HOUSE OF ASSEMBLY

Wednesday 4 May 2005

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

PAPER TABLED

The following paper was laid on the table:

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report for the period 1 January 2005 to 31 March 2005.

QUESTION TIME

McGEE, Mr E.

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Why will the government not provide legal assistance for the widow of the hit-run victim in the McGee royal commission? Yesterday, the government said that it would not provide any legal assistance to people who give evidence before the McGee royal commission.

The Hon. M.J. ATKINSON (Attorney-General): It is quite true that the government has said that it is not its intention to fund from taxpayers' money lawyers to represent all those people who may be affected by the royal commission, and we have done that for a very good reason. We want this commission to be swift yet thorough, and we do not think its deliberations would be assisted by providing taxpayer funded lawyers to every party who might be affected by the commission's deliberations. Leaving aside the conspiracy theories of the Liberal Party, who will no doubt want to turn the commission into consideration of a whole range of things—

Members interjecting:

The Hon. M.J. ATKINSON: As a matter of fact, it was Robert Lawson who raised foul play first.

Mr Brindal: Rubbish. The Premier did.

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

The Hon. M.J. ATKINSON: In previous royal commissions we have seen the cost to the taxpayer of providing legal representation become the major cost of the royal commission. Indeed, Robert Lawson made his appearance on the political stage via being funded by the taxpayer to represent the Liberal Party at a previous royal commission. We do not want the royal commission to turn into a lawyer's picnic. When the Humphrey family asks for legal representation—and they have not yet—we will consider it, but our position is that we regard it as most undesirable for taxpayers to be funding lawyers for every person affected by the commission. After all, so far as I am aware, no-one here is under suspicion of having committed a criminal offence. I suggest that the various parties who will appear before the royal commission—the police, the prosecution service, the Zisimou brothers—go along to the commission, tell the truth, and tell the commission what they know.

AUSTRALIAN GRAND PRIX

Mr KOUTSANTONIS (West Torrens): My question is to the Premier. What impact has the Australian Grand Prix's decision to change its date for next year had on Adelaide's Clipsal 500 event, given that it now appears that the two races will clash.

The Hon. M.D. RANN (Premier): I commend the—

The Hon. I.P. LEWIS: On a point of order, sir: I could not hear the question. I do not understand it.

The SPEAKER: Members must face their microphone. If they move to one side or the other, the microphone automatically cuts out. The Premier has the call, and members must face the microphone.

The Hon. I.P. Lewis: This is the answer, whether you know what the question is or not.

The Hon. M.D. RANN: I will read you the question if you like.

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: On a point of order, Mr Speaker: could I ask, since this is questions without notice, how the Premier can read a question of which he has had no notice?

The SPEAKER: Order! The Premier may have powers that the chair does not have, but the Premier will answer the question.

The Hon. M.D. RANN: The Australian Grand Prix in Melbourne will now be held between 30 March and 2 April next year despite earlier expectations that it would be held later in April. I am told that this is a decision by Bernie Eccleston—a good and dear friend of many of us, and Head of the International Formula One Grand Prix Championship Series—caused by a clash with the World Cup Soccer in Germany in 2006. So, there are a whole lot of international changes taking place. As a result, I can now announce that the Adelaide Clipsal 500—and I know that you are all a bit nervous about the election date—

Mr Scalzi: You are.

The Hon. M.D. RANN: I saw you in the make-up room before—

Members interjecting:

The SPEAKER: Order; the Premier is debating!

The Hon. M.D. RANN: I can now announce that the Adelaide Clipsal 500 will be held from Thursday 23 March to Sunday 26 March. This decision by VESCO, the controlling body for the V8 Supercar Championship Series, follows discussions with the South Australian Motorsport Board. I am pleased to let South Australians know that this will not impact on other South Australian events during March next year.

As many of you are aware, we have a busy schedule of events that will attract many national and international visitors to our state, including the International Adelaide Festival of Arts, which is to be held from 3 to 19 March and which is going to be one of the greatest of all time; the Adelaide Fringe Festival, to be held from 24 February to 19 March; WOMAdelaide, to be held on the weekend of 10 to 12 March; and, of course, a much expanded—

The Hon. I.P. LEWIS: I rise on a point of order, Mr Speaker. I did not hear anything about that. I heard a mutter about the Clipsal 500 in the question, but I did not hear anything about the timetable for—

The SPEAKER: Order! A point of order has to be specific. I think the Premier is going beyond the question about the Clipsal and the Grand Prix.

The Hon. M.D. RANN: It is a shame that the member for Hammond does not give us the courtesy we gave him recently. There will be the Magic Millions racing carnival from 4 to 19 March, which includes the Adelaide Cup holiday on 13 March. I have been advised—and here is the context, for the information of the member for Hammond—by the South Australian Tourism Commission that this is not expected to create an excess demand for accommodation in Adelaide and surrounding areas. The Clipsal 500 continues to grow in stature and costs the government less than $2 million to stage, while this year attracting more than 250 000 people over four days and generating more than $25 million in economic spin-offs. So, we remember what the commentators said but, in fact, the Clipsal 500 will be held the weekend after the next state election.

EYRE PENINSULA BUSHFIRES

The Hon. G.M. GUNN (Stuart): Will the Premier assure the house that people on Eyre Peninsula will be given an opportunity to give evidence to the inquiry into the bushfires that occurred in January this year, which was announced yesterday? It is important that any difficulties that arose in containing and controlling those fires be investigated to ensure that they do not happen again in the future—for example, whether the radios in the trucks were compatible with farm vehicles and whether adequate steps were taken to contain and control the fire within the quickest possible time. Local people would have that knowledge.

