDSC—to consider a joint exercise and the collocation of those services.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: Well, most people think that a single point of entry is actually a sensible way of administering government businesses. It is actually—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: It is the planning exercise we are going through at present with various staff from CYFS and the Housing Trust. Frankly, it is something that I have asked to be explored across the whole of South Australia, not just in the Mount Gambier area. As we see the opportunities that exist for collocation, we will explore them. I am also taking it a step further with an agenda that has been developed by the Minister for Education and Children's Services and the Minister for Health. We are looking at the opportunities that exist for collocation and the sharing of facilities across all our portfolios.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: What we understand is that the needs of children actually do not stop at individual portfolio areas. We will take a holistic approach to the service delivery that supports families and communities. I would think that is a sensible approach, and I am surprised that those opposite want to make cheap shots about the fact that it will take a little time to complete that planning process. I inspected the burnt-out site this morning, and I heard some of these concerns from the head of CYFS. Of course, they are concerned that their staff are spread over two separate locations. I think some of them are located in the RSL building and others are located in the South Australian Housing Trust building. I know that is a difficult thing for them to have to endure in the short term, but we will be expediting the planning process to ensure that they have a purpose-built facility that assists them in carrying out their important tasks.

MENTAL HEALTH, MOUNT GAMBIER HOSPITAL

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health confirm that, with the collapse of mental health services at the Mount Gambier Hospital, three mental health patients have been flown to Adelaide by the Royal Flying Doctor Service for treatment? The opposition has been advised that in the past few days alone at least three patients have been flown by the Royal Flying Doctor Service to Adelaide for treatment at a cost of $1 800 to the hospital per flight because there is no mental health service now at the hospital.

The Hon. L. STEVENS (Minister for Health): I say, again, that the deputy leader asserts of course that there is a collapse of mental health services.

Mr Brokenshire interjecting:

The Hon. L. STEVENS: The deputy leader asserts the collapse of mental health services at the hospital. That is something I will talk with the board about tomorrow in relation to the issue of mental health nurses. I point out that I think that the deputy leader has a nerve to be talking about mental health services in this state.

Members interjecting:

The SPEAKER: The minister is starting to debate the question.

The Hon. L. STEVENS: Let us be clear that mental health services in this state have been run down over many years.

The Hon. DEAN BROWN: I rise on a point of order, sir. The question was very simple, indeed, asking whether the minister would confirm that three mental health patients have been flown to Adelaide at a cost of $1 800 per flight.

The SPEAKER: The member has asked his question. The minister can provide some relevant background but should not debate the matter.

The Hon. L. STEVENS: I do not have that information at my fingertips, but I will certainly get that information and provide a full answer to the house. The Royal Flying Doctor Service works across country South Australia and, of course, when it is required, does transport patients appropriately to obtain the health services that they require.

RURAL SOUTH AUSTRALIA TASK FORCE

Mr VENNING (Schubert): Will the Minister for Agriculture, Food and Fisheries explain why he has not yet established a task force to develop a comprehensive plan for regional and rural South Australia? The key recommendation to the government in the South Australian Farmers Federation submission 'Triple bottom line for the bush' in March 2004

was for the government to establish a task force to work in partnership with the federation to develop a strategic plan for rural South Australia.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank the member for Schubert for an identical question to the one he asked me 12 months ago.

Members interjecting:

The SPEAKER: Order!

The Hon. Dean Brown interjecting:

The SPEAKER: The member for Finniss does not have the call. The minister has the call.

The Hon. R.J. McEWEN: I advised the house at the time that I had discussed a raft of plans with the South Australian Farmers Federation. They are quite comfortable with that—

Ms Chapman: Carol has a different version.

The Hon. R.J. McEWEN: I will put on the record what they have said to me and, if members opposite want to continue to romance, let them do so. At that time I asked John Lush and Carol Vincent whether, on top of that, they would prefer another approach. They said that they would consider that. We have had a number of meetings since, and they have not yet asked for anything over and above what we have already delivered. I have a very close—

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson is getting into bad habits again. The minister has the call.

The Hon. R.J. McEWEN: I will continue to talk, obviously, to the new President of SAFF, Jeff Klitschner; and I will ask Jeff whether he is comfortable with the arrangements we have at the moment with SAFF. If he is not, I am quite prepared to do exactly as they ask, as I do with drought, fire and all other issues. In fact, Carol Vincent rang me this morning in relation to a matter. I said that her proposition had some merit and, if she put it in writing, I would consider it. We actually have a very good relationship with SAFF. It is sad if members opposite want to destroy it, because if they do, all they will do is impact on their constituents.

Mr VENNING: I have a supplementary question. Given the minister's answer, will he confirm that he told SAFF General Manager, Carol Vincent, that the government would not set up the task force as was promised but that, if SAFF wished to set one up, the government might get on board? Can the minister clarify that?

The Hon. R.J. McEWEN: The member for Schubert is obviously suffering from the fact that his question is more than a year old and he has forgotten what the recommendation was.

Mr Brokenshire: Mike Rann promised a task force in the Rundle Mall. Fair dinkum, Rory.

The SPEAKER: The member for Mawson is out of the order!

The Hon. R.J. McEWEN: The recommendation was that SAFF and industry set up a joint task force—not that the government do it but a task force with the government. On a number of occasions I have asked: 'Are you satisfied with the structure we have in place at the moment? If not, do you wish to proceed with a joint task force again?'

Ms Chapman interjecting:

The SPEAKER: The member for Bragg is out of order!

The Hon. R.J. McEWEN: The key word that the member for Schubert is failing to use is 'joint'. I will work with SAFF if and when—

Mr Venning: You are the minister.

The SPEAKER: The member for Schubert asked for a supplementary question: the chair will not consider his request next time.

Members interjecting:

The SPEAKER: I do not think members opposite want to hear any answer.

The Hon. R.J. McEWEN: They are obviously struggling with the definition of the word 'joint'. I understand that means that we will do this in partnership, and that is what we will do. We will continue to work closely together, as we have in the past. I am proud of the relationship we have with SAFF.

REVEGETATION

Mr WILLIAMS (MacKillop): Will the Minister for Agriculture, Food and Fisheries explain to the house the rationale behind his department's practice of charging landowners for revegetation advice? A constituent of mine who is concerned about the viability of remnants of what he describes as unique flora on his property recently contacted a revegetation officer who has operated in the South-East for a number of years. He was told that he would have to pay for any advice he received and that a visit to assess the remnant vegetation and to devise and document a recovery plan would involve about a day's work at a cost of between $500 and $600 to him.

The Hon. J.D. HILL (Minister for Environment and Conservation): I assume that the member for MacKillop was referring to work done through Rural Solutions, which is an agency that is jointly run through the department for the Minister for Agriculture, Food and Fisheries and my department, the Department of Water, Land and Biodiversity Conservation, which looks after native vegetation. If the member can give me the details of the claim, I will certainly have them investigated.

SCHOOL MAINTENANCE, MOUNT GAMBIER

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services explain to the house why the maintenance backlog for schools in the Mount Gambier electorate has blown out to approximately $4.5 million? The Department of Administrative and Information Services' building, land and asset management system shows that the total maintenance backlog in Mount Gambier has now blown out to $4 454 000.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Bragg, because her question is an extraordinary one. She knows as well as I do that, when we came into government, we had a $250 million maintenance backlog. I am surprised that she is now talking about the blow-out, because we have invested 400 per cent—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: Mr Speaker, I find it very difficult to respond to the member for Bragg's question while there are other people shouting me down. The reality is that this year we have invested $40 million into maintenance and, in fact, the schools in the Mount Gambier region have, in many cases, benefited from that fourfold increase in maintenance, which has significantly impacted on the maintenance backlog that we inherited. In particular, there has been a $1 million investment in the region, and more than $1 million went into our routine maintenance backlog

expenditure. The $1 million that has been spent has gone into our School Pride initiative.

As members know, part of our AAA dividend for our schools was an investment of an extra $25 million in maintenance, and that was required to improve the appearance and the capacity in one year going into our schools in South Australia. It meant that every single school and every single kindergarten in South Australia received funds that were taken off the top and the most urgent of their asset management requirements. In many cases, that involved problems that have been building up over many years. But we said that part of that money should be spent in the appearance. Unlike those opposite, I believe that public schools should look good to reflect the quality of their education, and the quality of their education should be vibrant, obvious and apparent to those who look at the buildings. I want our schools to look good. I want them to be well painted and I want them to have good signage but, most of all, I want that money to be spent on the huge backlog that was left by the previous government. That includes asbestos removal and it involves maintenance and upgrades of our science laboratories and carpets, airconditioning and roofing. It particularly looked at putting money in areas such as lavatories and play areas, and the appearance of the whole school. Does the member approve of a quadrupling—I will say it again; a quadrupling—a 400 per cent increase—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: Since members opposite want to talk about Sturt Street, let us do that, because as we—

The SPEAKER: Minister, the question is not about Sturt Street. I think the minister has answered the question.

SCHOOLS, STURT STREET PRIMARY

Mr SCALZI (Hartley): Will the Minister for Education and Children's Services explain why the government chose to spend $7 million on Sturt Street Primary School, which has 28 students, at a time when the maintenance backlog at McDonald Park Primary School is $333 572; at Mount Gambier North Primary School it is $508 608; at Mulga Street Primary School it is $558 933; and at Grant High School it is $868 478?

Members interjecting:

The SPEAKER: Order! Some members will be able to inspect those schools shortly, if they are not careful. The Minister for Education and Children's Services.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): As I said before, we have opened one school as opposed to the opposition closing over 60—

Members interjecting:

The Hon. P.F. CONLON: On a point of order, I am actually interested in hearing the answer.

Members interjecting:

The SPEAKER: Order! The behaviour of some members is not highly reflective on this parliament in a positive sense. I ask members to think about their behaviour.

The Hon. J.D. LOMAX-SMITH: I pointed out that we have indeed opened one school as opposed to closing 64. The only schools that have closed since we came into power were the few schools where the teachers and parents had actually requested that the schools be closed.

Ms Chapman: Because you starved them of money.

The Hon. J.D. LOMAX-SMITH: No. We need to put this on the record.

The Hon. DEAN BROWN: I have a point of order as to relevance. The question was asked and, under standing order 98, I ask you to—

The SPEAKER: The question related to Sturt Street and local schools. I make the point again that the chair has been exceptionally tolerant today, and that tolerance has worn out now. If members continue to defy the standing orders, they will suffer the consequences. Does the minister wish to wrap up her answer?

The Hon. J.D. LOMAX-SMITH: Only to point out that, where schools have been closed under our government, it has been at the request of parents. I have to say that even the Minister for Education cannot force parents to send their children to a school if they have decided that the school should be closed because it is too small. The reality is that Sturt Street school is not the school that it was when it was closed. It is a different format of school. It is a nought to eight-year old school for about 120 children, because it goes from childcare to kindergarten to early years. It is an extraordinary school, which integrates a whole range of learning, particularly for gifted and challenging children. And on top of that—

Mr Scalzi interjecting:

The SPEAKER: I warn the member for Hartley.

The Hon. J.D. LOMAX-SMITH: The school incorporates a whole range of integrated programs. I think it is true to say that there have been extremely raised expenditures across the Limestone Coast area round Mount Gambier. There has been a great investment of 400 per cent increase in capital management expenditure as well as many new schools being built. In fact, many of the people in the gallery will know about Kalangadoo, a very small school where almost $1 million is being spent. My view is that we want to have the best for all children, whether they are in Kalangadoo or Sturt Street. If members opposite do not agree with us, then they are quite out of step with their view about what our children deserve. We want the best for all children, not just the children in some areas.

SUICIDE, REGIONAL SA

Ms BREUER (Giles): My question is for the Minister for Health. What is the state government doing to reduce the impact of suicide in country South Australia?

The Hon. L. STEVENS (Minister for Health): Today I was pleased to announce the distribution of $680 000 to suicide prevention initiatives in regional areas. I would like to be able to give that information to the house. The Eyre region will receive $75 000, the Hills Mallee Southern region will receive $65 000, the Mid North region will receive $120 000, the North and Far West region will receive $75 000, the Riverland will receive $80 000, the South-East region will receive $90 000 and the Wakefield region will receive $80 000. These funds have been made available through the Social Inclusion initiative and they will be applied over the next two years for local communities to fund local solutions to this very concerning issue.

However, as well as that, I also have the pleasure of launching today a new brochure aimed at increasing community awareness about suicide and providing information about where help can be found. This is an initiative of the Mount Gambier Suicide Prevention Network and Lifeline South-East. This is the first of a series of steps aimed at

reducing the impact of suicide in Mount Gambier. It is funded by the Rotary Club of Mount Gambier and the suicide network, utilising funding gained through the South-East Regional Health Service's mental health promotion initiative. The Mount Gambier Suicide Prevention Network is a network of community members and groups that have been affected by suicide. A variety of organisations within Mount Gambier such as Lifeline, the South-East Regional Health Service, the Mount Gambier Council and the Bereaved Through Suicide group have played a part. The Mount Gambier Rotary Club, along with the East Gambier Action Group, will take responsibility for the distribution of the brochure, which will be distributed to letterboxes throughout Mount Gambier in the near future.

This very important mental health initiative will benefit the whole community. It provides people with the information that they need to access support and services specific to their own community. This is what primary health care is all about—providing services to people where and when they need them. I commend all those people involved in this initiative. This will make a real difference in people's lives—something that can mean the difference between life and death. At the launch this morning it was gratifying to have the involvement of the Rotary Club of Mount Gambier. I said then, and I say again this afternoon, that Rotary, as an organisation nationwide and, particularly, in South Australia, has made mental health one of its priorities—as service clubs—in terms of awareness raising in the community and helping and living alongside health services and community groups to take away the stigma that goes with people who have a mental illness. I congratulate them and, as a whole, the people of Mount Gambier for their part in this project.

I also mention Lifeline, which is a partner here in Mount Gambier with this particular initiative, but it is also a national organisation. Again, I thank Lifeline as a great non-government agency. Today was a very important launch; a number of people were present, including Mayor Perryman and Mayor Pegler plus all the partners who were involved in this project and a number of members of the community who had actually been affected by suicide. I congratulate them all on the initiative. I will be very keen, as all members of the government will be—and as I hope all members of the house will be—to see how they progress in this very important initiative.

MEMBER'S REMARKS

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.D. HILL: Earlier today, the member for Davenport made certain allegations about me under the guise of seeking a privileges committee or a privileges matter. He alleged, I believe, that I somehow denied a briefing to him in relation to marine protected areas legislation as to where protected areas were planned. I became aware on Thursday or Friday last week that two briefings had been ordered in relation to marine protected areas by the opposition, one for the Legislative Council and one for the House of Assembly members. The briefing for the Legislative Council was 9 a.m. on 26 May and one was requested for House of Assembly members during our week in Mount Gambier. I thought that it was reasonable to put to the member for Davenport that we could have one briefing at the time of the proposed Legislative Council briefing so that the officers would not have to travel from Adelaide for a one or two hour briefing, and thus save expense and their time.

I made it plain to my ministerial chief of staff that that proposition should be put to the member for Davenport's office, but I also made it plain that, if he wished to have those two briefings, we would, nonetheless, provide them, although I thought it was a matter of efficiency to have one briefing. My staffer, Mr Brer Adams, contacted the member for Davenport's office and spoke to Ms Cristy Elliott. Ms Elliott phoned my chief of staff back to say that the member for Davenport did not express a view about the proposition that was put to him, and it was put to my staffer that it was up to the government to determine when briefings were to be held. So, I said, 'For this meeting, we will have one briefing and save the expense and time involved in sending those two officers down.' So, it was not something that I cancelled: it was put to the member for Davenport and, once again, he has used the ploy of a privileges committee to cast a slur on me and others on this side. He does it continually without the capacity for me to respond directly. I ask for him to withdraw and apologise.

POLICE, OVERSEAS

Mr BROKENSHIRE (Mawson): I seek leave to make a personal explanation.

Leave granted.

Mr BROKENSHIRE: During question time, the Attorney-General alleged that I, as shadow minister for police, was not supportive of the recruitment of police officers (he called them bobbies) from the United Kingdom. That is not true. My statements are always supportive of the British police. My questions were simply around a report in England and, secondly, the fact that across this state, including the South-East, we have had continual representation from people asking why they cannot get into the South Australia Police. We are not, and never will be, opposed to British police, but we have a preference for South Australian people for policing.

EYRE PENINSULA BUSHFIRES

The Hon. L. STEVENS (Minister for Health): I lay on the table a copy of a ministerial statement relating to an independent review into the Eyre Peninsula bushfires made in another place by the Hon. Carmel Zollo, Minister for Emergency Services.

MATTER OF PRIVILEGE

The SPEAKER: In light of the explanation by the Minister for Environment and Conservation, the chair does not believe that a privileges committee investigation is warranted. Members have to think seriously about calling for a privileges investigation. It is a very serious matter, and members need to reflect on that. After hearing the minister's explanation, I believe it seems reasonable that the briefing did not proceed, given the information he has provided to the house.

NATIVE VEGETATION

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement in relation to native vegetation.

Leave granted.

The Hon. J.D. HILL: I would like to inform the house of progress towards developing and implementing changes to the Native Vegetation Act that will assist land holders while also benefiting the environment. The changes will provide a better service for farmers by making the system more flexible and by simplifying and reducing the time taken to process applications. It is anticipated that these changes will come into effect in the next few months. A significant change provides that landholders may be able to clear more significant native vegetation than has previously been allowed on the condition that they replant or manage other native vegetation in a way that will result in a better outcome for the environment. This results from an amendment to the Native Vegetation Act that was made during debate on the Natural Resources Management Bill last year.

Guidelines are now being developed so that the provision can be implemented from 1 July this year when the Natural Resource Management Act comes into full operation. Other improvements include:

- faster processing of clearance applications. The aim will be for decisions to be made within eight weeks of the receipt of a completed application, which will need to include all of the required information. A rapid approval process for trivial or minor clearance is also being developed.
- landholders will be able to fast-track a normal clearance application by engaging the services of locally-based consultants (who have been accredited by the Native Vegetation Council) to collect the vegetation data required and help the landholder prepare a clearance application.

In addition, we are developing a plan to assist landholders with pasture renovation programs that involve the clearance of native vegetation. The legislative amendments have been developed in conjunction with representatives from the Farmers Federation and the Conservation Council of South Australia. I would like to thank both those bodies for being involved. Associated guidelines and processes will also be developed in consultation with these organisations, and the guidelines will be released for public comment. I would also like to thank the individual landholders who have taken the time to assist with the development of these changes. The new processes will help farmers in achieving improved production, while also protecting the valuable natural resources on which we all depend.

NEWSPAPER ARTICLE

The Hon. I.P. LEWIS (Hammond): I seek leave to make a personal explanation.

Leave granted.

The Hon. I.P. LEWIS: An article appeared in *The Independent Weekly* in recent times. I am not exactly sure what day it was. The text of the article in one part on page 1 states that my inclinations are bisexual. They are not; they never have been. They are heterosexual. 'I am not much use to anyone in that respect' is an accurate account of what I told the reporter.

MEMBER OF PARLIAMENT, CONDUCT

The Hon. I.P. LEWIS (Hammond): I seek leave to make a personal explanation.

Leave granted.

The Hon. I.P. LEWIS: During recent times, remarks have been made by me and former members of my staff about an incident that occurred in January this year—some four months ago. Saturday's *Advertiser* and Thursday's *Advertiser* (I think it is) both inaccurately state (as a reflection on me):

> Janelle Tucker resigned as a result of an incident earlier this year in which an MP allegedly assaulted parliamentary staffer Di Peacock.

That is not true. Ms Tucker's position became redundant upon my relinquishing the role of Speaker and, accordingly, she was paid out something approximating $14 000 in lieu of notice when she left.

The Hon. I.P. LEWIS (Hammond): I seek leave to make a personal explanation.

Leave granted.