The Hon. M.D. RANN (Premier): I am very pleased that the honourable member has asked this question about someone else's electorate: I think that is important. I recognise his longstanding interest in the area, and it deserves to be recognised by all members of this house. Currently, a number of inquiries are taking place, namely, the police inquiry, the CFS's own inquiry, the Coroner's inquiry (with independent powers) and this new inquiry. The answer is that we want to get to the bottom of things, therefore—

Ms Chapman interjecting:

The Hon. M.D. RANN: Therefore, rather than rude interjections, because there are schoolchildren watching the member for Bragg—

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The question was very specific indeed, but the Premier will not answer it.

The Hon. M.D. RANN: I gave the answer.

The SPEAKER: Order! I remind ministers that, when they are answering questions, they should not provoke or be inflammatory in their answers, because that triggers behaviour we do not want.

MENTAL HEALTH, SOUTH-EAST

Ms BEDFORD (Florey): My question is to the Minister for Health. What is the government doing to promote mental health and wellbeing in the South-East?

The Hon. L. STEVENS (Minister for Health): I thank the member for Florey for this very important question. There is nothing like talking to and working with the people on the ground to get a real understanding about the specific needs of a community, and that is just what this government has done.

Last year, the government committed $110 000 to mental health promotion, and this year we increased funding to $118 000 in the South-East region of South Australia. This funding has assisted a number of small but valuable primary health partnerships in this region to promote mental health and wellbeing in the community. Some of the partnership programs included working with CAMHS (Child and Adolescent Mental Health Services), local schools, regional and local health services, Lifeline, churches and other non-government agencies.

In 2004-05, funding has been provided to organisations such as the Bordertown Uniting Church, which employs a worker to run a support group for carers and consumers of mental health services; South-East Community Living, to host mental health first-aid training in the region to reduce the stigma and increase knowledge about mental health in the community; TAFE South-East, to work with students to develop a rapport with people bereaved by suicide—this is an initiative of the Bereaved Through Suicide support group funded by the South-East Regional Health Service—Keith and District Hospital Inc., to work on a series of community workshops on mental health and wellness; and Mount Gambier North Primary School, to develop a workshop-style program for young people identified as experiencing poor social and mental health outcomes. This school is investing extra time and resources for these young people and I congratulate the school on that initiative.

These partnerships show a willingness to pull together to improve mental health and reduce the stigma of mental illness in this community. I commend all involved in these partnerships: they are making a real difference to people's lives. This government will continue to support the efforts. As I have said many times, mental health is a priority for this government. We are also undertaking a number of initiatives across country regions to improve mental health services for country people.

I announce today that mental health packages of care that have been worked on over recent months to the value of $500 000 are now being rolled out throughout country health regions in South Australia. This will enable people with mental health issues to receive community-based care whereas previously they could have been required to travel to the city. The South-East region has been allocated $140 000 for packages of care as part of this allocation. This funding will commence immediately and recurrent funding is available from 2005-06. As well, each country region has established positions of mental health program manager and principal clinical physician. These positions have recently been appointed to the South-East. A consultant and senior registrar psychiatrist regularly visit the Mount Gambier Hospital. We have already enhanced the rural and remote mental health services based at Glenside to increase the number to three full-time equivalent specialist positions to provide extra support to clinicians.

More than $80 000 has been put into the medical specialist outreach access program to provide additional support to employed psychiatrists to assist doctors in country regions. Finally, there is the newly announced Social Inclusion funding, as of yesterday to the South-East region, involving $90 000 to support the extension of suicide prevention strategies. This shows not only the government's commitment to mental health and mental health promotion but also what can happen when the government and communities work together.

EYRE PENINSULA BUSHFIRES

Mrs PENFOLD (Flinders): Will the Premier assure the house that the inquiry into the January fires on the West Coast will include an investigation of whether the recommendations of the report into the 2001 Tulka bushfires were implemented? If not, why not?

The Hon. M.D. RANN (Premier): It is a very good question, and I would like that to happen. I will bring back a report.

SCHOOLS, KALANGADOO

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. What is the state government doing to support the collocation of Kalangadoo Pre-School and Kalangadoo Primary School?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Wright for her question. She is clearly interested in the provision of early years services to children and pre-school children in this state. She would be interested to know that we have just agreed to $335 000 for the relocation of the Kalangadoo Kindergarten Pre-School onto the Kalangadoo Primary School site. We have spent a total of $940 000 on this small school/kindergarten location. In August 2004, I had the pleasure of visiting this school site and I was delighted to meet the local teachers and parents who recognised the great advantages of having collocated kindergartens and primary schools.

There are particular advantages for a community in that families do not have to have multiple drop-off sites, it is easier for family life and, of course, it eases the transition between kindergarten and primary school by making that difficult period much easier for a child because they have had experience of the school and have occasionally had buddy experiences with older children. I have to say that it is a pleasure that this government has recognised the opportunities that collocation brings and has been able to support this student and parent initiative. Indeed, the children also saw the advantages of this activity.

At Kalangadoo we plan to refurbish an existing primary school building for the preschool to take over. We will undertake repainting and repair of the existing building, provide a decent and safe car park for the preschool, increase and expend more money on the play equipment and landscaping, and upgrade the administration and classroom facilities. I am also pleased to advise the house that, on top of that, School Pride money has been made available to this school as part of our $25 million injection of AAA rating investment into our schools, and $91 000 has gone into the roofing, gutters and downpipes as well as $6 000 for painting and new signs. We particularly recognise the importance of—

Mr Brindal: You are supposed to be proud that you have got gutters that work, are you?

The SPEAKER: Order, the member for Unley! The member for Mitchell.

Mr HANNA: Thank you, Mr Speaker.

The Hon. J.D. LOMAX-SMITH: Sir, I had not finished; I was just waiting for quiet. Could I finish, sir?

Members interjecting:

The SPEAKER: The house will come to order.

Mr Venning interjecting:

The SPEAKER: The member for Schubert should be paying attention.

The Hon. J.D. LOMAX-SMITH: Thank you, sir. We believe in investing in initiatives started by school communities and in supporting the needs of school communities wherever they are in the state, because we believe in public education and will support it—

The SPEAKER: The minister is now debating the answer.

The Hon. J.D. LOMAX-SMITH: Mr Speaker, I am having to raise my voice in order to make it clear that we support communities making local decisions for the outcome of their education. I am shocked by the behaviour of those opposite.

McGEE, Mr E.

Mr HANNA (Mitchell): Did the Attorney-General make false claims about the law concerning the McGee case in order to protect police? Yesterday, the Attorney-General told this House of Assembly:

> . . . 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 Secretary of the Police Association, Mr Peter Alexander.

In fact, as many criminal defence lawyers and most police would know, section 47G of the Road Traffic Act provides a presumption that, if a person is breath tested, the level two hours prior to that testing would be the amount of blood alcohol in the driver's blood. However, section 47G commences by saying that one presumption is 'without affecting the admissibility of evidence that might be given otherwise than in pursuance of this section'. So, the Attorney-General gave us a false description of the law—

The SPEAKER: Order! The member cannot allege that another member has misled the house—certainly, not by way of a question—and also he is not able to seek legal opinion by way of a question. The member can ask for clarification but he cannot allege that a member has misled the house by way of a question.

Mr HANNA: Thank you, sir. I just want to know: did the Attorney mislead this house in order to protect police?

The SPEAKER: It is an allegation. The Attorney can clarify the matter but members must not allege a misleading of the house by way of a question.

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, we are having a royal commission into whether the police—

Members interjecting:

The SPEAKER: The member for Waite, and the member for Bragg.

The Hon. M.J. ATKINSON: —have acted competently and properly in their investigation of the McGee case. I think that is hardly—

Mr BRINDAL: On a point of order, Mr Speaker. This question is most serious and it touches—

Members interjecting:

The SPEAKER: Order! What is the point of order?

Mr BRINDAL: Relevance, sir. It is a question of relevance. The minister can answer—

The SPEAKER: Order! If that is the point of order, I am sure that the Attorney will be relevant in his answer. The Attorney-General.

The Hon. M.J. ATKINSON: Mr Speaker, there is a royal commission into the police investigation. I hardly think that the government—

Mr BRINDAL: Mr Speaker, my point of order was clear.

The SPEAKER: The Attorney is allowed some discretion in how he answers, but he is not to wander. I point out that members cannot use the standing orders when it suits them and not use them when it goes the other way. Members have to be consistent and cannot take points of order unless their behaviour is in accordance with the standing orders as well. The Attorney-General.

The Hon. M.J. ATKINSON: My advice, as I said yesterday, is that it is standard police operating procedure not to breath test more than two hours after an incident. That was impressed upon me by Mr Peter Alexander—

Members interjecting:

The SPEAKER: The member for Bragg will be warned in a minute.

The Hon. M.J. ATKINSON: —who is the President of the Police Association, not the title the member for Mitchell gave him in his question. My legal advice is that the police are not authorised to breath test but that the Forensic Procedures Act would allow blood testing.

Mr BROKENSHIRE: On a point of order, Mr Speaker. The Attorney quoted from a document. I ask that that document be tabled so that the parliament can see the full advice.

The SPEAKER: I do not believe he quoted from a—

Mr Brokenshire: Yes he did, sir; he has it in front of him.

The SPEAKER: The Attorney said that his 'legal advice was. . . '. Now, that could—

Mr Brokenshire: He has it in front of him, sir.

The SPEAKER: Order! It could be in his head, it could be on a piece of paper, it could be—

Mr Brokenshire: He has it in front of him. We have an entitlement to see that advice.

The SPEAKER: The chair cannot ascertain from here whether or not it is a docket. The member for Kavel.

MARINE PROTECTED AREAS

Mr GOLDSWORTHY (Kavel): My question is for the Minister for Agriculture, Food and Fisheries. Will the minister give an absolute assurance that any marine protected area proposed for the South-East will not significantly restrict commercial or recreational fishers; and will he provide a further assurance that the consultative process will be superior to that undertaken for the Encounter Coast marine protected area and which has been roundly criticised by a number of stakeholders?

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): Not being the relevant minister—

Members interjecting:

The SPEAKER: Order! The house will come to order. The minister for the environment.

The Hon. J.D. HILL (Minister for Environment and Conservation): I am glad it is a stage, Sir, because the comedy is really good this afternoon.

The Hon. M.D. Rann: Gilbert and Sullivan.

The Hon. J.D. HILL: It is Gilbert and Sullivan, as the Premier says. I thank the member for Kavel for asking this question. Given his electorate, I know that he has a great interest in beaches, coastal and marine areas. I am glad that he has asked this question. The issue of marine protected areas is one that has been before governments of both persuasions now for a number of years. It is interesting that the opposition seems to be gingerly finding out what its position is on this issue. The member for Davenport continually criticises me for not doing it more quickly, whereas his colleagues say that I am doing it too quickly. It is hard to know exactly what position the opposition has in relation to this matter.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: What we have done is produce a document for consultation in relation to the proposed Encounter marine protected area. We are in the process of consulting with that local community—exactly what has been requested: we are consulting and we will find out what that community thinks. No matter how quickly the member for Davenport wants to go through this process, we will do it in an appropriate way so that we understand what the community wants. We have a commitment in our state's strategic plan—the South Australian Strategic Plan—to have 19 marine protected areas in place by the year 2010. To get to the nuts and bolts of the question by the member for Kavel, which was whether it will be a better process by the time it gets to the South-East, it will be because it will be one of the later very protected areas to be consulted on.

The Hon. R.G. KERIN: On a point of order, the question basically was: who is going to protect the interests of recreational and professional fishermen from your department?

The Hon. J.D. HILL: That is an offensive question by the leader.

Members interjecting:

The Hon. J.D. HILL: The question was whether the process of consultation would be better at the end of the process than it is now. It will be because, over the course of the next five or six years before we get around to dealing with this area, we will have gone through a whole process of consultation, which will make it a better process. In relation to the interests of fishers, whether recreational or commercial, we will make sure their interests are taken into account and that is why we are going through this consultation. So far experience in states other than South Australia and Victoria is that the marine protected areas are endorsed by and large by the community.