The Hon. I.P. LEWIS: In the same series of articles, beginning in the middle of last week, remarks have been made about the other parties to the incident. To put the record straight, I think it only fair simply to rely upon the news release statement of the Clerk of the House of Assembly of 9 March 2005, which states:

> I refer to the South Australia Police news release of 7 March 2005 regarding an 'allegation of minor assault' and confirm that a complaint of an alleged minor assault on a member of the staff of the House of Assembly by a member of parliament was also raised with me.
>
> The staff member has confirmed to me that the statement by police on 7 March that 'The complainant [I quote the Clerk's quote of the police statement] did not wish the matter to continue beyond the initial report' was correct and was a freely made choice.
>
> Some media have reported that the Commissioner for Public Employment 'counselled' the Clerks of the two houses of the South Australian parliament regarding the matter. In fact, he offered the resources of his office in assisting to ensure a safe working environment for the complainant; a matter referred to him by police for consideration. As Clerk of the House of Assembly, I am responsible for its staff and therefore for dealing with the complaint and the safety of the working environment. Discussions have been held with the parties to the allegation. The member denies the allegation and the complainant does not wish to pursue it.
>
> I am satisfied that the matter is now closed and that the parties should be able to move on. However I am concerned that continued media coverage is not in the best interests of that happening and in particular, distressing for the complainant [who, of course, as we all know, is Ms Di Peacock].

The news release is signed by David Bridges, Clerk of the House of Assembly, 9 March 2005.

The SPEAKER: The chair draws members' attention to standing order 385, which provides:

> Committee is not to entertain charges against members
>
> If any allegations are made before any committee against any member of the house, the committee may direct that the house be informed of the allegations but may not itself proceed further with the matter.

The chair draws that standing order to the attention of the house in respect of some of the matters that have been raised by the member for Hammond.

GRIEVANCE DEBATE

McGEE, Mr E.

Mrs REDMOND (Heysen): I want to address the house today on the issue of the Eugene McGee case. In so doing, I will read my comments because I have rather a lot to say. I do not usually read my grieves, but I want to say a fair bit. As a legislator in this parliament and a former lawyer, there are things about this case that trouble me quite deeply. I never thought there would be anything about which I would agree with the Premier, but it seems our views about Mr McGee may be largely at one. He is a disgrace to the human race. As far as I am concerned, he is completely lacking in moral fibre and I can only hope that he is tormented for the rest of his days because of what he did—or, rather, what he failed to do. He put self-interest above the life of another human being whose life he took. I know that the rider of the bike, Mr Humphrey, when he was hit by McGee, died instantly. That much is said by Chief Judge Worthington in his reasons for judgment, and it is clear to him from the results of the autopsy and the evidence of witnesses repeated during the trial.

However, the point is that McGee—and I will not even bother to give the title 'Mr' because, as far as I am concerned, he is less than human and certainly not a man—did not know, when that accident occurred, the state in which he left that cyclist. He did not stop to find out. As I said, I hope he is tormented for the rest of his life about that—and tormented by others because I do not think he has the moral capacity to torment himself.

Putting aside McGee though, there are a number of other aspects to the case which I think deserve attention from the parliament as the people responsible for our law making, though not for its interpretation. We cannot complain that some sort of favourable deal was done. The case did proceed to trial and it was not the result of some deal about whether or not it would be prosecuted. It went to a trial by jury, not even trial by just a judge. But there are still a couple of questions left hanging.

First, the breath test or, rather, the lack of it. The police originally said that they were too busy to render the test. If that is so, then I suspect the government may be to blame. It has failed to put in place sufficient resources for our police to properly fulfil their duties. Later, of course, it was pointed out that such a test would probably be inadmissible in any event, being conducted more than two hours after the event. If that is so, then that is clearly a shortcoming in the law and one which our government should have addressed in its three years in office. In any event, I have no doubt that McGee, being knowledgeable about these things, if confronted with a breath test or a blood test (when he finally did go to the police), would have said, 'I had a couple of Scotches to calm my nerves when I got home,' thus destroying the validity of any read-back as to what his blood alcohol level might have been at the time of the accident. Maybe that is another loophole that needs to be addressed.

In relation to the evidence of the brothers who say they saw McGee driving dangerously prior to the accident, having read the statement of Judge Worthington in the final judgment, it is clear it really was not proven that he was driving like that; and, furthermore, it is really a problem as to whether or not their statements were taken down correctly. I think that is something which probably should be the subject of investigation.

Given that the DPP had only the written statements upon which to assess what their evidence was, and given there was no mention in their written statements as to McGee's driving, it is unfair to suggest the DPP did not do its job properly. Dangerous driving is a charge which will need evidence, not just supposition, and the judge makes quite specific findings about it in his reasons. The DPP even went so far as to call in a prosecutor from interstate, not because anyone here was not willing to do the job but because the Office of the DPP knew that such a case cannot even have the suggestion that McGee received favourable treatment.

As for the conduct of the trial, there are some major issues which need to be addressed and, most particularly, the evidence of Professor MacFarlane regarding McGee's alleged post-traumatic stress disorder. Professor MacFarlane is the leading authority on the disorder, indeed, I think he wrote the definition of it that appears in the diagnostic and statistical manual which is the text book for these diagnoses. He is a man of great integrity and shoots it as straight as an arrow when it comes to giving evidence. He does not give a line for either side: he just calls it as he sees it as a clinician. I have no reason to doubt the integrity of his evidence. However, what is startling is the fact that essentially it was uncontested, and this is due to the failure of this government to address the problems within the system which had been brought to its attention by the DPP well before this trial came about. It is an issue that the government should have addressed well beforehand.

The judge in coming to his conclusions was stuck with finding the way in which he did. I have only the utmost respect for his Honour Judge Worthington, the Chief Judge of the District Court. His reasons for judgment are straightforward. The law left him with no alternative but to find the way in which he did. The jury had decided McGee's guilt of the charge, and within the sentencing provisions there was no basis for a result far removed from what he was able to impose. I cannot stress enough how it is this government's failure—not the failure of the legal profession which it continues to attack, but the government's failure to address the issues in this case.

Time expired.

GENERATIONS IN JAZZ

Ms BEDFORD (Florey): It is an honour to be involved in this historic sitting of the House of Assembly in Mount Gambier, and I bring greetings to this area from my electors in Florey, a seat which is located around the Modbury area of the north-eastern suburbs of Adelaide. It is always a pleasure to return to Mount Gambier, and I say 'return' because I have a long and happy association with the South-East, dating back some 35 years to when I ate my first Royal Gala apple in an orchard not far from the city centre. Since then, I have visited potato farms which supply extremely long potatoes for the French fries which I know our children love to consume at fast-food restaurants all over the world now. I have also had the pleasure of visiting a dairy property which is at the forefront of the milk production and animal husbandry of that industry.

It is always good to come back to Mount Gambier. I was introduced to the natural beauty and features of the region through friends of longstanding who are involved in the public education system. I am able to inform the house that

both Grace and Milton Thompson are still devoting their considerable professional experience and expertise to deliver education and improve opportunities for students in the South-East. Most recently (and since my election), I have had the pleasure of accompanying students from one of my high schools—Modbury High School—to the competitions involved in Generations in Jazz which are held in Mount Gambier every long weekend in May. The street banners outside indicate that that is not far away.

Over the years, the competition has grown to the extent that several venues are now utilised for various levels of competition. Along with this theatre, I have witnessed performances at the TAFE centre and one of the larger church auditoriums. Over 50 bands travel from all over Australia with their support staff, family and friends. They travel from as far away as Western Australia and Queensland by bus which is a mammoth undertaking for anyone—and a 37-hour trip for the students and the staff of Sheldon College in Brisbane will no doubt be taking place again this year. The weekend probably takes almost a full year to plan. I congratulate everyone involved because each year there are improvements to ensure the best possible stay for all visitors, so much so that people return. The reputation of the weekend is such that I feel we must be getting very close to the time when we will have to have an audition to see who is able to take a place in the main competition.

In past years, Karen Roberts has led a dedicated and enthusiastic committee and put in hundreds of hours organising what is the highlight of the year for so many school musicians. The benefit of music in the curriculum is well recognised and, over the years, it has been inspiring to see the improvement in performances by various bands not only from my own electorate but also from around South Australia. It is sad when students leave school and therefore the bands. However, the continuing cycle within each band means that there is renewal and new performers have the experience through Generations in Jazz in Mount Gambier to carry on the traditions of their school orchestras and bands.

I pay tribute to the musical branch of the education department and the various musical directors at the schools, particularly my own high school and the principal, Mrs Jay Strudwick—she and I will be driving down again for the performances. They provide the students with an opportunity to have a wonderful weekend away and the experience is invaluable. It contributes to the fabulous entertainment that seems to be part of the well kept secret here in greater South Australia. The concerts are sold out at every performance. The patron of Generations in Jazz is none other than Mr Daryl Somers, the nationally known entertainer, who is now back on our screens doing *Dancing with the Stars*. He, of course, is a drummer and singer.

Musically we are also blessed with the continuing support of James Morrison, who is an internationally renowned virtuoso in many instruments—and, unfortunately, he does show off quite a deal over the weekend. He has not yet managed to blow two trumpets or a trumpet and a trombone at the same time, but I am sure that he is working on it. He and his brother John provide a scholarship and master classes during the weekend. They choose students from each of the bands and put together a stage band that helps to close off the Sunday concert. We also see finalists coming from all over Australia to take part in the James Morrison Jazz Scholarship. Extraordinarily talented young people compete for this prestigious prize, which can see the launch of an international career in jazz.

The history of the beginnings and the evolution of Generations in Jazz is well known, particularly to members of the audience today. It was a dream of one person who, through a passion that was shared by many, has turned the dreams of many of our young musicians into reality. The adjudicators have been led by Mr Graham Lyall in the past, and I presume that he and the others will be here in a fortnight's time holding the musical hearts of many of our students in their hands. Many stories will come from this year's competition, and they will be handed down through the bands of every school. I hope that some of the members will be able to return.

MENTAL HEALTH, MOUNT GAMBIER HOSPITAL

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I am delighted to be here in Mount Gambier for the historic sitting of the parliament.

The Hon. M.J. Atkinson: Why did Liberals vote against coming here?

The SPEAKER: Order!

The Hon. DEAN BROWN: I wish to talk about the collapse of mental health services at the hospital here in Mount Gambier. It was a very retrograde and unfortunate step, because it was about four years ago, when I was minister, that the first mental health nurse was appointed to provide services at that hospital. It meant that people with mental illnesses could receive treatment locally rather than having to travel to Adelaide to receive expert treatment.

About two weeks ago, the two experienced mental health nurses resigned. I understand that there are allegations of intimidation and bullying of those mental health nurses and that that was at least one of the major factors why they decided to resign and find jobs elsewhere. They were mental health nurses with considerable experience and qualifications. They were backed up by a third nurse, a registered nurse who was undertaking postgraduate training in mental health, I think, at Flinders University. Issues were raised by the hospital management about that third nurse earlier this year. Those issues were investigated by the Nurses Board and it was found that there was no substance whatsoever to the allegations and complaints by the management of the hospital. I understand that these ongoing problems arose largely because of the questioning of the qualifications and the operation of the third nurse.

I understand that the hospital has now been left with no mental health services at all. As a result, patients who present themselves are immediately issued with a detention order. The Royal Flying Doctor Service is ordered from Adelaide. It comes down and picks up the patient and has to immediately fly the patient to Adelaide. The patient then needs to be assessed by a psychiatrist in Adelaide, because of the lack of any mental health nurse and service here in Mount Gambier. As a result of that, it is costing the local hospital $1 800 for every patient flown to Adelaide by the Royal Flying Doctor Service. I made a quick assessment, because I understand that three patients have been flown to Adelaide by the Royal Flying Doctor Service in about the last three days, and it does not take too much to come to the conclusion that it could well cost the Mount Gambier Hospital literally hundreds of thousands of dollars a year to fly mental health patients to Adelaide through the Royal Flying Doctor Service, because it is the hospital here that has to pick up the cost of the Royal Flying Doctor Service.

More importantly, people with mental illness here deserve to get appropriate treatment in their own local hospital. They were getting that. It was a very effective treatment, far more effective than officially detaining the patients, sending them to Adelaide away from their home and their support and having very expensive treatment in a mental health detention facility in Adelaide whilst they were being detained.

As part of the ongoing problems at the hospital, I have raised issues about the style of management previously and I raise it again today because, from what I hear, again bullying and intimidation are behind why these nurses have left Mount Gambier Hospital. I am equally concerned by the news that five of the former doctors from Mount Gambier Hospital are now suing either the Mount Gambier Hospital or the state government over the treatment that the hospital and its management gave those doctors. As a result of that, in an unprecedented sort of action by these aggrieved doctors, Mount Gambier is clearly finding it increasingly difficult to find doctors for its local area. Two years ago there were three resident general surgeons at Mount Gambier: today there are none.

I can report from the April surgery roster of the hospital that 30 per cent of the procedures were done by surgeons on a fly-in basis. That is very expensive for the hospital and means that money going to flying the surgeons in is not available for the treatment of the patients.

Time expired.

HEALTH, MEN'S

Mr SNELLING (Playford): Two years ago the Social Development Committee established an inquiry into obesity, and one important issue that came up was men's health, particularly with regard to obesity and the associated health problems. I would like to inform the house about an excellent program that operates in this part of the state. The program is the Coonawarra Men's Health Program, run by the South-East Regional Community Health Service. The program has made the most of the opportunity to work closely with the workers and vignerons of the Coonawarra region. Local vignerons generously raised funds for this project through their cellar door sales, cellar door raffles and fundraising.

Local knowledge of the community indicated that the workers in the vineyards were not frequent users of the health system. A number of initiatives form part of this program, including Tai Chi classes to help with the treatment of arthritis and Pit Stops, which is men's health screening in vineyards, which checks things like blood sugar levels and cholesterol. This is built on the idea that we need to maintain our cars and we need to do the same for our bodies if we want to get the best out of them. Other initiatives are hearing screening and 10 Grand Steps, which is a walking program that uses pedometers to encourage activity, 10 000 steps being the recommended daily number of steps to maintain physical fitness levels.

Initiatives such as a screening day for men at their workplace found a significant number with health issues that have since been referred for further tests and follow-up. An ability to provide quick and succinct health information and education in the local vineyards has allowed mainstream health to tap into an otherwise under-represented community of interest and an improvement in the health service's ability to provide services to workers where they live and, importantly, where they work.

This is an excellent example of a primary health care initiative and an initiative at a local level tailored to the specific needs of the community. Incidentally, this initiative was also a category finalist in last year's Country Health Awards. Given the number of nominations received and the overall calibre of entries, the judging panel, I am told, had a very difficult job of choosing a winner. All submissions were of a high quality, with some very good ideas, and this program in particular has gone from strength to strength. It has now expanded into a community health project. The community has embraced this initiative and is already reaping the benefits of giving the community skills to monitor their health.

EDUCATION, SCHOOLS

Ms CHAPMAN (Bragg): When Joseph Kennedy was asked how much money he would spend to put his son, John, in the White House of the United States he said, 'Whatever it takes and not a penny less.' So, too, Premier Rann has a golden child. It is called—and he is the 'education premier'—the Sturt Street Primary School. This was a school, as he announced, that he would rebuild for the people of South Australia at a cost of $2 million. In 18 months he dreamt up this proposal, funded it, built it and opened it and, yet, he continues to allow his government and the Minister for Education to abandon the responsibility of maintaining the 600 other public schools in this state that deserve some attention. The people in the South-East are no exception to those who elect to, and sometimes do not have any option to, have their children educated in the educational institutions here in the Mount Gambier region. The government is socking $7 million into a school which opened with 19 children—and with part-timers it now has classes with a total of 65 children—when there are hundreds and thousands here whose schools are falling down. It is a shameless extravagance for this school, in particular, relative to the schools here in the South-East. Today, we asked the government about the maintenance backlog, not about what might be improved, redeveloped or added—

Ms Rankine interjecting:

The SPEAKER: Order, the member for Wright!

Ms CHAPMAN: —by way of performance centres, sports facilities or gymnasiums—nothing new, but just on maintenance backlog—the gutters, paint peeling off, etc. The McDonald Park Primary School by its own records, as published on the DAIS web site, has $333 572 in maintenance backlog. Mount Gambier North R-7 Primary School has $508 618—it gets worse—Mulga Street Primary School has $558 993 and the Grant High School, which is one of the two high schools here that educate children in the South-East, particularly Mount Gambier, has $868 478. What does the minister do when she comes to the South-East today? She tells you about some solar projects in a couple of the schools down here. She tells you about the School Pride program where schools get a few thousand dollars. What do they get it for? They do not get it to paint the back of the school, to fix up the gutters or for the hot water service which is 20 years old: they get it to paint the front fence, and only the front fence, and the new sign for their school. Why? Because they are polling booths and, on 18 March 2006, the people in this district, and right across South Australia, will walk into public schools, cast their vote, and they will walk past this pretty new fence and pretty new sign. That is what it is all about. It is about a presentation. It is a charade and a façade

by someone who sits here in this chamber and pretends to be an 'education premier' for this state.

Let me give you a further example of the hypocrisy of this government in relation to public education for the tens of thousands of children across the state. The maintenance backlog in this town alone is $4 454 000 and that represents, with the 4 827 students down here going to public schools, the equivalent of $922 per student. That is nearly $1 000 a student in maintenance backlog in the schools they have to go into every day of the academic term. What is the position in the state seat of Ramsay? Who can guess who is the member for the state seat of Ramsay? Of course, it is Premier Rann. Premier Rann has a total of only $2 million—that is less than half in his electorate. There are 5 799 students in the state seat of Ramsay. That is $360 per student. That is the difference. That is the hypocrisy of this government, which is happy to throw money into its own areas of commitment for its own golden children, but nothing for rural and regional South Australian children who have no choice other than public education and who deserve a bloody sight better one.

Time expired.

VOCATIONAL EDUCATION AND TRAINING

Ms RANKINE (Wright): Sir, it would be nice to come into the chamber one day and hear the member for Bragg say something positive about public education. She continues to talk it down and to denigrate.

The Hon. I.P. Lewis: I cannot hear the member for Wright. Whether I agree with her views or not, I am always interested in what she has to say.

The SPEAKER: I trust all members will be interested.

Ms RANKINE: I am happy to repeat my comments and say that I would like to come into this chamber one day and hear the member for Bragg say something positive about public education and our public schools. She comes in constantly and denigrates and downgrades what is a fantastic public school system. I guess, as Ray Martin said on *A Current Affair*, 'How could a shadow minister get it so wrong?' We hear her time and time again getting it so wrong.

I rise today to talk about the excellent initiatives taking place in the very important area of vocational education and training. The Minister for Education and Children's Services has been keeping this house up to date on the innovative ways in which schools, communities and businesses all over South Australia are ensuring that students are provided with the best possible pathway to employment, further education, and training. This regional parliament in Mount Gambier has now shined a spotlight on initiatives taking place around this region. In 2004, there was a record number of students in the South-East taking part in vocational education in all of the industries that are vital to the region like forestry, construction, aquaculture, and viticulture. Last year, 1 030 students took part in vocational education and school-based new apprenticeships, compared to 860 in 2003. This is a substantial increase, and it is important to note that this figure represents almost 50 per cent of the student population in years 10 to 12.

The choices available to students are broader than ever before, encompassing a diverse range of industries that will streamline students into employment that is also vital to keeping this region thriving. Currently, students are studying for jobs in 17 different industry areas that are matched to local needs and the interests of students, and are designed to make real connections with people in the industry. In each of the vocational education courses available in the South-East, schools work closely with local industry, training providers, and the community. As we have seen across the state, many schools also offer their courses to students across the district, taking a regional approach towards the delivery of skills education. Some examples are the Kingston Community School, where students are learning how to farm fish, as well as learn the skills needed to work on commercial fishing vessels. At Mount Gambier High School, students are given the opportunity to study forestry and learn about sawmilling and processing, harvesting and forest growing, and management. Students can also learn about the viticulture industry at Naracoorte High School, and have practical lessons in picking, pruning, irrigation systems, planting and vine training.

Other industry related courses offered by schools in the South-East include: automotive studies, building trades, business services, community services, electro-technology, engineering, furniture pathways, graphic design, hair and beauty, hospitality, information technology, music, racing and retail. I would like to congratulate those involved in these exceptional initiatives, and their contribution towards the government's commitment to schools, retention and youth engagement. All such projects are vital to meeting the state government's goal in the South Australian Strategic Plan, to have 90 per cent of students completing Year 12 or its equivalent within 10 years. It is vital in regional areas such as this that we provide quality educational opportunities that are relevant to local industries, and that will allow young people to use their skills and abilities within our region.

Too often we hear of young people having to leave the regions to obtain educational opportunities, and this has an impact not only on the communities but also on families. We need to keep young people involved in their education and keep them at school to ensure the best possible opportunities for their development and future.

Time expired.

MINING (ROYALTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 914.)

Mr WILLIAMS (MacKillop): The amending bill is to enable the government to change the amount of royalties collected from the extractive industries and the purposes for which these royalties can be used. The Mining Act 1971 established the Extractive Areas Rehabilitation Fund (EARF), which began operating in 1972. The fund and its operation are unique to the extractive industries and to South Australia. Extractive industries comprise the quarrying sector providing sand, gravel, stone, shale, shell and clay to the construction industry. Specialist products used in the manufacture of cement, lime and glass and dimension stone are excluded from the EARF scheme.

The industry is characterised by a number of common realities. Extractive mines produce large volumes of low value material from open-cut style quarries, and therefore they need to be sited near to the final-use point—generally being close to population centres. The quarries also tend to have a much longer operational life than other mining

activities—often over 100 years. The fund currently collects 10¢ for each tonne of material quarried. This amount has not altered since 1979 when it was raised from the original 5¢ per tonne, notwithstanding the 1994 changes, which saw the total royalty increase to 20¢ per tonne but with only 50 per cent of this going into the EARF.

Since 1972, the fund has collected approximately $24 million, of which about $20 million has been utilised for rehabilitation. Currently, the fund collects almost $1 million per year. Although funds from the EARF have been granted by the Minerals Petroleum and Energy Division of PIRSA, the responsibility for rehabilitation has always remained with the mine operator. Concern has arisen in recent years that the current level of contributions to the fund falls short of the anticipated cost of rehabilitation of current mine sites.

Further, it is anticipated that the annual increase in costs to carry out future works would necessitate a significant increase in the funding. In April 2003, a discussion paper was issued by the government to help formulate a new system of guaranteeing future quarry rehabilitation. The paper proposed that a contribution of approximately 53¢ per tonne would be required for the fund to continue in its present form to remain viable. It is worth noting that the Extractive Areas Industries Association estimated that such a contribution would increase the cost of a typical house by about $43 and a kilometre of four lane sealed highway by about $7 500 to $8 000.

Although the bill is to come into operation on a date to be proclaimed, it is expected that the changes will occur as of 1 July this year. Clause 4 of the bill amends section 17 of the act such that extractive minerals will no longer be subject to an ad valorem royalty but will pay royalty at a rate prescribed by regulation, which may be fixed according to either weight or volume of material extracted. Clause 5 of the bill amends section 63 of the act (the section which establishes the fund). Currently, section 63(2) stipulates that 50 per cent of the royalty collected must be paid into the fund. The amendment substitutes this with a condition that the percentage of the royalty paid into the fund is to be prescribed. Section 63(3) states:

> The minister may expend any portion of the fund for any of the following purposes:
> (a) The rehabilitation of land disturbed by mining operations for the recovery of extractive minerals; and
> (b) The implementation of measures designed to prevent or limit damage or impairment of any aspect of the environment by mining operations for the recovery of extractive minerals; and
> (c) The promotion of research into methods of mining engineering and practice by which environmental damage or impairment resulting from mining operations for the recovery of extractive minerals may be reduced.

The amendment provides that any costs associated with ensuring that such land is rehabilitated in accordance with the act may also be paid for from the fund; that is, the amendment would allow costs to administer this section of the act to be paid out of the fund—something which has not occurred previously.

In addition to the amending bill, the minister has issued a set of guidelines for the future operation of the fund. These guidelines suggest that moneys from the fund will not generally be used for earthworks, as this work should be undertaken as a part of the mining process. It is argued that the existing fund, by paying such costs, does not provide incentive for best practice mine processes and continuous rehabilitation. Assessment of applications will be undertaken by a panel comprising an independent chair, three industry representatives (including one from a rural or regional area), the executive director of the mines and energy division of PIRSA (or his or her nominee) and a nominee from DEH.

There is no doubt that the Extractive Areas Rehabilitation Fund has been accumulating future liabilities at a rate faster than the accumulation of funds and is in need of overhaul. Notwithstanding this fact, the discussion paper states:

> Over the past 30 years, the fund has developed practical arrangements for dealing with most rehabilitation situations. It has a strong record of achievement and it is viewed positively by industry and the community.

This begs the question: why not simply increase the royalty rate to give the existing scheme viability? Other mining and interstate jurisdictions utilise a different mechanism to ensure mine rehabilitation, namely, a bond system, to ensure that quarry operators rehabilitate their workings at the end of the quarry's life. This concept was vigorously opposed by the industry in South Australia, which argued that it unnecessarily tied up large amounts of capital. The Extractive Areas Rehabilitation Fund with the amendments proposed will continue to deliver rehabilitation as in the past, but will also shift departmental costs onto the industry. Industry has broadly accepted the current proposal which has been modified a little over the past six months. However, there has remained a level of scepticism.

While the opposition accepts the government's desire to amend the act to underpin the viability of the Extractive Areas Rehabilitation Fund, we have some reservations about the bill as brought before the house. These reservations generally revolve around the uncertainty which would be introduced into the act by giving the minister of the day powers to set the rates of contribution by regulation, and potentially allow for a much greater amount of the royalty to be paid into the Consolidated Account.

The Hon. I.P. Lewis: Without the parliament's scrutiny!

Mr WILLIAMS: I thank the member for Hammond for his support: without those matters being debated by the parliament. Might I express my personal disquiet at the contemporary practice of making law by regulation rather than deliberation of the parliament. Consequently, on behalf of the opposition I will be moving a number of amendments to the government's bill. These amendments are the result of considerable discussion between me, members of the extractive industry and representatives of the minister. The amendments do not materially change the intent of the government's bill but, in the opposition's opinion, would make the principal act less uncertain and increase the confidence of those working in the extractives industry. It is my expectation that the opposition's amendments will, indeed, be accepted by the government.

Mr SNELLING (Playford): The Extractive Areas Rehabilitation Fund began in 1972 and is used to rehabilitate quarries after they have completed operations. Over time the costs of that rehabilitation have increased and contributions to the fund have not kept pace with these increases. The fund is a good example of industry taking responsibility for its rehabilitation obligations. The process has been a collaborative one between industry and the government. Industry sought a greater enforcement effort to ensure that all operators that should be contributing to the fund were. The industry was also anxious to fulfil its environmental obligations, and realised that the current rate of contributions would not allow that to occur. The government sought to ensure that the fund remained viable and that the increase in liabilities could be covered.

The new rate sees the royalty contribution maintained, EARF contributions increased and an increase compliance method funded. Also important is a change in the mining methods employed by the extractive industries. Miners will now undertake progressive rehabilitation, and rehabilitation requirements will be catered for at the planning stage and incorporated into the mining and rehabilitation plans. The process is a good example of the healthy relationship between the mining industry and the government.

Mr VENNING (Schubert): I support the member for MacKillop. As a previous secretary of the Department of Mines and Energy, I certainly support the thrust of this bill, though I do certainly support the amendments mooted by the member for MacKillop. This bill is about changing the amounts the government can collect via levies or charges on extractive industries (and the member for MacKillop listed them) and on what the money can be spent, particularly in relation to rehabilitation of mine sites. We know that 10¢ a tonne or metre (depending on the material) has been levied for many years. The cost to reinstate quarries and mine sites can be quite substantial. The problem is that many mine sites and quarries have not been reinstated or rehabilitated because, in years gone by, we did not have this fund.

I would like to see extra funds generated in this way so that we can reinstate the old mine sites and so that within a few years no mine which is not being worked is left in an unnatural condition. Our state is blotted with quarries, particularly the Adelaide Hills and, indeed, the area where farmers, councils and all types of people have taken stone from quarries for roadworks or whatever. Irrespective of whether they are small or large holes, they all need to be reinstated. Even on our own farms, we have had quarries which have been open for many years but which have been closed in recent years—no thanks to the government and the fund: it was done by the local landowners. Certainly, we all appreciate the environment. There is nothing worse than a disused quarry: all it is used for is growing weeds. They are most unattractive areas.

The rehabilitation fund needs to be boosted, as I said, not only for current mines but also for past mines which have not been rehabilitated. They all have to be addressed. Those mines and quarries ought to be listed and brought forward to the government, and planning ought to be under way so that, say, within 10 years all these mine sites are rehabilitated. As the member for MacKillop said, no money should be levied or collected in this way without the scrutiny of the parliament. We do not want any minister of the Crown being able to collect money in this way and salt it away into general revenue where it becomes the cash cow of the government, particularly when we need to fix both old and current mines. I certainly would support the amendment of the member for MacKillop to ensure that the money has to go into the fund and there is no opportunity at all to siphon it into public revenue, particularly without bringing the matter before the parliament if that was proposed.

The money needs to be guaranteed for the rehabilitation of the mine sites and not be a cash cow for the government. I support what the member for MacKillop has said. I support the bill generally. I give the minister in another place some credit—he is one of three ministers for whom I do have some time—for speaking to us and listening to reason. I believe that he will agree with the amendments that have been proposed by the member for MacKillop. I support the bill.

Mr BROKENSHIRE (Mawson): I rise to also support the bill. I congratulate the shadow minister for the way in which he has come up with some innovative proposals. I also appreciate the fact that he has worked closely with the minister and, as the member for Schubert said, it is good to see a situation where a minister and a shadow minister can work cooperatively together. I have been a minister and a shadow minister, and it does not happen as much as I would like to see. I remember the difficulties when I was minister in trying to get fundamental legislation through at times, and I congratulate both the minister and the shadow minister.

I want to put a couple of points on the public record with respect to mining and rehabilitation. Clearly, mining is a great contributor to economic wealth. When we were in government we completed the aeromagnetic survey work for the whole of the state, and the more intense and deep the red, the more the chance of mineral wealth. Of course, one of the things that we were working through in detail parallel to that was native title after Mabo in Western Australia, where they had already proceeded with a lot more advanced mining than South Australia, and the benefits for the community are clearly seen today. In fact, it is the wealth from Western Australia's mineral exploration and mining that has generated those great opportunities for the community today with respect to its transport infrastructure, as just one example.

If we think back, we have had examples of it in South Australia. Western Mining is a classic example. The current Premier, who was an adviser in the Tonkin government (which, from memory, was trying to get Western Mining up), wrote a document and described it as a mirage in the desert, and former premier Bannon used that. The current Premier was involved in writing a document, or a book, which basically was opposed to Western Mining and what happened there. Of course, now the Premier is happy to champion Western Mining because it suits his current position. However, we had great difficulty in getting that big mining venture up, and it was only because of the bravery of one particular member on the other side—

Mrs Hall: Mr Foster.

Mr BROKENSHIRE: —Mr Normie Foster, that that mine went ahead. And look at what it is doing for South Australia now: it is absolutely magnificent. The other point with respect to that mine is that, whilst it is different from the basic mines that one sees around the place, the environment is a really important part of that mine. A lot of work has been done in the desert areas regarding tree planting and other programs.

In my own situation, I happen to have a sand plant right across the road from our farm. I support that mine, because it is important for economic wealth in South Australia. A lot of tolerance has been shown by other land-holders around our property to allow that mine to work 24 hours a day. It is floodlit at night, and B-doubles are driving past our dairy on the road into the mine seven days a week. Those are long hours. That is all fine, but the point I am getting at here is that, whilst I support the fact that the agency that deals with mining probably has the strongest autonomy of any agency (and I become concerned at times by the way in which the EPA and other agencies interfere with economic development in an over the top way), I am concerned that sometimes, because of the way in which the mines department works, it rides pretty roughshod over all the other agencies.

I would like to see some rehabilitation occur at the time that mining takes place. If members want to take a drive out to Mount Compass on the Victor Harbor road they will see

a huge mining scar there, with little rehabilitation being carried out. This is a 100-year mine, and little rehabilitation is being done along the way. So, increased funding is important for mining rehabilitation. One has only to drive through the foothill areas and the hills face zone of my electorate to see plenty of mining scars that still have not been properly rehabilitated. As the member for Schubert said, it is a potential risk when the minister does not have to report to the parliament with respect to those royalties. I therefore commend the initiative to ensure that the parliament has some control and input into where that money is spent.

I would like to see not only an increased effort put into rehabilitation of existing land scars in disused quarries but also some more innovative practices in ensuring that proper policing occurs to existing significant mines in this state, so that as they finish one area they are actually forced to rehabilitate it on the spot. I challenge the department—and they can come out with me if they want—to have a look at what I am talking about. Sometimes things are not done properly and you end up with a problem when that mine is actually finished. As part of the increase in funding, I hope there will also be a genuine increased effort to ensure that we see proper and serious rehabilitation when that whole mine or part of that mine has completed its mining practices.

The Hon. I.P. LEWIS (Hammond): I declare an interest, as most members know. That interest is no different in my case as it relates to mining than that of some other members in the way in which legislation might relate to farming or other rural enterprises and marketing arrangements. Beauty is in the eye of the beholder. What some members to date have called scars in the landscape, to some others are quite beautiful. The cuttings on the South-Eastern Freeway, where they exposed the different textures that come from the different sediments and the fashion in which they have been converted through metamorphosis to stone, are quite beautiful. I do not see the justification for spending millions of dollars just to change what is part of nature anyway.

The only reason why rehabilitation of any kind is necessary, in my judgment, is in order to make it safe. What was fashionable 200 years ago in the way of clothing, for instance, is regarded these days as quaint. Even 30 years ago, bell bottoms and long sideburns, wide ties and wide lapels in men's apparel were fashionable but are now regarded as being ugly. Therefore, to my mind, to say that just because we have taken something from the ground we therefore have created an eyesore, an ugliness, is ridiculous. It is an unnecessary cost burden on society to require so-called rehabilitation to be undertaken at expense that will have to be passed on to those people who use the products. That is you, Mr Deputy Speaker, me and every other citizen.

It does not happen by magic. You do not have a large pool of profits in all mining companies and operations that can automatically be milked to do the things that are trendy at the moment. So, I do not share the enthusiasm that some members have expressed for collecting large amounts of money to do no good for anything.

I go on from that to say that, along with other honourable members who have commented on the fashion in which we have now proposed, through this legislation, to change the means by which we will in future offer the rate of payment and the method of calculation of the payment to be made, I believe it is quite wrong. If we cannot do it in statute law and if, as a parliament, we are not prepared to address such changes, we ought not allow the minister—and more particularly the minister's advisers—to change it without the ability of parliament not just to scrutinise as it can by disallowing it (which is a nonsense anyway) but, more particularly, to vary what the minister says, because Sir Humphrey does not get it right very often. Yet, if you give Sir Humphrey the power to manipulate the minister's recommendations to cabinet and if you give cabinet the ability therefore to browbeat the aspirants who want to become members of it in the party room or Caucus, you give away what parliament should hold unto itself, that is, not only the power, but also the responsibility to be accountable through the ballot box to the exercise of that power.

Mr Venning: And the will.

The Hon. I.P. LEWIS: And the will, yes; we are doing that, God knows, badly enough with template legislation where we have a conclave of ministers meeting nationally to decide what legislation will be, bringing that back into our parliaments and saying, 'You must pass this, because we have all discussed it and we are wiser than you and, when we pass it, we will all be better off, because we will have standardised laws.' The end result of that in very short time will be the abolition of one or more of the states—indeed, all of them—and the destruction of the federation with a central government in Canberra, and the constitution upon which we have relied for our democratic society will be completely ripped up because once any state goes, or all the states, that is the problem. I am talking about allowing the power that properly resides constitutionally with the members of parliament to be devolved to Sir Humphrey and other elements within society when I say that.

The consequence of that will be that the public will see us as unwilling to accept our responsibilities—unwilling to exercise them and unwilling to be accountable for them—so that we, as members, and the minister in particular will be able to say, 'That was our recommendation from experts.' I can tell you that some of the expert recommendations that I have heard in recent times have been pretty disastrous, especially in connection with what is underground. In this case it is not just minerals but water, and what has been done at Peake is in some measure an indication of the kind of mess into which we will get ourselves when we pass this power over to Sir Humphrey and allow him to exercise it without competence or accountability. I utterly object to and reject the proposition that the parliament give away its responsibilities in that respect. So, the ad valorem conversion to regulation is wrong, is muddle-headed and will lead us into considerable difficulties.

I want to point to the idiocy of some of the decisions that have been made by agencies of government about rehabilitation. One of my very good friends—a former employee, in fact, not in my mining business but in my vegetable-growing and strawberry-growing business, who is now in business on his own account as a consequence of his frugal lifestyle, hard work and considerable earnings and savings—offered to take over a quarry at Evanston that needed rehabilitation, which on any reasonable estimate will cost more than $2 million to rehabilitate. It is an old quarry and, by his doing that, he would have relieved this fund and the taxpayers of that $2 million cost. If the government, in its wisdom, listened to vested interests, turned down his offer and refused him planning approval to do it, it would have cost nothing for him to have done it in the same way that we will now have to do it anyway—that is, to put into the hole dry fill which is not in any sense organic and, therefore, likely to ferment and cause a health hazard. Rats do not live on rocks. If you put

dry fill into such a hole after having extracted timber from it, you can bring it back to ground level and use the steep services around the place in the same way as was done in places like Coober Pedy; you can build dwellings backing onto the stone. Of course, they will benefit the occupiers and owners of those dwellings: they will be the beneficiaries of the enormous heat sink provided by that stone.

They will be saved the cost of the walls that they would otherwise have had to build. This is identical to the fashion in which many homes are built in Coober Pedy and other places on earth, particularly in the Middle East. I do not see any reason why we cannot use the same approach here in South Australia, and save ourselves an enormous cost burden either in our general taxpayers' pockets, or in the pockets of people in the mining industry. It strikes me then that a few trendy ideas without the capacity to think laterally to obtain cost effective solutions result in us making our economy that much less efficient than it would otherwise have been had we used the ability that we have been blessed with to think a bit laterally, and to do things sensibly. Having said all of that, can I remind all honourable members that the only quarries—holes in the ground, if you like—or escarpments created on existing hills face, wherever those outcropping hills may be, are those which are there historically, and the company or the business that created them no longer exists.

I think honourable members believe that all quarrying and mining has to be rehabilitated from this fund. It does not, and it is not. In this day and age, unless you can prove that you will have the finances to rehabilitate the site in a fashion which complies with the law as it stands, you will not be given permission to commence mining. If you cannot demonstrate that you will end up with that revenue, the department has the power and, indeed, exercises that power to require a lump sum of capital to be deposited in a fixed interest account likely to generate what the department estimates will be the cost of rehabilitation at the conclusion of the mining operation, before permission to begin mining will be granted. So, there is no problem in an ongoing fashion for existing mines, or for mines of the future. The only problem, if there is one to which this legislation is supposed to be addressing itself, is the problem that has been there for some time. To my mind then, to pass over the power, and to set the rate to a minister, and the power to determine without reference to the parliament, is ridiculous, improper, and unworthy of our better abilities. All honourable members should be ashamed of themselves if they support such a transfer. It is an abrogation of responsibility that we are expected to accept, and say that we will accept through the ballot box each time we offer ourselves for election.

Mr BRINDAL (Unley): The member for Hammond makes a lot of sense, and I commend him on his debate. Surely the point at issue here is that if environmental damage is done—and if I understand the member for Hammond correctly, those who do the damage should make the restitution. It should not be left to government to second guess what the mining industry should do to correct the scars that it leaves, or the environmental damage that it does on the landscape. I am reminded of Brukunga mine, in the member for Heysen's electorate, which has done enormous damage over hundreds of years, leaching heavy metals and other nasties down the—

The Hon. I.P. Lewis: It was doing that before it was dug up. It was always there. It is like saying that we must not dig up uranium. While it is there, it is just as bad as it is if you dig it up.