The Hon. Dean Brown interjecting:

The SPEAKER: Order, the member for Finniss!

Ms Chapman interjecting:

The SPEAKER: I warn the member for Bragg.

The Hon. J.D. HILL: They do protect the opportunity for the children and grandchildren of the current lot of fishers to be able to contemplate fishing into the future because, if we over fish there will be no fish around for anybody to use in the future. This is an important thing. I would hope that the opposition would support it in a bipartisan way because they started it when they were in government but now that they are in opposition they have a different position.

Members interjecting:

Mr BROKENSHIRE: On a point of order, sir, I refer to your previous ruling and, given previous rulings from former speakers, would you look at the document the Attorney was quoting from to see whether it is legal advice and determine, if it is legal advice, whether it can be tabled for the parliament?

The SPEAKER: I will look at it, but I do not believe it is because the Attorney was talking and made no specific reference to it. He can say off the top of his head that he had legal advice. Some people can keep that in their head.

YOUTH SERVICES, SOUTH-EAST

Ms THOMPSON (Reynell): My question is to the Minister for Families and Communities. What services have been developed to help young people in the East Gambier community?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I had great pleasure today in opening a new youth service called The Loft, which is found in the East Gambier region of the city. A rare event: I was greeted at the event by the people who designed it and they were young people. It was tremendous to see young people at the centre of the design and the management of this wonderful new service.

Mr Brindal interjecting:

The Hon. J.W. WEATHERILL: The people of Mount Gambier would be quite distressed at how impolite members opposite are. Great credit should go to the local member, Rory McEwen.

Members interjecting:

The Hon. J.W. WEATHERILL: The bus users are happy with him to. Those opposite might laugh, but the East Gambier region of this city was in serious distress until a leadership role was taken by the member for Mount Gambier, who kick started a grass roots approach, which led to identifying a number of important social policy issues, including the difficulty of disengaged young people within the Mount Gambier community. It is a lesson for all members, especially members opposite. He developed a process which members opposite could learn from.

He consulted with his local community and allowed them to develop the solutions. What he found by asking young people about what they needed is that they needed a safe place where they could go: not to congregate on the street where they were moved on by police but, rather, a safe place where they could go where they could have services brought in to meet their needs. Many young people leave school in a disengaged way, not with the job-ready skills that allow them to make that transition from schooling to the next stage of their life. This facility allows a group of service providers to come in.

The other thing that this particular facility demonstrates is the way in which non-government and government at all levels (local, state and federal) can work together. The group of organisations collaborating is impressive and includes the South Australian Housing Trust; Child, Youth and Family Services; the Department of Education; the City of Mount Gambier; Anglican Community Care; the South-East Regional Community Health Service; the Office for Youth; Telstra Countrywide; SAPOL; Limestone Coast Regional Development Board; Lutheran Community Care; Centrelink; and the East Gambier Residents' Action Group. There is a lot we could learn in the city from this magnificent act of collaboration at this level.

Another important feature of this committee is that two-thirds of the management committee in the development of programs are actually young people. It is a program designed by and managed by young people. Already it is having impressive success in connecting young people who were otherwise disconnected from the work force and, indeed, from training opportunities, with a future. It is a magnificent event. I was very proud to launch it and everyone should, I think, take the opportunity to consider this model.

CHILDREN, SEXUAL ABUSE

The Hon. I.P. LEWIS (Hammond): My question is to the Minister for Infrastructure. In light of the strength and length of the attack on Archbishop Ian George that the Premier, the Deputy Premier and Minister for Police and the minister himself and other government members made against St Peter's College over the Mountford matter and other paedophile matters in the Anglican Church, why have he and several other ministers and government agencies continued to cover up the sadistic and sexual abuse of seven year old children locally by teacher Glen Dorling, who is the subject of several affidavits in their possession from the victims' families?

The SPEAKER: Order! Members must be very careful in relation to matters that could be before the court. One of the—

The Hon. I.P. Lewis: They're not: that's the problem.

The SPEAKER: One matter is before the court, as I understand it. I caution members to be very careful that they do not in any way prejudice natural justice for any citizen of the state. The Minister for Infrastructure.

The Hon. P.F. CONLON (Minister for Infrastructure): The member for Hammond's question is grotesquely offensive. Other than the fact that, were he to repeat it outside of this house, he would be in terrible trouble, I have absolutely no idea what this very strange fellow is talking about.

SENIOR EXECUTIVE COMMITTEE

Mr MEIER (Goyder): Will the Premier explain to this house how non-parliamentary members of his cabinet executive will be held accountable to parliament in a manner consistent with the Westminster system?

The Hon. M.D. RANN (Premier): I read with interest that this was some kind of world first: non-elected people attending—

Mr Brindal: Is it just a world first or a cosmic first?

The SPEAKER: The member for Unley is a leader when it comes to breaking the standing orders and he needs to be careful, because the chair is losing patience with his behaviour.

The Hon. M.D. RANN: The schoolchildren have left: it does not mean to say that you have to continue. Some people think that having non-elected people attending a cabinet subcommittee is somehow not only a breach of the separation of church and state, which I read in one article, but is somehow the end of civilisation for the Westminster tradition of parliamentary accountability. The fact is that many cabinet subcommittees of the opposition members' government and of my government have been attended by non-elected members. For instance, there is the cabinet subcommittee called the Emergency Management Council of Cabinet, which is actually a pleasure to chair. Of course, the member for Goyder has not served as a minister, so he is probably unaware of it. The fact is that, on that Emergency Management Council, attending the meetings, are ministers, including the Minister for Health, the Attorney-General—

Mrs REDMOND: I rise on a point of order. The Premier's answer seems to have no relevance whatsoever to the question asked about the obligations of these members of the executive committee.