Mr BRINDAL: I accept the member for Hammond's point. I do not want to detain the house. I commend the member for Hammond on making sense, and his remarks to the house as this being our province, not the province of public servants. We trust public servants a little bit too much in this place, and they do not generally deliver, and what is more important, they do not answer at the ballot box every four years, so it is about time that we took responsibility for our own actions.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Thank you, Mr Deputy Speaker, for allowing me to close the debate. I think that many of the speakers opposite have commended the minister for his collaborative approach to negotiating a situation whereby everybody can be in agreement with this bill.

As members will have heard, this arrangement will increase the amount in the Extractive Areas Rehabilitation Fund by a marginal amount which the industry can bear and cope with. There will be, as many members opposite have suggested, the capacity for core rehabilitation whereby quarry operators will be able to undertake rehabilitation during the course of their normal mining operations so that all the problems are not left to the end. The funds that are acquired through this means will not go into general revenue, because that is not the purpose of the bill.

Many comments have been made about the need to watch bureaucracies and to avoid the power of the minister doing things beyond that which one would find acceptable. However, I think that this bill has been so widely consulted on and the industry is so highly supportive of it that it would be churlish for members to try to back-track on what has been agreed with the industry over a very long period of consultation. I commend the bill to the house, and I look forward to the committee stage.

Bill read a second time.

In committee.

The CHAIRMAN: I have on the table three sets of amendments from the member for MacKillop. I presume that 57(3) is the latest?

Mr WILLIAMS: That is correct.

Clauses 1 to 3 passed.

Clause 4.

Mr WILLIAMS: I move:

Page 2, line 13—
Delete 'the prescribed rate' and substitute
35¢ per tonne, or such lesser amount as may be prescribed by the regulations; or
Lines 17 to 19—
Delete subclause (2)

As I said in my second reading contribution, these amendments firm up the bill. They are designed to ensure that any government that wishes to change the levy applied to extractive industries would need to come back to the parliament to do that rather than simply doing it with the stroke of a pen or by regulation. I said in my second reading contribution that this is something about which I feel strongly. I think that other members have expressed similar concerns about the contemporary attitude to law making—but, I guess, that is not unique to South Australia.

This amendment is designed to stipulate that the amount will be 35¢ a tonne or such lesser amount. The opposition does not mind the minister of the day reducing the amount of

levy or royalty levied on the extractive industries if that turns out to be the case. Indeed, there is some expectation, because we have reached the stage where there is quite a deal of backlog of rehabilitation of disused quarries, etc. There might come a time, if we see success in the new measures in terms of quarriers rehabilitating as they go, when we find that, in five or 10 years, the fund is accumulating at a greater rate than is necessary.

I have also included in this amendment a mechanism so that by regulation the minister of the day can reduce the amount of royalty which would go into the fund.

The Hon. J.D. LOMAX-SMITH: These amendments have been agreed to, so there is no requirement for debate. I do not think that the general principles have been changed, but where there were queries the amendments have been made to give the opposition comfort.

Amendments carried; clause as amended passed.

Clause 5.

Mr WILLIAMS: I move:

Page 3—

After lines 2 and 3—Delete subclause (1) and substitute:

(1) Section 63(2)—delete subclause (2) and substitute:

(2) From the royalty received or recovered by the minister on extractive minerals, the minister may pay the prescribed rate into the fund.

After line 3—Insert:

(1a) Section 63(3)—delete 'The minister' and substitute:

Subject to subsection (4), the Minister

After line 9—Insert:

(4) Section 63—after subsection (3) insert:

(4) The total expenditure in a single financial year of costs associated with ensuring that—

(a) the land referred to in subsection (3)(a) is rehabilitated in accordance with the requirements under this Act; and

(b) the measures referred to in subsection (3)(b) are implemented or monitored.

must not exceed an amount equal to 4¢ per tonne for each tonne of extractive minerals on which royalty is payable into the fund for the financial year preceding that year.

(5) In this section—

prescribed rate means 25¢ per tonne of extractive minerals, or such lesser amount as may be prescribed by the regulations.

This is simply to change the way in which it is calculated that the amount of the total royalty goes into the fund. The minister was going to have this set as a prescribed percentage. The bill provides for 50 per cent of the royalty to be paid into the fund. Of course, that needed to be changed because the royalty will be increasing from 20¢ to 35¢, so we need to prescribe a different rate. The minister's amendment was going part-way to doing that, and the subsequent amendment I moved to the minister's amendment clarifies that. As I said in my second reading contribution, it makes it clearer.

Amendments carried.

The Hon. I.F. EVANS: I declare an interest. I think my uncles or my father might still have a financial interest in a quarry. I am not 100 per cent sure of that, but I declare it. How does the department decide which quarry will be rehabilitated? How do they decide the order?

The Hon. J.D. LOMAX-SMITH: As I understand the matter, the miners make application to the fund. A limited number of mines could be rehabilitated because of the lack of funding within that source. Only a limited number of mines have been acted upon to be rehabilitated. Now with more funds there will be more applications, but to date it has been a process which has always been behind on the number of applications.

The Hon. I.F. EVANS: As I understand the minister's answer, the only way in which a quarry can be rehabilitated is if the owner of the quarry requests it to be rehabilitated.

The Hon. J.D. LOMAX-SMITH: My advice is that that is so.

The Hon. I.F. EVANS: There is nothing to stop the owner of a quarry selling their interest in an unrehabilitated state?

The Hon. J.D. LOMAX-SMITH: As part of the lease conditions, when an owner surrenders their lease at the time of sale, there is a miner's obligation to have fulfilled their rehabilitation responsibilities.

The Hon. I.F. EVANS: Is it possible for an owner of a quarry to sell the quarry in a rehabilitated state because the person purchasing the quarry wishes to build a home or have the feature of the quarry as part of their construction, which quite often happens when houses are built underground or in quarry faces? In some countries there are actually burial procedures into quarry faces. I know the amendment does not directly relate to this, but does the legislation allow someone to sell an unrehabilitated quarry if the purchaser is happy to have it in an unrehabilitated state, and does the rehabilitation requirement then transfer to the new owner; or is it possible for an owner to own a quarry and never rehabilitate it?

The Hon. J.D. LOMAX-SMITH: I must say that the capacity to build an underground home or to use the site as a burial site is one that was not contemplated within this legislation. I will take that matter on notice. However, generally, I am advised that the obligation is transferred to the new owner to rehabilitate and that obligation is not lost by the transfer of licence or lease. However, I will certainly take on notice the question about burials and development in a quarry as part of a feature, but we are unable to answer that at this time.

The CHAIRMAN: I have allowed that line of questioning from the member for Davenport and given him a fair bit of latitude. His questions did not pertain in any way to the clause in discussion.

The Hon. I.F. EVANS: That is not true, Mr Chairman.

The CHAIRMAN: Order! I am not entering into discussion with the member for Davenport. I allowed the questions. I point out to the member for Mawson that I am not going to indulge an endless number of questions on issues which do not pertain to the clause with which we are dealing.

Mr BROKENSHIRE: Whilst I appreciate your comment, I also trust that the opposition will not be gagged from getting to the bottom of certain matters. The point that I have is relevant specifically to what the minister just said in respect of requirements for people upon transfer and/or at any other time to rehabilitate. This bill is about rehabilitation, Mr Chairman.

The Hon. J.D. Lomax-Smith: Which clause?

The CHAIRMAN: We are dealing with clause 5.

Mr BROKENSHIRE: In respect of how this is legally being put in place, is it when the mining licence is issued, or is there another time when documentation comes from the department for the policing of this, given that sometimes these mines exist for long periods? How strong are the teeth in respect of the policing of the rehabilitation?

The Hon. J.D. LOMAX-SMITH: I am still not sure to which part of clause 5 the honourable member is referring. Certainly, the matters the honourable member has raised have not been raised in the other place or in negotiation between the minister and the shadow minister. I think that the

honourable member's question is too diffuse for me to be able to pin down or pass onto the officer who is assisting me.

Mr BROKENSHIRE: I ask that it be taken on notice and that an answer come back, because I believe that it is relevant to every clause of this bill that we know how rehabilitation is policed and whether there is any subsequent legislative requirement or documentation put forward after the issuing of the original licence or, indeed, even at the time of the issuing of the licence.

The Hon. P.F. Conlon: You can put it on notice all you like. I can't work out what you are talking about.

Mr BROKENSHIRE: It is pretty straightforward: we are talking about rehabilitation. The minister said a little while ago that there was an obligation at transfer or at the ceasing of the mine to rehabilitate. My question is a simple one: is that an obligation that is instructed in writing at the issuing of the licence or is it an obligation that is instructed by virtue of an officer inspecting at transfer? It is a reasonable and fair question: it is pretty straightforward and it is not complex.

The CHAIRMAN: I will allow the minister to answer the question. We are dealing specifically with clause 5 of the bill as amended. If the minister wants to answer the question, I will allow it but, as I said, I will not allow the committee to descend into endless questions on any aspect of the particular fund that this bill deals with.

The Hon. J.D. LOMAX-SMITH: I do not wish to appear to be evasive, and I understand that the member opposite is confused. I think he might be helped with the knowledge that I have just acquired—that the lease conditions, the mine operations plan and the final land use are part of the lease, and that there are inspectors and compliance officers. But this is not specifically to do with amendment No. 5. If the member would like a briefing we could arrange it, because I think his questions go to another matter.

Mr BRINDAL: I share some of my colleagues' confusion. Clearly, the minister's answer a couple of questions back indicated that, when a miner transfers the land, the land has to be rehabilitated. But, when my colleague asked the very next question, the answer was—if the chair would like to listen he might hear what I am asking before he tries to rule me out of order. I will wait for the chair.

The CHAIRMAN: The member for Unley, I am not happy—

Mr BRINDAL: Sir, we are discussing clause 5 and I refer you to clause 5(2), which refers to 'any costs associated with ensuring that such land is rehabilitated in accordance with the requirements under this act'. That is what is being discussed before this committee, that is what my colleagues are asking questions about and, sir, unless you rule me out of order, that is what I want to ask questions about.

The CHAIRMAN: I will rule the member for Unley out of order.

Mr BRINDAL: Thank you, sir. I am glad to see that this parliament is gagged.

The Hon. D.C. KOTZ: Sir, I rise on a point of order. Just picking up on aspects in amendment No. 5, I think it is quite a serious question and, with respect to the requirements that will be referred if this amendment is passed and, therefore, becomes part of legal legislation, it is important that we be aware of the total expenditure that we are talking about throughout the legislation. If part of the total expenditure accounts for any other costs that might apply with respect to the licensing aspects that we are not aware of at the moment, I think the question is a very reasonable one, and it has been put not only by me but also by the member for Mawson and the member for Unley. I would like the minister to take into account that, unless the answer is given, there will certainly be a rather large hole in the information that this parliament has received with respect to this question at this time.

The Hon. J.D. LOMAX-SMITH: I disagree with the member, because I think she has asked a completely different question from those that were asked by the two preceding members. I disagree that the questions of the preceding members were not answered. It seems to me that this bill speaks entirely to funding issues. There are issues that relate to how that money will be spent, and the protective measures about the amount being raised without consultation have now been agreed to and included within the bill. The matter that the member raised about the other costs and the costs of total rehabilitation of the sites has not been dealt with previously. I think it would be better if she had a briefing from officers, and it is a pity that that has not occurred before today. I think the shadow minister understands the nature of the bill and is supportive of it, as is the industry. I am at a loss to understand why the member should be so aggrieved.

The Hon. D.C. KOTZ: I thank the minister for the attempt at an answer. I do not particularly accept the patronising suggestion that briefings are needed. We are well aware of the bill that we are discussing and the shadow minister has briefed us all on this. The question relates to rehabilitation that looks at licensing procedures during the first appearance of any industry collective that has the responsibility to remediate the site. I would have thought it was quite simple to have looked at this question in terms of licensing requirements and whether a cost structure is applied for the advent of rehabilitation through this industry collective that may be responsible for the rehabilitation of a mining site or a quarry.

The Hon. J.D. LOMAX-SMITH: My advice is that we can take that question on notice, but we are having trouble working out exactly what it means. Having taken it on notice, it may still be appropriate for the honourable member to have a briefing, because I am not sure that we can give her the answers she requires, because we are having difficulty teasing out the meaning.

Mr BRINDAL: I refer the minister to clause 5(2), section 63(3)(a), and the words '(or any costs associated with ensuring that such land is rehabilitated in accordance with the requirements under this act)', and ask the minister to clearly explain to the house what that means.

The Hon. P.F. Conlon interjecting:

Mr BRINDAL: If people could see how you acted in Adelaide, Patrick, they would get a rude shock.

The DEPUTY SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: I think I have got to the crux of the question. The member for Unley was interested in that clause about what the money should be spent on, in terms of rehabilitation, and whether it covers the costs of managing that rehabilitation as well as actually performing the works. That being so, the answer is yes. Previously, the bill was silent on the cost of management and now it is not in that it is incorporated in the funds collected.

Mr BRINDAL: That is not what I meant. I sought an explanation for the purpose of those words. As one of my colleagues asked, for instance, if the funeral industry is interested in rehabilitating quarries by building out a platform and putting in mausolea at tiered levels and then rehabilitating the face of what then will be a mausoleum, is that covered by this or will a portion of that be covered by this? If the mine is transferred in an unrehabilitated state to a new owner who seeks to make capital gains, that is, have a business

interest and rehabilitate the quarry at the same time, will the business be subsidised by this fund? That is my question.

The Hon. J.D. LOMAX-SMITH: I think that this bill will not subsidise the building of mausoleums.

Clause as amended passed.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS) BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 1993.)

Dr McFETRIDGE (Morphett): I rise as the opposition lead speaker on this bill. I indicate that the opposition does not support the bill in its current form and will be introducing amendments that we feel will enhance the role of local government in South Australia, because we know that everybody in this place agrees that local government is not a separate sphere, tier or layer of government: it is an integral part of the government of this state. It may be organised in a slightly different way and it certainly operates under a lot more cost pressures than the state government does, but it is a part of the community and the government of this state that we, in the opposition, will seek to protect to the ultimate. I start my contribution by quoting from the editorial in the *Gawler Bunyip* of 2 February 2005:

> At what cost does democracy come? $30 000 apparently. This is what Gawler ratepayers will pay for a council bi-election[sic] following the resignation of councillor Val Partridge and before her, Rob Richter. There are legitimate and understandable reasons why councillors have to resign mid-term, but the resultant cost is likely to raise the ire of more than a few ratepayers. By Gawler Council's own admission, $30 000 is a 'significant' cost. This expense involves, among other things, promoting the election in the community, printing and distributing information booklets, and ballot papers and reply paid envelopes, and counting votes. This process must be followed, even if less than half of eligible electors vote, which is usually the best case scenario at a bi-election[sic]. However, the legislation is clear and, according to the Local Government Association of SA, democracy must prevail. 'At the end of the day, there is a judgment that says we do live in a democracy', says LGA policy and public affairs director, Chris Russell. He says while council would ideally like to avoid such an expense, it is not a huge sum in the context of running a council the size of Gawler. Meanwhile, there are moves afoot to extend council terms to four years instead of three. If successful, it may result in more councillors resigning more frequently: from sheer exhaustion, lack of training, the strain of political division and infighting, poor health or the difficulties of juggling council with work and family life. The counterargument is that four-year terms give councillors more time to learn the ropes and make an impact—

and the opposition does not agree with that—

> Notwithstanding, four years is a long time to serve in any organisation and there is a danger that some will find the burden too heavy. Many are unprepared for the rigours of public office, even at local government level. Prospective candidates need better training that will equip them for this demanding and time-consuming role.

The opposition certainly supports those comments in the *Gawler Bunyip* in February. In *The Advertiser* in Adelaide later that month, an article entitled 'Council bypasses voters' stated:

> In a move labelled 'undemocratic', residents in the Port Adelaide Enfield Council have lost their right to elect their own mayor. Instead, councillors will appoint one of their number to the top job. The decision was made to change the system—by a vote of 10 to 4—at a special meeting of the council. President of the Federation of Residents and Ratepayers Association Kevin Kaeding yesterday criticised the decision as undemocratic. Mr Kaeding said it would mean that the councillors involved in a dominant faction would be able to make decisions without community input. 'I can't see why there is a reason for it.' Mr Kaeding said.

This bill is about changing the date of local government elections, and it is about increasing the term of local government from three to four years. I will give a brief overview of a speech that the local government minister, the then member for Gordon, made in the house on Tuesday 9 March 1999, when the then minister, the Hon. Mark Brindal, was trying to improve the role of local government, and the functioning and accountability of local government. The minister then said:

> The objectives set out in the bill are a fine stepping off point for bold, imaginative and much needed reform between state and local government.

He goes on to say:

> . . . we talk about better governance and sufficient autonomy to manage local affairs. . .

Nobody could disagree with that. Later in the speech he said:

> The objectives are high ideals and great motherhood statements but, unfortunately, they are not translated into action in the bill . . . Unfortunately the bill falls far short.

We feel that this bill is not doing anything to enhance the role of local government. It is going to deter people from wanting to put their hands up for standing for local government, and the way that mayors could have been elected—or selected, should we say—is certainly a deterrent. The minister aspires to improving the role of local government, and we have all heard him talking about this in the media. In his 1999 speech he went on to say:

> The whole of local government is groaning, unfortunately, because this is the first opportunity since 1934 and that is the sad indictment of this bill—so, well may you groan. . . This state government chooses to progress change in an incremental manner.

I read one of the submissions to the Local Government Association and, I think, to the minister as well, on the other bill that we will be debating later this week on the financial management of local government. The actual term was not, 'Moving the deckchairs on the Titanic' but it was akin to that, and I will quote that letter when I speak on the other bill later. The government has here a small change, but I do not believe—and the opposition does not believe—that it is going to enhance the ability for councillors and councils to fulfil their role any more efficiently or, certainly, less stressfully. In his 1999 speech, the minister went on to say:

> . . . the bill fails to translate into a legislative framework the very ideal set out in the memorandum of understanding between state and local government relations. . .

We know a lot of speeches have been made in this place—in public, and in the media—about the relationship between state and local government. We do not have a minister for local government now, we have a Minister for State/Local Government Relations and, unfortunately, that relationship is not working as well as it might. The next bill that we will be debating on financial management of local government will explain a serious problem there. That relationship has not broken down but there are some stresses and strains; it is a bit frayed about the edges. The minister, in his second reading speech, outlines the main aims of the bill. When we go back to his 1999 speech we know that he is trying to achieve something. He aspired back in 1999, and in his second reading speech on 9 March 2005—almost six years difference—and his attitudes have not changed a lot, he is still trying to push for local government, but I do not think that he is achieving the right aim here, and I hope that the govern-

ment supports the opposition's amendments. In his second reading speech, the minister says:

> The aim of this bill is to improve the effectiveness of the system of local government representation. . .

He goes on to say:

> The main change proposed in the bill is to increase the term of office for council members from three years to four years from the 2006 local government elections, in conjunction with altering the date for periodic local government elections from the first business day after the second Saturday of May to the last business day before the second Saturday of November.

It was interesting that, in some of the consultations carried out on the electoral process, the options put were three years all in all out, four years all in all out and four years half in half out. There is no real consensus, and that is the point the opposition will be making. We say that we should be staying at three years to protect a system that is working reasonably well now, and we hope that the government will agree after we have explained our reasoning. In his second reading explanation, the minister said:

> New and sustained initiatives are required to attract and retain younger council members. A revised scheme for council members' allowances and other benefits and more council support for member training and development may be part of the solution, and the bill contains proposals that provide a framework for them.

No-one will disagree with that, because we know how hard our councillors do work. We do need to bring younger people into council. I read the other day that, as a result of the change from two to three year terms, 40 per cent of councillors are now pensioners. It is not that pensioners cannot contribute; certainly, they can. Ageism is something about which the Prime Minister is concerned. I am concerned about ageism; it is something we need to be very aware of. We do need (as we do in parliament) a broad range of views and attitudes, and that will come from having a range of people in councils of different ages and from different backgrounds. I do not believe that moving to four-year terms (as we will read out in submissions later) will achieve all this.

The Hon. I.P. Lewis: Pensions are not just because of age; very often the pensions are for other purposes.

Dr McFETRIDGE: The honourable member makes the point that councillors are not all aged pensioners, but the particular reference put to me indicated that 40 per cent were aged pensioners. They are not a group of people who should not be listened to. It is the old story: youth and enthusiasm is always beaten by age and wisdom. In his second reading explanation, the minister further states:

> A council and its community will consider whether it needs less than 12 members.

Consideration can be given as to whether council should be divided into wards or whether wards should be abolished.

An honourable member: It is more than 12, isn't it?

Dr McFETRIDGE: More than 12 members. If they have more than 12 members they can reduce the number of councillors. In a speech made in 1999, the minister talked about local government amalgamations. He talked about how, sometimes, the amalgamations were not serving local communities. We do need to make sure that we are not depleting local community representation. I am not convinced in my mind that reducing the number of members on councils will be any benefit, particularly where you have large councils.

I will be interested to see how we deal with future amalgamations or, as the member for Heysen has indicated, de-amalgamations of councils. It will be interesting to see what local government does if it is given the ability to change the number of members on councils. Obviously, a review will have to go out for public opinion, and later I will talk about how that is to be presented and publicised. In his second reading explanation, the minister states:

> This bill does not include the amendment contained in the consultation draft bill that would have prevented a council from using any other title other than 'chairperson' as the title for a principal member chosen by council members. The Local Government Association confirmed its support for that amendment but councils were divided on the issues, and those councils currently using or considering a different title, such as 'chairman' or even 'mayor' were strongly opposed. The current provisions will remain so that councils and communities make decisions about whether their principal member should be elected at large or chosen by council members on the basis of the implications for representational governance and not the basis of the status attached to the title.

In its initial submission, the Local Government Association supported an amendment which was contained in the draft bill but which was not included in the final bill. That would have restricted the title of 'mayor' to a directly elected principal member. We have not gone down that path in opposition. We are not restricting the title 'chairman' to a selected member rather than elected member or chair.

An honourable member interjecting:

Dr McFETRIDGE: I was contacted by a mayor of a country council who shares my views on the way in which mayors are appointed. That mayor supports, and many other submissions from councillors and individuals support, the fact that the mayor should be elected at large. I am glad to see that the government has kept that provision. We will be ensuring that there is a change from a mayor elected at large to a chairman, or if you want to call them mayor, selected from within a council at the will of the community, not the will of a particular council, as we have seen at Port Adelaide Enfield—a very undemocratic process.

It is interesting that the Lord Mayor of Adelaide can have only two terms. Why is it that the Lord Mayor of Adelaide can have only two terms? I know that some mayors are doing a very good job, despite the fact that they have been there nearly 30 years. There may be an argument that we should be looking for a fixed term of incumbency for mayors—perhaps two terms, as is the case for the Lord Mayor.

The bill does a few other technical things. It changes the way in which the Electoral Commissioner can propose voting forms. That is a good thing. Recently, in the APY lands in the Far North we had an election where the Electoral Commissioner was able to look at the situation. He was able to propose a system of a democratic vote that would have been quite bizarre for a country town or the metropolitan area. Photographs were put up and people's fingers were dipped in ink. They were given audio and video tapes. It was a very different way of conducting a vote, but the vote was very successful. Having the Electoral Commissioner determining the form of the voting slips is not a bad thing at all.

I will talk more later about the amendment which we will move and which we have nicknamed the Port Adelaide amendment. Basically, councils will have to elect their mayor at large unless there is a referendum of an absolute majority of ratepayers. If this were to be such a divisive or contentious issue, I would think an absolute majority of ratepayers would have their say on what they want to do with their mayor because the mayor is a significant position in local government.

The need for supplementary elections will be reduced. The time before a periodic election within which casual vacancies

are not filled will be extended from five months to about 10 months. We will be moving an amendment to bring that back to seven months, and I understand that is what the Electoral Commissioner recommended initially. This will allow local government to replace a councillor in due time without incurring that extra expense we saw with the Gawler council; and do it in a manner which will not detract from the democratic process.

A range of minor and technical amendments are proposed in relation to changes to time frames for particular stages of an election process, including the nomination period, the close of voting and the period of conducting a re-count. The Electoral Commissioner as Returning Officer can determine the forms rather than having them prescribed. Further amendments are also proposed to allow regulations to include and prescribe codes of conduct, revise fixed allowance amounts from the 2006 local government elections, and require councils to have a policy for training and development.

Although the Local Government Association has said that it supports a four-year term, some councils, residents and ratepayers associations are concerned that a four-year term would further discourage potential candidates from nominating, particularly those who are younger with work and family commitments. Opinion is certainly divided. The Local Government Association acknowledges that opinion is divided. This is where my figure and the Local Government Association's figure differs a little but it is not significant. Only 30 of 68 councils submitted opinions: the Local Government Association referred to 36. I contacted councils again as late as last week and did not receive any new submissions. Twelve were opposed or concerned about going to four-year terms; 10 of 14 submissions from ratepayer groups opposed going to four-year terms. The Electoral Reform Society of South Australia also opposed four-year terms. Key finding No. 1 in the local government community consultation report of October 2004 states that retaining a three-year term was the predominant view. The LGA, as I said, supports a four-year term.

If we are to impose four-year terms on local government, we need to be very careful. Just because every other local government in Australia has four-year terms does not necessarily mean it is the best thing for South Australia. We are a state. We are part of a federation but we are individuals and we can have our own terms of representation. The Port Adelaide-Enfield matter, as I say, is being dealt with by amendment. There have certainly been some issues with the Holdfast Bay council (which is in my electorate of Morphett) and the way in which the mayor has voiced his very strong views on community issues and has been at odds with other elected members of council. There is an opinion that the mayor has been gagged—and that is the perception. The reality, though, is that the mayor will still speak out.

The latest crazy thing that has happened is that they have removed the title 'mayoress' from the mayor's wife, although it was never an official title. They have also introduced forms on which council officers have to document every time they speak to the spouse of a councillor and they have to record the time, the date, the place and the conversation. I do not know what that is all about: it is absolutely crazy stuff.

The Hon. M.J. Atkinson: Couldn't you disclose that the mayor is a member of your party?

Dr McFETRIDGE: I correct the Attorney-General: the mayor of Holdfast Bay is not a member of the Liberal Party.

The Hon. M.J. Atkinson: No longer.

Dr McFETRIDGE: He is not a member of the Liberal Party. The summary of desired outcomes and recommendations in the Local Government Association's original submission to the elections representation review in November last year states that on an all out basis elections be for a period of four years. No. 4 states that a principal member elected to this position by the community at large shall have the title of 'mayor', except for the Adelaide City Council where the title of 'Lord Mayor' is to continue; and a principal member chosen by and from within the council members should have the title of 'chairperson'. No. 5 states that there should be no change to the current provisions of the Local Government Act 1999 regarding voting rights for a mayor and a chairperson, or other member presiding in their absence.

The attitudes have changed a little. I digress slightly to mention the issue of dual candidacy, which a number of people have raised with me. We are not dealing with the issue of dual candidacy at the moment. I did note in the Local Government Association's issues paper that from October 2004 the concept of dual candidacy was not supported, yet just before that a desired outcome is to attract a wider range of candidates to local government elections and to minimise barriers to potential candidates for local government elections. An opinion was provided to local government by Norman Waterhouse which stated that dual candidacy did work in New South Wales and Western Australia. However, as I said, it is not an issue that we will be raising at this stage.

The Local Government Association also conducted a community consultation process on the the electoral process. It was interesting that the initial opinions were at odds with what the Local Government Association has decided. In relation to community consultation—and we should be listening to the community on this matter—item No. 1 dealt with the frequency of local government elections in relation to state elections. The predominant/shared view was that three year terms were preferred, with support for no stated objection to elections in the spring. The opposition is proposing that we will have three year terms and it has no problem with shifting the elections to November (as is proposed by the government) because we do know that next year there will be a clash among the plethora of events in March.

The Electoral Commissioner has said that he will not be able to cope with that, and it will not be a world-shattering event to move local government elections to November. Some are of the opinion that moving to November will be a problem in country areas, where harvesting will be under way; but we would probably have the same problem earlier in the year, when seeding is under way. However, because it is a postal ballot, I am sure that we have overcome those problems.

In a later submission (which was in February; the previous submission was in November), the Local Government Association finalised its position, and there were basically six issues. These included periodic election, the term of office and confirmation of the LGA's support for four-year terms of office on an all-in, all-out basis, noting that this is not the unanimous view of councils. The opposition is of the opinion that, unfortunately, this is far from a unanimous view of councils. The Local Government Association, as I have said, supports the move to the second Saturday in November; it has no problems with that. It supports the composition of a ward representation review. There is mention of the conduct of elections and moveable signs. It would be nice if we did not

have some of the posters and other things we see every time there is an election.

The Local Government Association makes mention of some of the issues dealing with training and policy development. No-one would deny the fact that local government and the people who put up their hands to serve in local government deserve as much support as possible. It is possible that they need to be remunerated on a more adequate scale—and I note that there are some backdated CPI increases for local government. There is a need to continually review that. It is not paying them to do the job, but I do not think they want that. I suppose we could go to the Victorian ambit claim, with the local councillors having 80 per cent of a backbencher's salary and the mayor, or the chairperson, having 80 per cent of a minister's salary. That had Buckley's chance of getting up.

The Local Government Association's final submission (it has been refining it, and that is what the Local Government Association is all about; it is an active association and tries to represent the 68 local government bodies in South Australia) confirmed support for the bill in its current form but, once again, it acknowledges the fact that it is not a unanimous outcome with respect to four-year terms. A total of 68 submissions were received, 36 from councils (and, as I said before, I have only 30 of them; I would like to obtain the other six to see what they had to say) and 32 from other groups and individuals.

With respect to the term of office, I am not so sure that this government will see its way clear to accepting the opposition's amendment. I think it is a bit of a knee-jerk reaction to go to four years. It is not necessary. There is a comment that it should be noted that the majority of council members seek to run for election for multiple terms, and that this was fundamental in considerations regarding the appropriateness of four-year terms. I think it is easier if one stands for three years and goes for another three years than to lock oneself in for eight years. I think there is a significant disincentive in going to four-year terms. Some people in local government have said that we should go back to two years, but I think that is far too short. Three years seems to be the right period, and it will give people incentive. I do not think that one can achieve the minimum turnover with the maximum enthusiasm by locking people into four years. I know that it is a four-year term with state governments. I have been here three and a bit years now, and the time has flown.

I get paid very well for what I do. I did not realise it was as much work as it is, but I am thoroughly enjoying the work. I know that when local councils are doing their reading and consultation with constituents they work very hard and they get minimum recompense for it, but they do it gladly, and I thank them with all my heart for the work they do. As I have said before, local government is not a separate tier, sphere or layer of government: it is an integral part of the governing process in South Australia and it should be enhanced, protected and reinforced in every possible way. I will certainly have a lot more to say about the financial sustainability of local government when we debate the next bill.

The Local Government Association's policy manual of 2004—and I cannot find any updates on it—states that the terms of office of elected members should be for a period of three years on an all-in, all-out basis and the method of election of mayors should be by electors at large. There has been a change in policy. I do not see how the Local Government Association can justify that policy. It is rather sad that there is not a significant number of submissions from councils. In a fax to me when I first raised our concerns about three-year terms, the Local Government Association said that 68 councils had expressed concern to the LGA in relation to four-year terms. I do not think that was the case: I think that might be a typo.

It is really not that: we do not have as broad a range of representation of submissions as we would have liked, and it would be nice to see why the others did not put in submissions. Perhaps it is because they are all so overworked. The minister has said on a number of occasions on radio—and I have been on the radio with him when he has said this—that if you do not like your local government, your councillors, you do not like the job they are doing, then vote them out.

The Hon. R.J. McEwen: That's called politics.

Dr McFETRIDGE: 'That's called politics,' the minister says. But if you stick them there for a four-year term, you have them for another 12 months before you can vote them out. I would have thought that that is a reason why you might want to keep the term at three years, so that you can vote them out if they are not doing their job. That extra 12 months could be quite painful if you really thought they were doing the wrong thing.

The issue of the lord mayor being able to stand for only two terms is not one we are going to press on. I am sure that local government and mayors will sort that out amongst themselves. If the mayor is not doing the job, I am sure that someone will stand against them and, as we often see if there is a particular issue, mayors do get rolled. The issue of dual candidacy is something we can come back to at another stage, because it may be that we will need to make it easier so that people who wish to stand for local government are able to have a go without risking their opportunity to continue to participate, particularly if it is for four years.

At the current stage you have only lost them for three years but, if you go to four years, you have lost a potentially very good member for four years. When we debate our amendments in committee we will need to look at the way we do it, because some of them are consequential on the fact that the opposition does want to go from a four-year to a three-year term. If that gets up, we will be moving a number of technical amendments. The main one that has caused some discussion, apart from the three-year to four-year terms, is the way we want mayors to be elected at large. The amendment reads—and this is after a review of the electoral process has been undertaken as the act allows:

> If the report proposes that the composition of the council be altered so that the council will have a chairperson rather than a mayor, the council must then submit the proposal to a poll under the Local Government (Elections) Act 1999 and the alteration cannot proceed unless an absolute majority of electors for the relevant area indicate, through their votes at the poll, that they agree with the proposal.

As I said before, if the Port Adelaide Council is so convinced that going from an elected mayor to a selected chairman or mayor (if they want to call them a mayor) is the right way to go, it should get out there lobbying and politicking on it, and it should be able to get an absolute majority of electors to agree with it. The council should be representing its community and doing what the community says.

An honourable member: Is that what this is all about? Port Adelaide and Enfield and the problems there?

Mr Brindal: A corrupt CEO is not addressed in this.

Dr McFETRIDGE: The other main amendment is to delete four years and substitute three years so that we go back

to three year terms. Even just last night I had representatives from Grant Council—

Ms CICCARELLO: I rise on a point of order. The member for Unley made a comment about the CEO of the Port Adelaide Enfield Council. I think he should withdraw the comment. He said, 'a corrupt CEO'.

Mr BRINDAL: Mr Speaker, I made a comment sotto voce and it is not my fault if it transmits across the room. However, I did not refer to any person in the local government sector at all. I made the generic comment—

The SPEAKER: It is not a point of order and the member does not need to respond to it. The member for Morphett has the call.

Dr McFETRIDGE: I will continue. The big issue is the change from three year to four-year terms, which is what the government wants. Regarding clause 18 (periodic elections), the Electoral Reform Society of South Australia states:

> The Electoral Reform Society believes that four-year terms are too long. It will be an intolerable burden for conscientious local councillors, particularly where there appear to be continuous conflicts between members in their council leading to unworkable councils. . . If the term is increased to four years, there may well be an increase in resignations over this term. Four years is a long time for volunteers and it will also not encourage younger people.

I am not necessarily sure about that latter thought. It is important that people like the Electoral Reform Society of South Australia are listened to and they are not alone in their position. A number of councils are very concerned about the way in which the changes will be implemented, even the Adelaide City Council, the response of which was as follows:

> Our response for Stage 2 highlighted that every three years in spring was preferred but notwithstanding this, council does not object to the minister's proposal of a four-year term.

So, it is the minister's proposal: it is not coming from local government. The Adelaide City Council would prefer three-year terms in spring. That was from the Adelaide City Council—a significant player in this. It has its own act, which we are about to amend today. The Gawler Council supported four-year terms staged at half in, half out. That was a minor viewpoint from what I understand. Goyder Council, that fine council on the Yorke Peninsula and extending up into the Mid North, commented as follows:

> Council has no objection to four-year terms although it may present difficulties in encouraging candidates to stand.

It preferred the timing to be brought forward to October to avoid local rural commitments to the grain harvest. The Grant Council is in support of the proposed amendments, yet I spoke to members of the Grant Council last night and, as individuals, they are expressing concern that four years is too long and that they would find it difficult to get people to put their hand up and lock themselves in for four years. It is important that we look at these submissions, not just to be guided by the LGA or the minister or, in my case, just me. I am not the fount of all wisdom on this—far from it. I do not believe that the LGA is and I certainly do not believe that the government opposite is. We all try very hard, but it is important that we go back and do some doorknocking, do some grass roots campaigning and, in this particular case, have a look at the individual submissions. The Holdfast Bay council, one of the major councils in my electorate of Morphett, states:

> Council generally supports the proposal to extend the term of office to four years, although it raises concerns about the impact that the length of this commitment might have on younger and working potential candidates.

So, we see time and time again—and I will keep citing some of these—that, while councils offer support for change, there is serious concern about the effect that it may have on potential candidates, or even people who are involved already—locking them in. A councillor from Holdfast Bay told me on Thursday morning that he would not be standing again if it meant locking in for four years. He is a very experienced councillor, a very good councillor—in fact, they are all very good in the City of Holdfast Bay Council: they sometimes have different attitudes that cause some conflict, but that is politics, and that is healthy democracy. Kingston council is generally supportive except, once again, for the timing in November. I do not think that that is going to be a big issue.

It is interesting to note the councils that support three year terms. Playford council supports four-year terms but it does not want a changeover in November 2006: it wants to go to October 2007, increasing the current term by 18 months. There is not much detail on why it wants to do that. I received one submission from a Playford constituent and he was adamant that the last thing he wanted was the term of Playford council to be extended by an extra 18 months. He said that it was voted in for three years and it should stay at three years. We know that that cannot happen and that it is going to have to be extended. Perhaps the member for Playford can enlighten us as to why Playford council wants to go to 18 months.

Yankalilla council is one that is not supporting the four-year term. It considers the four-year term of office proposed in the draft legislation to be too long. It states:

> Council appreciates the reasoning behind the proposal but feels that this is not sufficient reason to change the legislation.

Walkerville council—a tiny little council—is generally supportive of three and four-year terms but it states—and this is the overriding attitude of most of these councils even if they are supporting four-year terms in a general sense:

> There is some concern that this would create a greater commitment for members and could result in additional resignations throughout the term.

The last thing that we want to do is burn out local government and individual councillors. Tatiara District Council states:

> The council has no strong thoughts either for or against the provisions of the draft bill. Councillors generally agree that someone elected as council's principal member by electors should be known as mayor, and someone elected by councillors internally should be known as chairman. There was concern expressed over the increased term for councillors from three to four years. We have trouble getting people to nominate to stand for council and this will make it even more difficult to get people to nominate because they have to commit for four years.

Mount Barker council raised concerns that four years is too long and that more supplementary elections will be required with councillors either resigning from illness or tiredness. The Mitcham council said the same thing:

> Four-year terms can carry the risk that fewer candidates will be willing to stand, and it could be counterproductive to achieving a 50 per cent voter turnout at elections.

The Coorong council wants elections to be held every three years in early August or September rather than mid November, and it is understandable that there might be some issues with farming activities. The District Council of Lower Eyre Peninsula states:

> The council strongly objects to the proposed changes to the prescribed title of member.

That was in the draft bill, it has changed and has been eased up, but the council objects to four-year terms:

> This council is of the opinion that a term of office should not be increased to four years. This is based on the belief that an increased term of office will discourage some potential applicants from making a commitment to stand. It is also believed that a significant number of members currently choose to stand for re-election at least once, thus ensuring that experienced members can constitute a significant proportion of the members in office at any one time.

They are not going to do that if they have to lock in for another four years. However, if it is for another three years, they will. A submission from the District Council of Franklin Harbor states:

> Council does not support the proposal to extend the term of elected members. Council believes that the four-year term is too long as a period between elections. Council would support four-year terms if half the number of elected members were to face election every two years.

That is one of the very few going for that option; but, certainly, it is backing the three years. Submission after submission requests that local government not be put under any more pressure and not be subjected to resignations or people not nominating in the first place. The submission from the Southern Mallee District Council (another big country council) states:

> Council is extremely concerned with four-year terms on the basis that:
> (a) existing members not wishing to commit themselves to additional four-year terms; and
> (b) trying to encourage new members to commit themselves to four years of service.
>
> Council seeks retention of the three-year term as per existing section 5 of the Elections Act.