The SPEAKER: The chair is listening with interest. I think the Premier is making the point that there is a precedent for this sort of action.

The Hon. M.D. RANN: Also attending is the head of the Country Fire Service, the Police Commissioner and others. The chair of the Social Inclusion Board and, indeed, the chair of the Economic Development Board will attend the Excom committee (which is the executive committee of cabinet) to brief us on progress in meeting targets from the State Strategic Plan, and that is a good thing.

Mr MEIER: I have a supplementary question arising from the Premier's answer. Will the two newly appointed non-parliamentary members of the executive committee of cabinet be required to make a full declaration and register of their pecuniary interests similar to members of parliament? Will they be bound by cabinet confidentiality?

The Hon. M.D. RANN: Of course they will be bound by cabinet confidentiality, and of course they will be bound to declare any potential or actual conflict of interest.

The Hon. I.P. Lewis interjecting:

The SPEAKER: The member for Hammond is out of order. The member for Colton has the call.

UPPER SOUTH-EAST DRY LAND SALINITY AND FLOOD MANAGEMENT PROGRAM

Mr CAICA (Colton): Will the Minister for Environment and Conservation advise the house on progress for the Upper South-East dry land salinity and flood management program?

Members interjecting:

The SPEAKER: Order! The house will come to order, and the bickering across the floor will cease.

Mr Scalzi: You shouldn't reflect on a former speaker.

The SPEAKER: Order, the member for Hartley!

The Hon. W.A. Matthew: He was reflecting on the current Speaker.

The SPEAKER: The member for Bright is out of order. He is a senior member of the opposition; he should know better.

The Hon. J.D. HILL (Minister for Environment and Conservation): The Upper South-East drainage scheme is a $75 million project funded by the South Australian government, the Australian government and local landholders. The project has been developed on the basis of extensive consultation with experts in the various disciplines relevant to the problem and with regional stakeholders over many years, as members would know. The relevant disciplines which need to be understood to address this problem relate to salinity, agronomy and environmental management, as well as engineering.

The completion last December of the northern catchment drainage system is a major step forward after this important project stalled for several years under the previous regime. On-ground work has commenced on the northern section of the Taratap drain while negotiations continue with the southern affected landholders in that section. Work is also proceeding on the design of two drain alignments in the central catchment, the Didicoolum and Bald Hill elements. The program board and the department are also working with local landholders to achieve the best possible balance of environmental and productivity improvements. The design of each section needs to be tailored to the conditions of the landscape and satisfy the views of affected landholders and other interested parties where possible.

It has been put to me a couple of times since we have been in the South-East that the government may be withdrawing its interest or support for this drainage scheme. Let me assure members and the community of the South-East that this is not the case: we are very much committed to having this scheme completed, and I have great confidence in the program board and in the local landholders to ensure that the best outcome will occur from this important project.

LIDDY, Mr P.

The Hon. D.C. KOTZ (Newland): Given that many of Peter Liddy's assets have now been recovered, will the Attorney-General ensure that Peter Liddy's victims will now be able to claim additional compensation?

The Hon. M.J. ATKINSON (Attorney-General): I am seeking a report on that very matter.

SCHOOL PRIDE PROGRAM

Ms CICCARELLO (Norwood): My question is directed to the Minister for Education and Children's Services. What impact will the state government's School Pride program have on the learning environment in the schools and pre-schools of the Limestone Coast districts?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Norwood for her question. She is keenly interested in school maintenance and developments, and I know that she will be pleased to know that the Limestone Coast has shared in the AAA rating dividends, as has the rest of the state. Last year the Premier and I announced that $25 million would be spent in asset management in our schools, and today the member for Reynell and I had the good fortune to visit Mount Gambier North Primary School and Acacia Kindergarten, which have shared in over $100 000 of maintenance funds. We were truly delighted with the impact that the funding had had on the appearance of the schools. Those two schools were part of a program of visits—which included Melaleuca K-7 School and the McDonald Park schools—and I am pleased to say that all these locations looked glistening and active in their redevelopment and re-painting. All the school staff and councils were delighted with the work.

The program is important because, whilst we have world class educational attainment, fabulous schools in this region, and extremely dedicated and high quality professional staff, our school maintenance had fallen behind over the last decade. With last year's $25 million injection added to the increased funding, we have quadrupled the sum of money put into school maintenance compared with the sums put in by the previous government in each year.

The schools across the Limestone Coast district benefited by $1.1 million being allocated in School Pride money, with $770 000 going to schools as part of the annual asset maintenance budget. While the government has put in the funding, I have to acknowledge that the work done by local tradesmen and the enthusiasm and effort of the teachers and parents has paid off in improving the appearance of the schools. In addition—

Ms Chapman: At Mount Gambier High School they painted their own school.

The SPEAKER: The member for Bragg has been warned.

The Hon. J.D. LOMAX-SMITH: In addition to reducing class sizes in the junior primary schools, investing $35 million in early literacy programs and investing in a $28.4 million school retention program, we want to make sure that our schools are not only of high quality, as we know that they are, but that they are better places to work in and

study. I add that, whilst I was at the McDonald Park schools today, I learnt something that I had never heard before. This is an innovative school. The member for Reynell and I were both impressed by the behaviour management technique, and members opposite might like to listen to the code, which is marbles: when people behave badly, they are asked not to lose them, because they should keep their manners, good attitude, respect, good body language, have proper effort, and smile more often.

LIDDY, Mr P.

Mr BRINDAL (Unley): My question is to the Premier. Given that the lost or stolen Peter Liddy assets have been rediscovered by Channel 7's *Today Tonight*, will the Premier now acknowledge that the program was right in pursuing major problems in our legal system and apologise to its producer, Mr Graham Archer? In July 2003, the Premier wrote to the Channel 7 network's Director of News and Current Affairs in Sydney complaining about *Today Tonight* and the actions of the show's producer, Mr Graham Archer. The letter states (and I am happy to table it):

> *Today Tonight* has clear belief that the justice system in South Australia is somehow fatally flawed, and has set out about building a case to vindicate its theory, which it appears has become a personal crusade of the program's Graham Archer. The program has failed to inspire any other media in South Australia to follow their cause.

The Premier himself acknowledges that there is now enormous media and public concern about the state of our legal system such as with the Nemer case, the Keogh case, wards of the state, and the Eugene McGee case, and now we have seen the re-discovery of the lost or stolen Peter Liddy collection.

The SPEAKER: Before calling the Premier, I remind members that their interjections interfere with the reproduction of sound to the gallery, and I understand that people have been ringing radio stations expressing their concern and frustration at the interruptions caused by people interjecting in this place.

The Hon. M.D. RANN (Premier): I can announce to the house today that I understand the Solicitor-General is currently examining Keogh's third petition for mercy. I understand that the *Today, Tonight* program did have programs in relation to the alleged involvement of a member of parliament and the guns. I am not sure where they are up to in relation to that inquiry.

Members interjecting:

The SPEAKER: Order! Members did not seem to understand the point I made about their continuing interjections: people in the gallery cannot hear.

INTELLECTUAL DISABILITY SERVICES COUNCIL

Mrs GERAGHTY (Torrens): My question is to the Minister for Disability. Minister, what is the Intellectual Disability Services Council's involvement in providing housing for people with an intellectual disability in Mount Gambier?

The Hon. J.W. WEATHERILL (Minister for Disability): The IDSC is involved in the provision of accommodation services to people with disabilities in this state. Before taking on its new role, it was responsible for 14 clients in five houses, with 35 staff. On 1 April, South-East Accommodation Services took over the client care responsibility for 22 clients of CASA in Mount Gambier and Kingston. CASA felt that, because of complex and longstanding problems, it would wind itself up, and on 29 March informed clients, families, staff, the relevant union and the community that it would transfer its clients to South-East Accommodation Services within the Department of Families and Communities. The government's priority was the continuing care of clients of CASA. Staff from the Disability Services Office have worked very closely with the board of CASA to ensure a smooth transition to SEAS. CASA received more than $900 000 in funding a year to provide supported accommodation services, and we are very pleased that the transfer has now taken place.

Today, I had great pleasure in inspecting one of the properties in Mount Gambier and seeing the services that are provided to members of the community whose support needs in relation to their accommodation are crucial. As we know, supported accommodation all around the state plays a crucial role in allowing young adults and often adult people to have the independence they need from living away from their family. It also gives much needed respite to the families, and it allows the families to maintain and even build a relationship between them and their children. It is a very difficult exercise to care on a regular basis for people with a disability. We find that, in an independent accommodation setting, people get an opportunity to use their own skills, such as cooking and cleaning. They are also able to form relationships with people outside their family, which is important in sustaining their wellbeing. We are very pleased to see this important service in operation, and we are very happy with the transition that has occurred from CASA to South-East Accommodation Services.

LAND TAX

The Hon. W.A. MATTHEW (Bright): Will the Premier advise whether all land tax accounts to be sent out later this year will be decorated with a glossy photograph of the Premier with other land tax information? The opposition has been inundated with telephone calls indicating that a photograph of the Premier has appeared on the attachment to land tax refunds. Many of these callers want to know whether they will have to endure seeing the Premier's photograph again on their land tax accounts which will be sent out later this year.

The Hon. M.D. RANN (Premier): Perhaps the member could set up a 0055 number so that callers can discuss how pleased they are about getting a rebate on land tax. I am sure they are really pleased to be getting a cheque from the government giving them a rebate on land tax. We have actually done something about land tax, not like the former premier Dean Brown, but I will go on and talk about that.

The Hon. W.A. MATTHEW: I rise on a point of order. My point of order, under standing order 98, is that of relevance. The Premier was—

The SPEAKER: Order! Members, as I have tried to explain before, if you ask questions which may have an element of provocation, you might get an answer back which has an appropriate response.

Mr BRINDAL: On a further point of order: Mr Speaker, you know it is inappropriate to cast aspersions on another member and, in referring to 0055 numbers, a charge is levied against the people making the call. It is a clear aspersion that the member for Bright is trying to profit from that, and that is wrong.

The SPEAKER: Order! That is not a point of order: that is a matter for Telstra, Vodafone, etc.

The Hon. M.D. RANN: People from Mount Gambier can see what we have to put up with—an opposition that does not really care about anything other than playing games. I tell you what I will do as a special treat for the member who is retiring at the next election so that he can bring in new young blood, and apparently that is Angus Redford. I will give him an autographed photo of the photo that was used on the land tax letters as a special farewell gift for the honourable member.

The Hon. W.A. MATTHEW: I have a supplementary question. Does the Premier still stand by his claim that, when you see a politician in a government advert, it is just a cheap way of doing party ads?

The Hon. M.D. RANN: I am prepared to admit that sometimes I make mistakes.

WATER, SOUTH-EAST REGION

Mr O'BRIEN (Napier): My question is to the Minister for Administrative Services. How is the government investing in the South-East's water supply system?

The Hon. M.J. WRIGHT (Minister for Administrative Services): I thank the member for his important question. The key reticulated water supply project in the South-East during this financial year is a $2.1 million project. A supervisory control and data acquisition system will be installed to cover 148 different sites spread over 17 towns. Once installed, the system will provide greatly improved monitoring and control of water supply infrastructure in the area with benefits to the community in the form of better response to water supply incidents, increased operating efficiencies and opportunities to better manage water quality.

Another project scheduled for completion in 2005-06 is the installation of inline screens at Finger Point Wastewater Treatment Plant. This project will improve the quality of the effluent discharged and of waste sludge which is being stockpiled at the plant for eventual re-use. A small treatment plant to remove natural iron from the groundwater supply is planned for Tarpeena in 2007-08, which will complete the filtration program for all South-East supply affected by elevated levels of iron. Also, a number of pumping station improvements are planned for the Robe water supply system over the next five years. The works will ensure that the Robe community continues to receive sufficient water during peak holiday demands.