It is important that we do listen. I have a number of other individual submissions but I will not cite them. They are important, though. The Aldinga Bay Residents Association agrees to an increase in terms from three to four years. That association believes that it will save money, but I wonder whether it has spoken to some of the councillors. The Hallett Cove Estate Community Association is generally happy. It says that the Electoral Commission seems to be above political influence. It seems not to have too many problems. The South Australian Federation of Residents and Ratepayers Association does have problems, and its submission states:

> We do not support increasing the term of office from three to four years from the 2006 election.

It does not support altering the date for elections from May to the last business day before the second Saturday of November. I do not know why it is not supporting that. Certainly, this side of the house takes issue with the four-year term. Save Our Suburbs Adelaide is opposed to the proposed increase in terms of office for local government members from three to four years.

Debate adjourned.

SITTINGS AND BUSINESS

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I move:

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

STATUTES AMENDMENT (ENVIRONMENT AND CONSERVATION PORTFOLIO) BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Amendment No. 1
New clause—After clause 47 insert:
47A—Insertion of section 24A
After section 24 insert:
24A—Native title
(1) The constitution of a wilderness protection area or a wilderness protection zone by proclamation under this Part on or after 1 January 1994 is subject to native title existing when the proclamation was made.
(2) The addition of land to a wilderness protection area or a wilderness protection zone by proclamation or regulation under this Part on or after 1 January 1994 is subject to native title existing when the proclamation or regulation was made.

NOTICES OF MOTION

The SPEAKER: Earlier today notices of motion were given regarding establishing select committees. The notices contained provisions that are presumptive in that they go beyond the decision that the house may take about whether or not to set up a committee. I therefore give an instruction that the notices will be restricted to that issue alone, in other words, to the substance of the motion. If any such motion is agreed to, the house ordinarily proceeds to deal with the consequent issues of membership etc., at that stage. The chair should have dealt with that matter when the motion was raised a week or so ago by the member for Heysen. There is no need to assume that the committee will comprise certain members until the house has dealt with the issue of whether or not it agrees to set up a committee.

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS) BILL

Second reading debate resumed.

Dr McFETRIDGE (Morphett): I will read one last individual submission. The Kensington Residents Association wanted two-year terms. It opposed extending the frequency of local government elections from three to four years. Indeed, it requests that elections be held every two years and not every three years. That is one position that the opposition will not support. I am not sure of their reasoning behind that: they do not explain it.

There are a few other minor issues I do need to raise because some are not in this bill but, rather, in the financial management bill; for example, public notification of reviews and representations and options paper. The council must by public notice inform the public of the preparation of the representations and options paper, but it does not say anything about putting it on the internet or a web site. I think that would be a useful thing to do, particularly in government areas. That happens in a number of places throughout the bill. I think public consultation nowadays could include things being put on the internet. Certainly, we all support training and development for our local government participants, councillors and mayors.

A person is entitled to inspect without charge a policy under this section at the principal office of the council during ordinary office hours. I cannot see any reason why a training and development program could not be put onto the internet. Perhaps other councils could learn by reading what their colleagues are doing in other councils. There is a new section in relation to a recount if a successful candidate dies. That would be a disaster. A person could do all the hard work and

end up dying between being declared the winner and the first meeting of council. There is a countback then, and there are no problems at all with that.

The Electoral Commissioner may conduct investigations and, after conducting an investigation, issue a formal reprimand to a person who in the opinion of the Electoral Commissioner has been guilty of a breach of the act. I would think a formal reprimand may not be enough. I see later in the bill he can issue fines of up to $5 000, but I would like to hear more about that. Section 92A provides that the Electoral Commissioner may by notice in the *Gazette* determine the form of any voting material under this act. I think that is a good move. As I said before, I have had an association with the Anangu Pitjantjatjara communities. In fact, this time next week I will be as far away from Mount Gambier as one could get without leaving the state. I will be at Watarru, which is in the north-western corner of the state, speaking to Aboriginal communities. Certainly, they are much happier now, having had successful elections conducted by methods which would be considered extraordinary under other circumstances, but we are dealing with extraordinary circumstances and extraordinary distances up there. The Electoral Commissioner being able to determine the form of any voting material under this act is a good move.

The opposition will be moving amendments to maintain the term of three years. It will be moving an amendment to ensure that a mayor, if elected at large, cannot be selected from within the council unless by an absolute majority of ratepayers. The only other amendment is that, instead of a casual vacancy not being filled within 10 months of a general election, we will be bringing that back to seven months; and I understand that was the recommendation. Currently, it is five months with a three-year term. Going out to seven months allows for the mechanics of getting the election under way, if necessary. One would hope that would not be necessary under a three-year term with enhanced training and support from this government.

As we will find out under the financial management and rating bill, with extra support from the state government councils are to conduct themselves in a more open and accountable way than they already do. They do a damn good job, and people will want to stand for council and participate. We hope they continue to do so. The opposition feels there is a significant disincentive if we go out to four years. There is no rush on this. The fact that other local governments around Australia have four-year terms is not an indictment, as far as I am concerned. The federal government has a three-year term. We have four-year fixed terms. Issues, circumstances and communities are different. We are talking about local government. We need to ensure that we maintain the locality of local government. We do not want it to turn into regional government, just as much as we do not want state government to turn into a federal government only. We need to maintain this particular part of the democracy that we have in South Australia. We need to enhance it, and I do not believe the current bill does that.

Ms CICCARELLO (Norwood): I take the opportunity to indicate my support for the bill, and I suggest that many of the amendments are long overdue. As most people know, I had 10 years' experience in local government as a councillor and nearly seven years as mayor, and I am surprised that some of these proposed changes have taken so long to be put forward. The aim of the amendments is to improve the effectiveness of the system of local government representation, and I believe that this bill, together with some complementary strategies, will achieve the same and contribute to the advancement of local government. The process for the review that culminated in this bill was different from previous reviews of local government legislation, and particularly with regard to the role played by the Local Government Association.

At the minister's invitation, the LGA led the review of a wide range of aspects of local government representation and elections, running the process of consultation with the broader community as well as with councils. I congratulate the LGA for the way in which it conducted the review. The information sheets, discussion papers and sessions were informative and valuable, and the community consultation report produced separately and independently from the LGA submission on behalf of councils was also made publicly available. The principal change proposed in the bill is to increase the term of office for council members from three to four years and to alter the date of the elections from May to November, with both amendments being effective from 2006. This would result in the term of the current sitting council members being extended from May to November 2006, and it would also avoid the clash of state and local elections in 2006 and ensuing years.

This proposed change will align South Australia with interstate local government terms of office. More importantly, it will allow newly elected members to participate fully in budget and rating processes for the following financial year, and assist councils in their longer term strategic planning. This change had been discussed by local government for several years. In fact, members might remember that many years ago council elections were held in October. The local government executive for many years had discussed changing this date because it is very difficult for newly elected members to be faced with a budget. Mr Speaker, as someone who has been involved in local government, you would know that local government is a very complex area and people need to learn very quickly about a lot of things.

I was first elected for one year in a by-election, then I had a two-year term and then a three-year term. I can certainly say that the longer period was much more advantageous because it gave people on council the opportunity of putting in place long-term strategic plans, which obviously is very important to the community, and decisions were not made on an ad hoc basis. Some concern has been expressed that longer terms will make councils less accountable. Democratic election is certainly fundamental to our system of local government. Councils would not be considered governments without it. The introduction of this bill coincides with the target in South Australia's Strategic Plan of achieving 50 per cent turnout in local government elections within 10 years.

The highest established local government turnout achieved in South Australia was 40.1 per cent at the 2000 elections, at which exclusively postal voting was introduced, but unfortunately this fell to 32.7 in 2003. No-one underestimates the difficulty of achieving an average turnout of 50 per cent while voting remains voluntary. The minister has referred to the fact that a comprehensive cooperative strategy will be required to increase turnout at the 2006 local government elections. It is essentially up to the LGA and member councils to devise and implement that strategy, and clearly more will be required than the general promotional appeals to voters. The results will be able to be assessed after the 2006 elections. This is an area which I believe local government should take seriously—and I am sure that they will.

Having said that, I believe that local government understands that accountability now requires much more than submitting yourself to the voters every few years. My view is that longer terms will require councils to focus more than ever on consulting and engaging the members of their community between elections. Four-year terms will allow councils sufficient time to conduct the extensive strategic planning and community consultation processes that are required or proposed under the Local Government Act and other acts. Any ensuing policies and programs initiated by the council would put electors in a better position to judge the effectiveness of the council as a whole at election time.

Some councils and people with an interest in local government are also worried that fewer people will want to make four-year commitments to council service. It is true that young people and people at stages of their lives when work and family commitments are at their heaviest are underrepresented in local government, and that is something that the LGA needs to address in a sustained way. But I understand that more than 80 per cent of existing council members nominated in the 2003 elections. So, they were clearly prepared to make at least a six-year commitment, and many council members serve much longer than that.

As a result of the shift to four-year terms, the current minimum requirement for councils to conduct reviews of the representation structure every six years will need to change to every eight years, once in every two election cycles. Nothing prevents councils from conducting more frequent reviews or electors from initiating submissions for changes in between scheduled reviews. The power already exists for the Electoral Commission to require councils with wards to undertake a review any time rapid changes in population mean that the number of electors represented by a ward councillor varies from the ward quota by more than 20 per cent. This should protect the progress that has been made in removing malapportionment in local government. We have seen that some areas do develop much more quickly than others and, therefore, this is a very important aspect.

An effective review requires councils and their communities to understand and explore the implications of different arrangements for representation in terms of their area rather than concentrating only on representation ratios and ward quotas. Councils and their communities have a wide range of options for their representative structure: the number of members on the council, whether councillors are elected by the whole area or the council is divided into wards, whether wards are single member or multi member, whether the council has area councillors in addition to ward councillors and whether the council's principal is elected by the whole area or chosen by the councillors from amongst themselves. It is interesting to note that, between 2000 and 2003, seven councils changed from electing councillors by ward to electing councillors at large.

The member for Morphett has already alluded to the recent representation review in the City of Port Adelaide Enfield, which resulted in the decision (unusual for a metropolitan council) to change its constitution from one with a directly elected mayor to one where members choose the principal member from amongst themselves. I note that my own council, the City of Norwood, Payneham and St Peters, has now passed a motion calling for a report into the advantages and disadvantages of a principal member elected from within council versus having a principal member chosen by the electors at large. Many people have passionately held views—

Mr Brindal: It's a long speech for you, isn't it?

Ms CICCARELLO: It is an area that I am very passionate about, as you know, Mark.

Mr Brindal: Yes, I know. I notice that you are reading it too, though, Vini.

Ms CICCARELLO: I just want to make sure that I make all my points in the time allocated. If the member opposite did not interrupt, I would not have to—

An honourable member: Yes, why don't you stop being so rude, Mark?

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

Ms CICCARELLO: Many people have passionately held views about which representative structure is preferable, and so do I. The point about this bill is that it does not limit the options available for representation or mandate one over the other. What it does do is amend the provisions to encourage a more informed approach to these important reviews from the outset and to ensure that several options that have been shown to have the potential to improve representation and governance are included in the options examined. Councils that are already following best practice (and a number of councils are conducting reviews right now in the lead-up to the election) would already be doing what these amendments require.

Councils will be required to have a qualified person prepare a representation options paper, which must examine the advantages and disadvantages of various options and, in particular, if the council has more than 12 members, whether the number of council members should be reduced and, if the council is divided into wards, whether the division of the area into wards should be abolished. There are several consultants with the expertise to produce these papers who are currently used by councils, but the provision does not prevent a council officer from preparing the paper if the council considers them qualified to address the representation and governance issues involved.

I am sure that the LGA would be able to offer the appropriate training. Public consultation on the basis of the representation options paper must occur at the outset of the review, when other changes are made to the current requirements of public consultation to ensure that public submissions are effectively addressed in the final review report. The intention here is for the councils to show how public submissions have been taken into consideration and how they relate to the principles set out in the act, rather than simply asserting that this is the case.

I note the provision requested by the LGA requiring each council to have a member training and development policy. Again, some councils already have such policies and programs and realise the importance of making a program of relevant and accessible education available for both new and long-serving members. As I said at the outset, I am very surprised that some of these policies have not been put in place. I do not want to keep alluding to my former council, but many of these things were already in place. The training of all newly elected members happened, and long-term strategies and programs were put in place so that there was no guesswork as far as council was concerned.

I will also be speaking later on the finance bill, because again some of those provisions that are proposed are things that should have been in place many years ago when changes were made to the way accounting systems in councils were put into place. With that, I am pleased to support this provision, together with the other changes proposed to update

and refine the current provision through representation and elections in local government.

Mr BRINDAL (Unley): The minister comes here seeking to amend the Local Government Act 1999, which was a complete rewrite of the Local Government Act of 1927, which has been referred to as a thing of shreds and tatters.

The Hon. J.W. Weatherill: Were you responsible for that?

The Hon. R.J. McEwen: He's referring to the other one.

Mr BRINDAL: I was. The old one was a thing of shreds and tatters. The point is that a lot of work from this house went into the 1999 act, and I rely on the minister's assurance to this house that, while making these amendments, he is not going to start again to put in amendments that are at variance, so that we find an act that has parts which are contra to itself. I am thoroughly enjoying the fact that the member for Mount Gambier brings this bill to this house at this time, since he strongly had his roots in local government very close to Mount Gambier. I cannot help observing some wry irony in this debate.

This minister has continually argued that local government is an autonomous sphere of government, responsible for its own destiny, yet he brings into this house—as is quite right—an act to change local government. I have always argued in this place that the minister is wrong in his assertion that local government is an autonomous sphere of government. Local government is the creation of the state government of South Australia through the Local Government Act 1999 as amended. The shape and form of local government is clearly determined by this parliament and has been reinforced by the people of Australia.

It was put to them in a referendum some years back that local government be a separate sphere of government and be recognised in the Constitution. That proposition was rejected by the Australian people. Contrary to the minister's constant assertions that local government is a creature entirely determined to follow its own destiny, local government in fact is a creature of this parliament, the creation of this parliament and the responsibility of this parliament. It is interesting that this government, in trying to distance itself from its own child, creates not a department of local government but a department of government and local government relations. It is interesting that it makes that distinction.

It is interesting that, having spent three years telling us that basically local government can do what it wants and mayors should not come to this minister unless the 68 come to the minister together with a single view of local government, we now have to consider these amendments. I find it interesting that the LGA did this consultation, because I remind the minister that when this parliament amended this act not that many years ago, the method of consultation was for this parliament, through its minister at the day and its department of the day, to go out and consult, not only with individual councils and individual regions but with individual ratepayers, the LGA and everybody we could get. We did not go to one of the principal bodies and ask the principal body to conduct the research on which we changed the act. That seems to me to be one of the flaws which this parliament must consider in looking at this legislation. It is interesting that the LGA recognises and recommends changes from three years to four years when most of its constituent councils, as has been pointed out by my colleague the shadow minister, in fact have real reservations about four-year terms. How is it that, when the constituent parts of an organisation recommend the status quo, the main body of the organisation comes in here and says, 'We will ignore our constituent parts. We want four-year terms.'?

Why might that be? In other parts of Australia local governments have four-year terms. The minister will tell us that. He will not perhaps tell us the wages that are paid to full-time councillors elsewhere in Australia. I ask the house rhetorically, is this a quest by some in local government to have four-year terms so that they can then have $50 000 and $60 000 paid jobs? Whether it be the city of Mount Gambier, the District Council of Grant or the City of Unley, I do not know too many ratepayers who are prepared to spend millions of dollars to fund their councillors to do a job that they already do. I also do not know that it is what local government asks because the fundamental questions, when we introduced the new act and the allowances that were paid under the new act, were clearly enunciated: do you want to be a professional tier of government that receives fully renumerated salaries or do you want to be a voluntary tier of government as you always have been? The answer given by local government in South Australia was unequivocal and clear: we wish to be a voluntary tier of government and be renumerated accordingly. In South Australia, unlike New South Wales, Victoria and many other states, the level of payment to councillors does not often reflect the work that they put in or the valuable contribution they make to their community but rather that they should not be out of pocket because of that.

I see this as a veiled attempt—or a not so veiled attempt perhaps—by the LGA and some others to create a new professional tier of government at a great cost to ratepayers. With escalating rates, as we will discuss in another bill, I do not know that it is exactly what the ratepayers of South Australia want.

The Hon. M.J. Atkinson: They don't.

Mr BRINDAL: No; but does it pave the way? I think that is—

The Hon. M.J. Atkinson: Never; over my dead body.

Members interjecting:

The SPEAKER: Order! The Attorney should not tempt anyone.

Mr BRINDAL: The Attorney is not tempting me, sir, because I am reminded that this is the same Attorney who was going to open Barton Road as the first act of a Labor government.

The Hon. M.J. Atkinson: You are stopping me.

Mr BRINDAL: Far be it from me to stop it.

Members interjecting:

Mr BRINDAL: The fact is that local government, I believe, is better served by three-year rather than four-year terms. We have heard about the under-representation in local government, especially of young people. The member for Norwood says quite rightly that 80 per cent of people recommitted for a second three-year term, i.e. 80 per cent of people were prepared to commit to six years, so four years is all right. What a mathematical nonsense. It is easy for somebody to take two bytes of three than one byte of four, especially a young person. If I might, I will just mention the mayor of this city with whom I am staying. He has an eight week old baby, a two year old daughter and a four year old daughter. It may well be easy for somebody in that family situation—

Mr Caica: He has a 52-year old baby staying with him.

The Hon. I.F. Evans: You are being rude, Paul.

Mr Caica: I couldn't help it.

Mr BRINDAL: Incidentally, I remind this house that I happen to be the normal disruptive person I am in Adelaide, and I find it rather sickening that some of the opposition are sitting over there pretending—

An honourable member interjecting:

Mr BRINDAL: No, they are our opposition; that is what I mean. Sitting over there pretending that they act like little goody-two-shoes when they are as naughty as anyone else in the class when nobody is watching. In other places it is called hypocrisy, but it would not serve to say that here because it is not parliamentary. Look how good they are, all sitting there with their suits looking really nice. Put your feet up on the desk—

The SPEAKER: Order! The member for Unley is getting a little bit off the point.

Mr BRINDAL: I am right on point, sir; I am making an observation. In connection with this bill, I think it is a valid point that three years in a voluntary position is a reasonable time. Certainly, I agree with the member for Norwood that you would hope that councillors would commit to another three years and then perhaps another three years to develop their expertise in the community, but it is about the recommitment of councillors—not locking them in for long forward periods, especially if they are young.

I put to this chamber that some of those councillors, some of those young councillors, would do well to serve their district by perhaps seeking to serve this parliament at a later date. If you are going to lock them into four year periods that are deliberately out of kilter with state elections, as these quite rightfully will be—

The Hon. M.J. Atkinson: As they should be.

Mr BRINDAL: As they should be. You are, therefore, going to make it less easy for a serving mayor or councillor to seek preselection and service not in council but in this state parliament. I do not believe that is a good outcome either for a district or for this parliament. We should be encouraging a whole profile of our community in this chamber, as we should in local government. If we can do anything that will encourage younger people into our council chambers then we should be doing so. Insofar as I think it can be quite clearly established that four years will, in very many ways, mitigate against younger people joining council chambers—

The Hon. M.J. Atkinson: Militate, not mitigate.

An honourable member: Stop mitigating out of your chair.

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

Mr BRINDAL: If the Attorney likes to look up the word 'mitigate' I think he will find that it is a word that I can use.

The Hon. M.J. Atkinson: Militate is the word you are looking for.

The SPEAKER: Order! The Attorney is out of his seat and he is out of order.

Mr BRINDAL: Millipede is the word that reminds me of you.

The SPEAKER: Order, member for Unley!

Mr BRINDAL: Farmyard animals and pieces of kitchen furniture are all right: it is just other names.

The SPEAKER: The member for Unley will get back to the topic.

Mr BRINDAL: Yes, sir; I will. I do not believe that this house can bet on both sides of the race. Either local government is an autonomous body and we should, as far as we can, be listening to them—and their voice on this is quite clear, that we should not be moving to three year turns—

Mrs Redmond: Four-year terms.

Mr BRINDAL: Four-year terms, sorry. That is the minister's point of view, not mine. We should accept that the form and features that local government is going to have is at the will of this chamber and the other place. Accept that, which I believe to be a fact, and say, 'Look, three years is more suitable as a community service commitment in an organisation that basically is characterised by its voluntary nature than moving to something which the LGA has dreamed up and which apparently does not have the concurrence of its constituent councils.'