These follow on from projects already completed in both Mount Gambier and Millicent. The chlorination plant at Mount Gambier's Blue Lake Pumping Station was replaced in 2004 to improve the quality of water supply to Mount Gambier residents and an environmental improvement program was completed in 2003 at the Millicent Wastewater Treatment Plant to allow the summertime effluent from the plant to be re-used by a neighbouring farmer for growing potatoes instead of being discharged into Lake Bonney. These projects are further examples of this government's support of families and businesses in regional South Australia. We have been investing in better water infrastructure in the South-East the whole time we have been in government and we will continue to do so because the government is committed to regional South Australia.

The Hon. R.G. KERIN (Leader of the Opposition): I have a supplementary question about South-East water. Has the minister been lobbied by the member for Mount Gambier for the removal of the River Murray levy from this region? Does the minister intend to take any action in that direction?

The SPEAKER: That is hardly a supplementary question.

The Hon. M.J. WRIGHT: It is not a supplementary, that is quite right, sir. However, I am happy to answer the question by the Leader of the Opposition, despite the fact that he is breaking standing orders again. The member for Mount Gambier lobbies me on a whole range of issues.

DIALYSIS, SOUTH-EAST

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Why was the Minister for Health not aware of the delay in the installation of the second dialysis machine at the Mount Gambier Community Health Centre and the impact it was having on families, when those families raised the matter in correspondence with the minister last year and also with the member for Mount Gambier?

Mrs Margaret McIntyre and Mr Percy Brooks have been forced to live in Adelaide for six and 10 months respectively due to the delay in installing the second dialysis machine, which has already been purchased. The dialysis machine was due to be operating in February but work has not even started on the modifications to the building. The minister told the ABC today that she was not aware of the delays in installing the dialysis machine.

The Hon. L. STEVENS (Minister for Health): The deputy leader is wrong, I did not tell the ABC I was not aware of this issue. Indeed, I am aware of the issue and I am happy to talk about it.

The Hon. Dean Brown: That is what the ABC said on air this morning.

The Hon. L. STEVENS: Well, let me tell—

The SPEAKER: The deputy leader has asked a question; it is not his responsibility to answer it as well.

The Hon. L. STEVENS: The deputy can just listen to the answer.

The Hon. Dean Brown interjecting:

The SPEAKER: The deputy leader will be warned in a minute.

The Hon. L. STEVENS: Sir, I would like to talk about the issue of renal dialysis in the local area because it is a very important issue for the community and for the government. Currently, the South-East Regional Community Health Service provides funding for two community-based renal services programs. Patients requiring dialysis who are stable and not medically complex can receive home dialysis if they have a carer at home who is able to provide the necessary support. This service requires the carer to receive training of up to three months to assist in the dialysis, and the carer must be available at all times during the treatment. There are a small number of patients in the South-East receiving this type of treatment.

It was recognised some time ago that carers of these patients needed respite for themselves, and the home respite program offers just that. This service is provided by a nurse qualified in renal dialysis who comes to the house and stays for the duration of the dialysis treatment.

The Hon. DEAN BROWN: On a point of order, Mr Speaker: whilst I am interested in the answer, the minister has actually given this information to the house previously.

The SPEAKER: The point of order is what?

The Hon. DEAN BROWN: The point of order is relevance, because my question is not about that.

The SPEAKER: That is the point of order. The minister must make the answer relevant to the question.

The Hon. L. STEVENS: Certainly, sir. I am answering the question in terms of the renal dialysis program that currently exists in the South-East, and I would like to be able to answer the question because it is a very important one.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is not the Minister for Health.

The Hon. L. STEVENS: Thank goodness for that, sir. This service is provided on a weekly or fortnightly basis to people in relation to that care. Since late last year, funding has also been made available for an in-centre renal dialysis program. That is for people needing dialysis who are stable and not medically complex who would otherwise be on home dialysis but who do not have a carer at home able to provide that support. Until late last year, when this program commenced, these clients had to relocate to Adelaide to receive treatment. We have also secured funding for an extra chair at the Mount Gambier Community Health Centre which will bring the renal dialysis chairs up to two.

Yes, there has been a delay at the local level in getting these particular services up and running, and that is unfortunate. It is something that I spoke with board members about when I met them this morning and they have undertaken to get on with this as a matter of urgency. Once the new chair is operational we hope to provide two shifts a day of dialysis and potentially assist four clients. In closing, I would like to say that this new in-centre renal dialysis program is a brand new program for the Mount Gambier area. It is one of many new programs that have been introduced into this area as a result of the government's commitment to provide better health services. I thank the Deputy Leader for the question: it is a pity that he got the first part wrong.

Mr BRINDAL: On a point of order, sir. Earlier in question time today you spoke about the quality of the audio system in this place. The parliament sits in Mount Gambier for the first time and is entitled to operate as a parliament. Sir, if we are getting complaints about the way the parliament operates it should be within your bailiwick to look to the audio system and not to berate members for acting as this parliament has acted for 150 years.

An honourable member: You might have: we haven't.

The SPEAKER: Order! That is not a point of order. Sometimes I think the kettle makes a noise which should be more directed at looking at the standing orders, because the member for Unley tends to be one of the members who offends against the standing orders on a frequent basis. Does the Deputy Leader have a point of order?

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I move:

That question time be extended by two minutes to allow the tenth question to be asked by the opposition.

The Hon. P.F. CONLON (Minister for Transport): The government will not support the motion because the opposition did ask 10 questions.

An honourable member: Too scared!

The Hon. P.F. CONLON: If they promise to ask me one, I will extend, but otherwise the opposition has asked 10 questions.

Motion negatived.

Mr WILLIAMS: On a point of order. The Minister for Transport said if we promised to ask him a question he would agree to it. I promise to ask him a question, sir.