The Hon. R.J. McEwen: You are wrong.

Mr BRINDAL: The minister says that I am wrong. I am sure he will say that in his reply and I am sure that in questioning every clause of this bill we will get to see whether the minister actually understands local government as he has always claimed to do. I am sure he does—he had a long period in it—but you can bet that in the clauses of this debate the opposition will test him thoroughly and at length on his knowledge of local government.

I think it was the member for Norwood who said that we seek to improve the effectiveness of local government representation. No-one in this place will deny that is a laudable aim, and it is really the reason for being of the Local Government Act—to get for the people of South Australia the best system of local government that we can get.

Therefore, we must concentrate on finding that mechanism by which this act is improved. Just because I was lucky enough to be the responsible minister when we reformed this act after 72 years, I do not have a proprietary interest that says it is incapable of reform. We made mistakes in the initial act; we did things in the initial act whereby we sought to give ratepayers greater certainty of accountability through the act, and in some clauses we have failed, and I think we start to address that in an act that will shortly come before this parliament. So, it is not that I believe the act incapable of change—and certainly change for the better—but since we have a good act, we must be assured that it is a change for the better, and I am not assured by anything that I have heard thus far from the government side that these are changes for the better. They appear to be changes that pander to a group of people in the LGA, and perhaps to a group of people in local government for whom, I think, the ultimate aim is to become a professional level of government, paying $50 000 or $60 000 per year—

The Hon. M.J. Atkinson: Never.

Mr BRINDAL: The Attorney says 'Never' but the Attorney is a great one; he represents a party which is great at rewarding its faithful. I remind the Attorney that only about a maximum of 30 seats are available to the faithful of the ALP in this place, and you have four in the House of Representatives in Canberra. So, the attraction (as has happened in other states) of political parties politicising local government, and remunerating it to a point where it becomes a fiefdom given away by some political parties, is something which should not be lost.

The Hon. M.J. Atkinson: In some councils it is a voluntary fiefdom.

Mr BRINDAL: Well, the Attorney says that it is a voluntary fiefdom, in which the Attorney boasts often that he controls certain councils in South Australia. He absolutely boasts that he controls certain councils. So, if he could give all of his little councillors who do his bidding $50 000 or $60 000 a year, how much would his standing increase?

The Hon. M.J. Atkinson: Never. They should serve for no reward.

The SPEAKER: Order! The member for Unley is straying, and the Attorney is out of order.

Mr BRINDAL: I will conclude with a couple of remarks. I was wrongly challenged earlier in saying that I asserted that a certain CEO was corrupt. My interjection was clear and audible, and absolutely clear in my mind. I asserted that this bill does not address any issue relating to corruption in CEOs, or words very close to that effect. I named no-one, and if members opposite think that there was a name, that name was in their mind, not mine.

The Hon. M.J. Atkinson: Why don't you say it outside the house; be courageous.

Mr BRINDAL: Because I did not say it. However, I will say to this house that I believe that there is a certain amount of corruption among one or two CEOs in South Australia, and it is a matter that needs to be addressed in this legislation or in future legislation. If it is not addressed, I will come into this house and talk about it, because that is what this house is for—it is not a coward's castle, it is a place where you can make allegations—

The Hon. M.J. Atkinson: It is when you are talking.

Mr BRINDAL: No; you can make allegations you truly believe to be true without having the complete weight of the ratepayers' purse used to persecute you through every—

An honourable member interjecting:

Mr BRINDAL: Yes; because as soon as you say something, these CEOs grab the ratepayers' money, employ the QCs, and use those QCs against—

The Hon. M.J. Atkinson: No they don't.

Mr BRINDAL: Yes; they do.

The Hon. M.J. Atkinson: Name one example.

The SPEAKER: Order, the Attorney is out of order!

Mr BRINDAL: I commend the minister for this bill and I do so with the words, 'Heavy lies the head that wears the crown.' I am going to enjoy this, minister, because when I was the minister—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: I know, but you also knew everything better than me, so I am going to love sitting here, giving you a few lessons on your own legislation.

Mr CAICA (Colton): I would like to endorse the comments made by my colleague, the member for Florey about what a pleasure it is to be in Mount Gambier, and how delighted I am to be here, and to thank the local community, and those from the regional areas for coming in and making us feel so welcome. I was a bit confused by the member for Morphett's contribution. I found him to be a little bit all over the shop, quoting any particular group that had a concern or a problem, minor or otherwise, with this bill, using it in such a way to support his position, whatever that position was. The fact is that consensus is a position that is reached to best encapsulate the general view, and it is rarely ever the case where we will get everyone to agree with everything about this bill or any other bill that comes before us. I do not know how things operate in the world of veterinarians, but I am sure that from time to time decisions are made by their governing body that are not embraced by all vets. When I was the secretary of the United Firefighters Union, I know that, if I had waited for every firefighter to agree on a certain position, I or my state council would never have made a decision at any particular time. The fact is that the LGA is the body representing the collective of local councils, and my understanding is that there is general agreement in relation to this bill.

I was also a little shocked by the comments made by the member for Unley, but I am sure the minister will respond to those comments in good time. He indicated that the LGA is not representative of the bodies it represents, and I find that quite outrageous. The other completely and utterly outrageous comment made by the member for Unley was the slur he cast on all chief executive officers of local government. If he has facts that relate to the behaviour of CEOs, he should name them and not cast such a net that every chief executive officer in this state is labelled as being corrupt.

I rise to support this bill; I believe it is a move in the right direction. As we have heard, current local government legislation requires that local government periodic council elections be held every three years, the next council election to be held in May 2006. Of course, owing to the introduction of a fixed four-year term for state parliament, the state election will be held in March 2006—and I say, 'Bring it on.' However, without the change that is being promoted, the close proximity of state and local government elections would occur every 12 years. Of course, some people are attracted to the idea of holding local government elections and state elections at the same time, but I do not think it is practicable while the systems remain quite different in terms of voting obligations, franchise and voting methods. The reality is that people within my constituency still ask, 'Are you standing for council next time, Paul?', and I have to explain the differences between the levels of government. I am sure that is also the case with respect to members opposite.

This is not meant to belittle electors, but it is good that we create a situation where we do not confuse the running of state and local government by holding the elections at the same time. The need to prevent a potentially confusing situation for voters, as a result of the overlap of state and local government election processes, added a degree of impetus to this review. It is my view that the introduction of four-year terms will put South Australian local government on a par with local governments in other states and will strengthen the contribution councils make to our system of government. The amendments proposed to the local government election provisions will make a number of practical improvements to the process and support the Electoral Commissioner in the role of administering that process, while simultaneously investigating and taking action in relation to any illegal election practices.

We have had two local government periodic elections since the introduction of the Local Government (Elections) Act 1999. That act promoted consistent practice across all council areas by providing for universal postal voting, proportional representation as the single method of counting votes, one independent authority, and for the Electoral Commissioner to be the returning officer for all council elections. I would have thought that the opposition would be at one with the government in saying that that was a very good move. It is a fact that these elements of the local government election process are now well accepted.

Mr Steve Tully, who, as the Electoral Commissioner, was the returning officer for the local government elections in 2000 and 2003, has recently taken up an appointment as the Electoral Commissioner for Victoria. Mr Tully was held in high regard by local government for the way in which he and the Electoral Office staff worked with councils to ensure the effective administration of the electoral provisions; and, I am sure, that respectful and cooperative working relationship will

continue. Very comprehensive reports produced on the conduct of those elections include a range of suggestions for technical improvements to the provisions that are now included in the bill. There has been a wide and broad consultative process, much of which is based on the science that has arisen from those particular reports.

For example, it is proved to be unnecessary to keep the current option for councils outside metropolitan Adelaide to apply for voting to be conducted in polling booths if they can satisfy the test that postal voting would not yield a greater participation rate than attendance voting. It has not been used since the 1999 act came into force. This is one of a number of amendments being made on the basis of practical experience along with changes to the time frames for nominations, close of voting and conducting a re-count. As I and other speakers have said, the 1999 act changed what had been in place since 1927 (and for the better), and this builds on those changes that were made.

It will continually be a process to improve the manner by which local government will conduct its business. Although the cost of professionally conducted and fair elections is a necessary cost in a democracy (and saving money is not the object of the legislation), to the extent that the proposed changes may reduce the need for supplementary elections and streamline some aspects of electoral administration, there may be some savings that councils can redirect into areas such as promoting public participation in the electoral process, and we would all applaud that. The more people who get involved in the democratic process and, indeed, cast their votes for local councillors—

Mr Brindal: There may be some savings.

Mr CAICA: There may be. Unlike the member for Unley, I do not have the answers to everything. I am saying that this is a step in the right direction. It is something that ought to be done, and that is why I am supporting the bill. I cannot guarantee that it will do that, but I will be thankful and happy (as will most ratepayers) if that is the case.

It is important to recognise that the experience and perspective of regional and country councils is sometimes different from that of metropolitan councils on particular representation on electoral issues. Achieving a reasonable voter turnout and the legitimacy that goes with that is generally less of a problem for country councils. At the last election the average turnout for country councils, as I understand it, was 43.5 per cent as against the metropolitan average of 28.4 per cent, and many do significantly better. This is not simply the result of having fewer electors. The City of Mount Gambier, for example, had a turnout of 51.2 per cent. On the other hand, lack of candidates can be a problem; and that was highlighted, I think, by the member for Unley. It has been identified as a problem. It can be a problem particularly for country councils. In 2003 the percentage of elections not contested in the country was nearly double that of the metropolitan area.

This might be partly due to a culture of cooperating rather than competing, perhaps, but a small number of supplementary elections were required in country councils in 2002-03 because insufficient candidates had nominated. Some rural councils are concerned about the proposed increase to four-year terms because they believe that attracting candidates for the longer period will be even more difficult than it is at the present, and that point was made by the member for Unley. I recognise, as I am sure all members do, the commitment and energy required to represent the community as a council member and to fulfil that role in an increasingly complex environment.

Members of regional and rural councils may also have to deal with particular features, such as very long travelling times. In introducing the bill, the minister referred to the fact that the Local Government Association is aware that new initiatives are required to attract and retain younger council members. I would encourage the LGA to take a close look at the steps that might be necessary to identify and support potential candidates in these rural councils and to assist those councils to remain vigorous. Perhaps the same could be said about some members opposite, too—getting in some younger people.

The suggestion that dual candidacy should be allowed, which was considered in the course of the review of representation and election provisions conducted by the LGA, was first raised by—

Members interjecting:

Mr CAICA: It took a while.

Mrs Hall: We did not want to embarrass you and turn you pink like you are now.

Mr CAICA: The reason I might be pink is by dint of the fact that I am sitting under a light that is giving me a suntan, and getting very, very hot. The suggestion that dual candidacy should be allowed was first raised by regional communities and, indeed, is specific in the context of the contest of the mayoral position. My understanding is that there was not enough council or community support for the idea and that it outweighs its drawbacks. The simple fact of the matter is that, under this legislation, the councils have the right to determine whether or not—and as I understand it, a plebiscite needs to be conducted—it wishes to select from within its own elected members that person who would be, for want of a better term, the equivalent of the mayor, a presiding member. It is within the structure, and I also understand that it is a structure currently used by 19 of the 50 country councils.

I understand that the leaders of these councils sometimes feel that they are accorded lower status than directly elected mayors when they perform the same role. I guess that might be their perception of things, more than anything else. The government has listened to these concerns and decided not to proceed with an amendment that would have prevented the use of the title 'mayor' for council leaders chosen from amongst council members. This is an example of an issue that may not concern the majority of councils, but which is keenly felt in particular regions.

As I said from the outset, I am happy to support the bill, and the need for it to be dealt with in a timely fashion (it does not look like that is going to happen) so that these necessary changes can be made to the regulations, systems and training material in good time to ensure that the next local government elections run smoothly.

Mrs REDMOND (Heysen): I want to make a few comments about the salient provisions of this bill, and I will approach them in the order in which they appear in the bill. The first is the issue of allowances. Over the years I have changed my mind about this issue. I was formerly a member of the Stirling council which, of course, no longer exists. In my time as a councillor there, I was actually quite opposed to allowances for much the same reasons mentioned by the member for Unley, that is, I feared that politics could creep into local government. Having originally come from a state where politics was well and truly entrenched in local

government, it still seems to be the great strength of local government in this state that, by and large, with a couple of exceptions, it is non-political.

I originally came to it with a view that there should not be allowances. I know that when I was serving on councils—and that was quite a few years ago when I was a young mother—it was a lot of work. It was 35 hours a week of voluntary work for the community. When I first went on to council we did not have such a thing as allowances, and my council voted unanimously against the introduction of any allowance. When they were introduced, we received what was then the minimum allowance of $300 per annum. As deputy chair of that council, I was paid $500 per annum, or a little less than $10 a week. That clearly was not even sufficient enough to cover what were the outgoing costs of my incumbency in that position. After a while, I felt that maybe there was room for some change.

I am aware that in other states, particularly in places like the Brisbane City Council, members are paid more than the members of this chamber. That seems to go to the other extreme where you then have people who go into local government for the wrong reasons. They go into it because they want a job for which there are no particular qualifications and responsibilities but is reasonably well paid. Having thought about it long and hard, I think that the answer probably lies somewhere in between. I think there is a real issue that has been mentioned by a number of other speakers this evening about the age of our councillors and the difficulty of attracting councillors. On the last Adelaide Hills Council (or maybe the election before that) the average age of the councillors was 62.5 years. I have a feeling that this was largely to do with the fact that most people who are busy earning a living and raising a family simply could not afford to put in the effort for no recompense.

In relation to this area, I think that we need to look at the introduction of some sort of reasonable amount. I believe that at present most councillors around the state get allowances of the order of $6 000 per annum. That probably is not quite enough, given that, for instance if they are running their own business, they have to give up a certain amount of time earning their normal income to devote it to the activities involved in being a local councillor. It seems to me that there is probably room to move.

The bill itself simply provides that council at its first meeting after an election has occurred is to fix its rates and allowances. There is a default provision to provide that, if it fails to do so, it will be paid whatever the minimum is; and the regulations can put in the maximums and minimums. I am suggesting that the idea needs to be considered, but there is nothing in the bill itself which would prevent that from happening once these provisions were in place, so I am not opposing it in any way.

I assume that the minister will be taking good note of the LGA's ultimate submission on the area. I notice in a letter just last week it has set up a council member allowances and benefits review panel, which is out for public notification at present. It is due to deliver its report and recommendations in August this year. As I said, I cannot see anything in the terms of the bill which would stop the introduction of something in the order of a reasonable recompense—somewhat more than what people are getting at present—but, nevertheless, not so much that it will motivate people to go into local government for the wrong reasons.

I was interested to see in the bill that there will be a change from March to November elections. When I was on council we changed from November to March elections. That was how I ended up with a slightly extended term back then. It seems reasonable to move the elections to November. As I understand it, the predominant thinking behind it is related to the ability of members to come to grips with their new job and to deal with the issue of the budget. If you are elected in March and you have to come to a budget in June, ready for the new financial year, then you have an extremely steep learning curve to get your head around not only the job of being a local councillor but also the issue of getting up a budget for a council. I know that a number of councils within my electorate have quite massive budgets. They are now very complex things.

When I started in local government it was a matter of each individual ward councillor looking at footpaths and roads in their particular section of the council. It is now a much bigger undertaking and it is quite complex. I do think it is probably reasonable to move people to a November election—if for no other reason than that. I know there has been some discussion about whether it will interfere with people's chances of election if they are rural people seeking election at harvest time, for instance, but I think overall, probably on balance, that should not interfere so much that it becomes untenable. If it does, obviously we will have to look at it again.

In relation to the entitlement to vote, I would like the minister to give more explanation in his closing address. I am a little puzzled as to the provisions. I know at one stage—and it may not be the case now (and this is where I seek the minister's clarification)—it was the case that I could get an entitlement to vote as a ratepayer who is resident, and I could also get an entitlement to vote even as the occupier or owner of commercial premises. I could get more than one vote for one council. That was seemingly flying in the face of the idea of one man, one vote—universal democratic principles—but, when you think about it, if people own a number of properties and they are paying rates for those properties, and those rates are, first, moneys they have to pay out and, secondly, moneys that are used by a council to do various things in the district, then perhaps it is not unreasonable to say, 'Well, you do get more than one vote.'

I am a little unclear as to the effect of clause 28. I notice in the bill there is a specific provision dealing with the people in the City of Adelaide, which is governed under its own act at present. In that particular case, it has a special provision which provides that that cannot happen. You cannot have one vote for each capacity: you can have either a vote as a resident or a vote as a commercial property owner, or whatever other sort of property owner you might be. I would like the minister to clarify whether in practice there is any difference between the provisions which will apply to the members of the City of Adelaide compared with people in electorates all around the state in their local government elections.

Regarding the issue of the naming of the principal member, again I reflect on my time with my local council. It was a very small council consisting of only eight councillors and we elected our own chairman from within our ranks. That seemed to work well, as it did in many rural councils around the state. That process has the benefit of avoiding the necessity to address dual candidacy. However, there can be a bit of a problem because, if you have a system in which a mayor and councillors are elected, if someone puts their hat in the ring to become mayor, under the current provisions you cannot at the same time run for councillor.

I think that is a sad loss because, as other members have suggested, there is a dearth of people wanting to be elected to the local council. That may be for very good reasons but, if we cannot encourage more people to go onto their local council, I think we should be very careful not to put obstacles in the way of those who are willing to serve, who would like to throw their hat into the ring for mayor and who, if they do not get the mayoralty, can perhaps take up a position as a councillor.

Some might argue that that could lead to a fairly difficult council, but I know that a large proportion of the councillors in the Adelaide Hills Council (during its most recent election) ran a very public campaign against the mayor. The result was that they were re-elected as councillors and the mayor was also re-elected, yet they seem to have managed to settle down and start working together. They have accepted the results of the election, just as we all under a democratic system must accept the results of any election. So, I think we may need to consider at some stage this idea of dual candidacy.

In respect of the current position in relation to the election of mayors and councillors, the one drawback that existed when I was a member of the council was that the chairman might not be recognised to have as much authority as someone who was called the mayor. That seems to be adequately covered under our present system which I understand allows the chairman to be elected and to adopt the title of mayor.

I am very interested in the introduction of a compulsory policy for training and development in the bill. It provides that the council must prepare and adopt a training and development policy for its members. One of the most valuable training days that I have ever spent was one that I undertook when I first became a member of the local council. It was not compulsory, but it was really worth while. The Local Government Association ran a training course which taught us a lot about the nature of our role as councillors: we were not to give directions to the people who were working as council staff; we were there to set the course of the ship and leave it to management to implement our decisions.

We played a very interesting role-playing game. The group was divided into smaller groups consisting of four or five people. Each group was to represent a council, and each council was given a bank of popularity or public opinion of 20 points, a legality bank of 20 points, and a finance bank of 20 points. We were then given instances about which we had to make decisions as local councillors. As local councillors we made our decisions and we were given a mark. If we made any decision that was very popular with the public, our marks in that area might go up and our bank might go up substantially, but it might be a decision which, whilst popular, cost us a lot and our finance bank went down, and we might lose points in our legality bank. The name of the game was that, if we lost all our points in any one of those areas, we lost the game.

It was a very clever and well-devised set of exercises to make us understand that, like all government, it is a balancing act. So, I commend the introduction of a compulsory training and development policy. I note that training and development itself is not compulsory—I do not know how you could make it compulsory; one can only offer carrots (not sticks) to councillors to volunteer—but there is one provision about which I am not very happy, and that is that you have to purchase a copy of the policy. I would have thought that, of all things, that should be made available free of charge. I do not see why the bill spells out that you have to pay a fee to get a copy of the policy, when, surely, that is a policy that an intending member of the local council should be able to access, as indeed should any other member of the community.

Lastly, I address this issue of periodic elections. Again when I was on council, we only had two-year elections. Certainly, as the Local Government Association says, most people did run for more than one term. However, I believe that three years is long enough. It is open to anyone to stand again if they wish to, and no doubt, after three years, the vast majority would be just finding their feet and coming to grips with the job and they would be happy to run again. However, people's circumstances change. They certainly have to make a big commitment to stay on local council and it seems to me to be reasonable to say, 'Well, let's leave it at three years. Let people run for three years. They are able to run again if they want to, that is fine, and if they do not want to, then they are not committed for any longer.'

I was most interested in the Local Government Association's comments on this matter because they said that, in the course of their consultation, they had written to people, and councils in particular, about this idea of a half turnover. I know many people who serve on boards would be familiar with this. On my local hospital board, we have a system where every election half of the board is up for election. Now that has many benefits in my view because it means that there is a consistency in the way in which the board runs. You never have a complete new lot of members coming in, therefore you are not left without some sort of corporate history and knowledge about what has occurred previously and why we do things in a certain way. However, there is certainly opportunity for new blood and, indeed, we have a mentoring system so that people who have been on the board for a while are assigned to mentor new members and to teach them about the process.

What surprised me was that when the Local Government Association flew that one up the flagpole, they reported that it received very little support. I would have thought that it was probably a worthwhile thing, and if we were going to have half turnovers, then I would have been happy to say, 'Let us go to four years', because it would have meant that you would have an election every two years but every two years only half of the available positions would come up for election. There would be some level of stability and forward planning and all that sort of stuff. You would not have councils being usurped by some particular interest being elected. I would have thought that that had significant merit, yet the Local Government Association reported that, in the process of their consultation, they really did not find that the councils gave it any support at all.

I do not know to what extent the councils really considered the detail of this bill, and like the member for Morphett I do express a slight concern about the level of response. I do not think it is necessarily safe to assume that people who are in local government have the time, first, to read the bill. They are not straightforward things to read and for those who have not been trained and who do not have a copy of the original act and who do not go through the scissors and paste job of making it all fit together, it would not be all that simple to figure out what is being done by the bill and to reach some sort of consensus even within a single council. I suspect that they simply have not had time to put their minds to doing this job.

I do not think that it should necessarily be the thought that the lack of response from a large number of councils necessarily means that they are happy with it. At most, I think

it means that possibly they are not unhappy with it, but I certainly will continue to discuss a lot of these issues with local council because I think, as the member for Colton said, it probably is an ongoing process. There are a number of issues that we may need to address over a period. I think that local government is an extremely valuable resource for the whole community. They do a terrific job; they do it as volunteers. They have a tough job because I know that, every time the rates come out, they have the problem of everyone screaming about increasing rates but, at the same time, everyone wants better services—and more and more services are being pushed on to local council. I have a great deal of time for local government. I hope that this does lead to an improvement, but with those few comments I conclude my remarks.

Mr BROKENSHIRE (Mawson): Like some other members in this house I place on the public record that I am enjoying my stay in Mount Gambier again, having come down here several times when in government for openings of things in my own portfolio, such as the police station, the ambulance upgrade, the fire station building and the new fire truck. It is good to be here again today. We have some interesting bills with respect to the Local Government Association's overarching responsibility to our councils. Tomorrow I look forward to debating the other bill, which I think really should not be here to be debated at this point and I will go into that tomorrow.

I know that some members opposite are hopeful that we would have got through in record time, although why I am not sure because local government is an important tier of government and many times even my own family members, one of whom is a mayor, argue that local government is most in touch with the community. Whilst we work hard to keep in touch with our community, it is true that councils are very much at the grassroots of government and due consideration, process, debate and deliberation should be fundamental whenever we are dealing with local government legislation.

Turning to the clauses relevant to the timing of local government elections, it would have been possible to have simply brought in a bill to address the next local government elections, to take them away from the 18 March 2006 state election and then roll all of this in once the Local Government Association has had time to work through reviews it has implemented and are in process at the moment. I will talk more about the reasons why we are debating these bills now rather than waiting for the Local Government Association to do some detailed work and analysis and I will raise that tomorrow when we get on to that legislation.

One of the issues that concerns me in going to November—and my family are farmers—is that November is not an easy time for people in rural areas. You are right on the back end of hay and silage and fodder conservation and then you are slipping into grain harvest. I know that the last thing you do when you are exhausted at night, working well into the night for weeks, is sit down and assess candidates and do postal votes. I believe November is the wrong time if we are to be truly democratic and allow all sectors of the South Australian community due process and opportunity to consider the candidates.

Not only do we need to consider the candidates put up if you are voting, but if you are a candidate yourself and have a genuine commitment and passion to serve your community as a voluntary councillor, how are you able to get out in that community and sell your message to that community when your primary responsibility at that time of the year is looking after the bread and butter for the family for the next 12 months through harvest? Whilst I know there was a divergence of opinion on this, it did not have to go as far as November. I find interesting the debate about budgets in May because, if you look at the state situation, not one has brought up the fact that, now that we have fixed four-year terms in state elections for March, a new government will have to go through a whole budgetary process soon after getting elected, when the government at that stage would be into the second part of its bilateral discussions and deliberations with each minister around the cabinet table.

No-one in state parliament has raised that matter, yet there is debate around councils not being able to go to elections in May and bring a budget through for 1 July the following financial year. Having said that, I reinforce the fact that probably a good compromise would be around August or September. Even in the higher rainfall areas like Mount Gambier and the South East you do not have to go to a polling booth, so in the comfort of your own lounge chair by the fire at night you would have a good chance to consider those candidates. A more sensible time would be August or September. As I said before, the LGA is going through some detailed reviews. I commend it for that, because it does not rush into things in a knee-jerk way and then expect ad hoc legislation to be brought into the parliament. It is out there consulting in a number of different ways.

With respect to some of the other issues that members of the LGA raised and considered (and I want to put this on the public record), it is important that, when deliberating on holding elections for councils in November, they indicated that one of the things they were concerned about was the impact of major events such as sporting finals at the local community level and mass media and the spring racing carnival. They indicated concerns about obtaining media exposure in the days leading up to the Melbourne Cup for them to be able to put forward initiatives and to get out and campaign. I find that an interesting analysis by the Local Government Association. As we head towards the state election in March next year, it is interesting, after not seeing a lot in the way of major events and sporting fixtures, that we will have plenty of those things to interfere with our election campaign. If the government is determined for councils to have their elections in November, I guess the councils will have to work around that, the same as we will. But they certainly will not be getting the May Adelaide Cup race meeting shifted to jam that into their elections as we are.

As I said, harvest time and the rural and regional communities should be considered more. They are the backbone—the engine room—of this state and it is time that the parliament and, in particular, the government, recognised that. When we were rebuilding this state after the State Bank debacle, where we had $10 billion worth of core debt and run-down infrastructure and we took over an unemployment rate of 12.6 per cent, when the current Premier was minister for employment, it was pretty tough going, to say the least. It was rural and regional South Australia that reinvigorated the economy. It did not start in the city; it came into the city afterwards and manufacturing expanded then. But the spend and the commitment to investment and development was started by rural and regional South Australia, which includes the South-East and Mount Gamier. Sometimes I do not think that some of the city members realise that. If you have a healthy rural and regional economy, you have a strong economy in the city and, therefore, your state hums along, as

we have seen for the last seven or eight years. The relevance of that, again, is just to highlight the fact that we should be considering giving every rural voter an equal chance to be able to vote and to put forward due consideration.

I want to talk for a moment about mayors (or chairmen or chairpersons, depending on what they opt to call themselves) being elected at large, which currently is a decision of their own council. I have watched this in my own area, and I feel comfortable with the current situation where there is an opportunity for some councils to make a decision about electing a chairperson or a mayor from the elected councillors as against the other alternative, where the mayor goes out separately from the councillors and campaigns to become the mayor. I think it sits pretty comfortably the way it is at the moment.

However, colleagues need to remember that a lot of this debate is around Port Adelaide Enfield. I see Port Adelaide Enfield as an absolutely outrageous situation and, in my opinion, we should not in any way be considering anything to assist those people with their actions. Effectively, they are trying to prevent a very good and committed and bona fide mayor who is currently in office from having an opportunity to be re-elected. I find it interesting, because the previous mayor of Port Adelaide Enfield, who was obviously a very close Labor associate, was also shafted by the City Manager, in particular, I understand—and I think the public needs to know that that person has a contract as the CEO for whole of their working life. That is the only one that I am aware of in the state, and I think it is time that a few things were looked at regarding its management and administration.

Effectively, what I see is that some people can put an effort into ensuring that one political colour can be all of the councillors in that council but, if another political colour becomes the mayor, then initiatives are put in place to ensure that that does not happen in the future. It is downright outrageous; it is a disgrace; it is disgusting, and it would be good if the media actually had a close look at what is going on down in that council area. I am not going to support anything that gives them an opportunity to move initiatives that will support their own situation.

Therefore, I believe that, if they already have a situation where the mayors are being voted for by their ratepayers specifically for the role of mayor, that is the way it should stay. Where councils have a situation currently where the mayor and/or chairperson is elected by the elected councillors, then that is the way it should stay. It has worked well that way so far and I think we should be ensuring that it stays that way. The term of office is interesting. I think a grave mistake is being made in the parliament if we support four-year terms for councillors. Councillors are volunteers, and I admire and respect them and I am out with them regularly.

As the shadow minister said, we get paid for what we do, and so does the federal government. Except for the traditional reimbursement of expenses—and one would argue that they never even get reimbursed for all their personal expenditure, and I will touch on that when we get to the next stage of the bill—the fact is that these people have to be remembered as volunteers. They do this over and above their normal work. Their wives, husbands and children go without a lot to allow the husband, wife or parent to be a councillor, and I think that a three-year term is plenty for them. Quite frankly, I am concerned that we may lose expertise in the local government area if we are to go for four-year terms.

Quite a few people in local government are business people who make a huge commitment and often sacrifice profitability to give to their community. At the moment they do that knowing that it is 36 months for which they make that commitment. Extending that by 12 months to four years may well be the straw that breaks the camel's back in consideration by that person of whether they go into local government. What may happen is that some people go in on single issues. I see this now and again in local government anyway. I fear that we may end up with more councillors going in on single issues over a four-year term than business minded and community minded people. I seek leave to continue my remarks.

Leave granted; debate adjourned.

SELECT COMMITTEE ON THE STATUTES AMENDMENT (PARLIAMENT FINANCE AND SERVICES) BILL

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I move:

That the time for bringing up the report of the select committee be extended to Thursday 23 June.

Motion carried.

ADJOURNMENT DEBATE

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I move:

That the house do now adjourn.

REGIONAL CITIES, TRANSPORT NEEDS

The Hon. G.M. GUNN (Stuart): I have much pleasure in speaking on the adjournment motion. In doing so, I want to thank the people of Mount Gambier for giving us such a great welcome, and what a pleasant city it is to visit. My previous visits here have been interesting.

Ms Breuer: You didn't want to come! You voted against it.

The SPEAKER: Order! The member for Stuart has the call. He needs to speak to the microphone.

The Hon. G.M. GUNN: I am normally shy and retiring, but on this occasion I will try to speak a little more loudly than normal. On my previous occasions down here, in the company of the local member, I was involved in looking at the forests when I was chairing the Economic and Finance Committee, and that was the most worthwhile and productive enterprise. I enjoyed that. On later occasions, the honourable member for Wright and I, among others, were involved in a select committee looking at water. I do not know whether that was quite as productive, but it was certainly time-consuming and we had a lot of meetings with a lot of witnesses, and I am not sure they have solved the problem. However, it is no longer my problem.

Ms Rankine: We did a good job.

The Hon. G.M. GUNN: As a humble country member, I was pleased to have the assistance of the honourable member. Tonight I want to briefly talk about the effects of the government's inaction in relation to supporting regional cities with their transport needs. I have had a deputation from the bus operators at Port Augusta come to see me in my electorate office. They pointed out to me that if the city council does not continue to pay the $90 000 subsidy, there is a possibility that the bus service might cease. On Wednesday 13 April *The Transcontinental* newspaper stated that the future of the Port Augusta bus service looks uncertain as Port Augusta City

Council threatens to stop its annual $90 000 contribution towards regional transport services. The Regional Cities Association of South Australia has recommended that the 10 associate members, including Port Augusta council, endorse three resolutions set out at its meeting, which include recommending councils not contribute towards regional transport services. It annually costs the council $90 000. The Port Augusta City Manager said:

> A significant cost to the council has been an issue for some time especially when you consider that metropolitan councils pay nothing and enjoy a far better service. We are fairly strong on this. The provision of transport services is not a local government responsibility: it is a state government responsibility.

The article went on to congratulate Mr Fullarton who has been running the service for 30 years in Port Augusta. It reports that the Provincial Cities Association chief executive, Ian McSporran, said that, for the 1.1 million people in Adelaide, the cost to the taxpayer is $160 million and it runs at a loss. However, the Provincial Cities Association says about 120 000 people are now only asking for about $1 million.

If one makes the comparison, I think we all agree that it is the responsibility of the state government to fund a transport system. No-one seriously questions the need for metropolitan Adelaide to have adequate, effective and modern transport systems. However, it is also fair and reasonable that these regional cities have an effective, reasonable and good local bus service. One of the problems in my electorate is that the bus services are declining. The Stateliner service to Leigh Creek no longer exists nor does the service to Arkaroola. It is a real problem for people in those outlying areas. It is a first step towards the government supporting these people because the government cannot say it has a lack of resources.

I have taken the trouble since this debate has been taking place to have a look at how much money has been flowing into the coffers of the state government from the GST revenue. Notwithstanding that the Labor Party opposed it across the length and breadth of Australia, it now has its bank balances awash with money. After 2005, it has been estimated that South Australia will have received $1 152 million in GST revenue—far beyond what was anticipated. Yet, the government quibbles about getting rid of some of these nasty little taxes which state governments inflict on people even though the premiers of the day all signed off. They cannot say that they do not have the revenue. Now it comes down to whether they have the will or the gumption, because we saw a bit of a demonstration at lunch time when people seemed to be annoyed about it. I think that when these bus services stop in Whyalla (and we have not heard from the member for Whyalla), if they stop in Port Pirie, Port Augusta and Murray Bridge, I think we are going to see these demonstrations repeated. All these people want is a fair go; all they want is a fair cut of the cake. They do not want anything extra. If you can spend $160 million to subsidise Adelaide, we want $1 million in rural South Australia.

Mr Koutsantonis: Why didn't you do it?

The Hon. G.M. GUNN: In his usual way the member for West Torrens—I think they call him 'Tactician Tom'—leads with his chin. He asks, 'Why didn't we do it?' Have you ever heard of the State Bank; have you ever heard of SGIC? The people of Mount Gambier have heard of Scrimber; that was a great initiative of the Bannon Labor government that would have provided 60 bus services across the state. We could have subsidised all rural services for years. This government has now got a AAA rating. We fixed the finances. We did not make the popular decision: we made the right decision. That would now enable this government to fund bus services in regional areas and do other things it ought to do.

I am one of those who believes that we should help people in isolated areas with bus services and air services. It is hard enough for people in Leigh Creek, Marree and Oodnadatta, or Ceduna, Wudinna or Coober Pedy to get to Adelaide. The Liberal party sealed airstrips out there; we ought to be providing some money to help those services so that they have fast, reliable aeroplanes. Money is not the reason: the government has to have the will.

In conclusion, I again want to bring the attention of the house to the problem my constituents are having with these jolly corellas—millions of them. I could say 'galahs' but I might get into trouble under the standing orders. We have millions of corellas ripping up the tennis courts and the ovals, chopping the TV antenna boosters off, and wrecking the gum trees. One of the great features in all South Australia—

Ms Breuer: You and Gunn are the biggest galahs. Get rid of them.

The Hon. G.M. GUNN: The honourable member knows all about galahs.

Ms Breuer: I know; I have been looking at you for years.

The SPEAKER: Order!

The Hon. G.M. GUNN: I know that the honourable member was running around the district saying to people that she was going to get the minister there; I know she has been telling people at Quorn. The Labor party did not even realise—

Ms BREUER: On a point of order, Mr Speaker, I have no idea where that comment came from but it is certainly not true.

The SPEAKER: There is no point of order.

The Hon. G.M. GUNN: When the Premier was approached by the mayor while he was up at Parachilna a week or so ago it was made clear to him, the minister and the director of the Department for Environment and Heritage that something needed to be done. It is not an option to do nothing: some positive decisions have to be taken. One person suggested we should stun them and then hit them on the head with a club. That would be good, wouldn't it? Get the Mayor of Port Lincoln: he is the one for that. That is not an option, and I am happy to tell the minister what the option is: get some poison and do the job properly.

REGIONAL SITTING

Mr SNELLING (Playford): We have heard from the father of the house and I am not a baby but I am the baby of the house. I would also like to follow up the comments of the member for Stuart and the thanks he offered to the people of Mount Gambier and the region for hosting us here. I think that the facilities at the Sir Robert Helpmann Theatre are excellent. Having occupied the building known as Parliament House on North Terrace since the 1880s, and now, for the first time, moving the parliament to another location, is an enormous logistical exercise. I also pay tribute to the staff of the parliament who are so helpful to members; and to the Hansard staff who do extraordinary work trying to turn our sometimes rather mangled remarks into something that makes sense. They do an enormous amount of work, and I would like to pay tribute to them.

The Hon. I.P. LEWIS: Point of order, Mr Speaker: I have been waiting for three minutes for the clock to start winding down. There is still ten minutes on it.

The SPEAKER: The clerks are aware of the problem; they are using their technical expertise, which is not proven, to see if they can fix the problem. We are timing it with the egg timer, and all sorts of gadgets here. The member for Playford has six minutes left, I think.

Mr SNELLING: I would also like to thank the staff of the Sir Robert Helpmann Theatre who have been extremely courteous, and have worked extraordinarily hard over the weeks leading up to today in preparing this marvellous venue for us. I want to return to the people of Mount Gambier, and I have scheduled some visits while I am here to move around, and I thank the member for Mount Gambier's office for its assistance in doing that.

I want to talk about the many community and service organisations which operate in the electorate of Mount Gambier. The member for Wright informs me that South Australia has the highest rate of volunteering anywhere in the nation—38 per cent—which is approximately 420 000 people who offer their time freely to our community doing any number of tasks—the SES and CFS, Meals on Wheels, a whole range of service and community clubs and groups, Rotary and Lions—assisting their fellow man and woman. In rural areas that figure goes up to 42 per cent of the population involved in community work and these sorts of excellent activities.

That brings me to last Sunday evening, 24 April, when I had the honour of representing the Premier at the Youth Vigil at the War Memorial on North Terrace. It was a very moving event. I think I have previously spoken in the house about the increasing number of young people who are drawn to Anzac Day activities, both the dawn services and the Anzac Day marches, and that is a very good thing. The Youth Vigil was addressed by a colonel from the Turkish Army (I am sorry, but I do not have know his name). He made an excellent speech and, of course, he quoted the famous words of Attaturk, when he spoke about the Australian men who gave their lives on the beaches of Gallipoli. Having given his speech, there was then a response from a young woman, who was involved with the scout movement and who attended Mount Carmel College. She wore her grandfather's medals (he had served in the Second World War), and she also spoke very well. What deeply moved me was the young people involved in the vigil, who were honouring the war dead by standing as a guard of honour at the War Memorial right through until the early hours of the morning, particularly those young people from various community groups.

Mr Brindal interjecting:

Mr SNELLING: With his interjections, the member for Unley seems to trivialise this excellent event. I must say that I do not agree with him. Those young people should be congratulated for their initiative in participating in the Anzac Day Youth Vigil. I am told that the Minister for Youth also co-signed 400 certificates for those Anzac Day youth participants.

Members interjecting:

Mr SNELLING: I think that those members opposite who did not want to come down here have disgraced themselves in their not wanting to come. There were no members opposite present at the Anzac Day Youth Vigil.

An honourable member: I was there.

Mr SNELLING: I apologise to the member; I did not see him there. I am amazed at hearing that members opposite are really not interested in one of the most significant youth events of the year. Nonetheless, it was my honour to represent the Premier at this excellent event. I understand that they happen all over the state, and I congratulate all those involved.

ADJOURNMENT

At 7.49 p.m. the house adjourned until Wednesday 4 May at 2 p.m.