The SPEAKER: Members will have a full hour tomorrow.

MENTAL HEALTH, MOUNT GAMBIER HOSPITAL

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: Yesterday in the house the deputy leader raised some matters concerning mental health services at the Mount Gambier Hospital. I said yesterday that I would meet with the hospital board this morning, and I am pleased now to be able to report the outcome of that meeting to the house.

After discussion with the hospital board I have been given three assurances: first, that there will be appropriate mental health nursing staffing at the Mount Gambier Hospital; secondly, that the appropriate clinical protocols will be followed to ensure that treatment is given at the local level when appropriate; and, thirdly, that any claims of bullying and harassment will be thoroughly investigated.

I have also asked the Department of Health to undertake a clinical review of the cases raised yesterday by the Deputy Leader to ascertain whether these patients received an appropriate level of care at the Mount Gambier Hospital. Wherever possible we endeavour to provide health services for people in the local area. However, under some circumstances providing the best care means that patients sometimes need to be transferred to Adelaide.

There are currently two fully funded mental health nursing positions in the Mount Gambier Hospital and 12 positions in the community based mental health team. As well, a consultant psychiatrist and a senior registrar from the rural and remote health service also visit the Mount Gambier Hospital regularly to provide additional mental health support. A review of mental health services in the South-East began last month and a final report is due in July this year. I have great confidence in the ability of the Mount Gambier Hospital board to address these matters just as it has successfully addressed other longstanding issues at the hospital.

The SPEAKER: Before calling on grievances, I remind members that questions which are loaded and which suggest that a minister or anyone else has misled the house are out of order. It is appropriate to ask a question where genuine fact or information is sought without loading the question and inferring that a minister has misled or covered up. If a member does that in future the question will be disallowed. It is not appropriate to use question time to take cheap and offensive shots, and that applies to both sides of the house.

GRIEVANCE DEBATE

TODAY TONIGHT

Mr BRINDAL (Unley): I will read into the record a letter to Mr Peter Meakin, Network Director of News and Current

Affairs, ATM7, Mobs Lane, Epping, New South Wales, which states:

Dear Mr Meakin—

The Hon. M.J. Atkinson: Be careful who you get into bed with.

Mr BRINDAL: I would like the *Hansard* record to show that the Attorney said, 'Be careful who you get into bed with.' That is an important interjection. The letter states:

I wrote to you in the absence of the CEO of Channel 7, Adelaide, Mr Max Walters, who I understand is on leave. Max and I have written several letters to each other over the past few months concerning the behaviour of *Today Tonight* Adelaide, which I believe has been acting with malice towards me. Please find enclosed copies of our correspondence. You will note that the program only referred to me as 'Media Mike'—

so does most of South Australia—

and accused me of smothering problems with speeches, politics before people, careers before conscience. Mr Walters rejected this as malice, but said, 'I also give you my personal undertaking that I will maintain even stronger than normal vigilance to make sure such inappropriate references are not made again.'

Today Tonight has had a clear belief that the justice system in South Australia is somehow fatally flawed and has set about building a case to vindicate its theory, which it appears has become a personal crusade of the program's Graham Archer. The program has failed to inspire any other media in South Australia to follow their cause. Unfortunately, Mr Walters cannot keep vigilance while on leave and the program is again running with more on this topic tonight. *Tonight*'s program raises issues concerning two former Labor Party members—one a former MP—who ended up back in the courts in 1999. From promotions we have seen of the broadcast there appears to be no information new to that which was placed on the public record five years ago and indeed attracted considerable media attention.

Last Friday Mr Archer left a message with my media adviser Jill Bottrall requesting a one to one interview with me about this issue on my return to Adelaide from an overseas trade mission. Mr Archer was not admitted to the press conference I gave within hours of returning from an overseas trade mission the following day, Saturday, in which he wished to raise the issue of these two people. Immediately after the press conference, which I would like to make clear was attended by Channel 7 representatives, my media adviser Jill Bottrall spoke to Mr Archer in order to make arrangements for me to appear on the program. Ms Bottrall told Mr Archer that I would be prepared to be interviewed live in the studio by its presenter, Leigh McClusky, during this week. Mr Archer said that this arrangement would be unacceptable because there were issues he wanted me to consider and think through before giving answers. This could be easily resolved by sending through to my office the questions prior to the interview. Mr Archer said he would think about the offer and get back to us, but he is now going ahead with the story tonight without giving me the opportunity to respond. I raise your attention to this and make it clear that any inference in tonight's program that I refused to speak to *Today Tonight* would be absolutely wrong and I consider it an act of malice.

Obviously the Premier takes some umbrage with the way a particular television station has presented facts over the last two years, but it is now a fact that the assets in the Liddy case have now come to light. The Attorney stated in his statement to this house on 13 August 2002 (in particular his final words):

Where such allegations are to be found to be of substance they will be pursued with vigilance.

That is what he told this house. He also said:

The Solicitor-General has found that there was not sufficient substance to the allegation for there to be a further inquiry.

He further stated:

There is no substance to the allegations of corruption or criminal behaviour in either the District Court or the judiciary.

He has actually said very publicly that this is a civil matter. An officer of the court is sworn to the court and, if they behave inappropriately towards the court, it is not a civil matter: it is a most serious matter that touches on the efficacy of the judiciary and the entire legal system of South Australia. He is the first law officer of this state and he should see that lawyers behave appropriately and do not abuse their office.

Time expired.

INTELLECTUAL DISABILITY SERVICES COUNCIL

Mrs GERAGHTY (Torrens): I would like to take the opportunity to recognise the efforts of a great number of people who have made a real difference to those with disabilities within my own electorate and who have now extended the service to Mount Gambier. The Intellectual Disability Services Council (IDSC) volunteers group was developed to assist staff and families at the Strathmont Centre, to improve the quality of life of the residents there, and has been operating for some nine years now with very great success. Volunteers are assigned on a regular basis to the Strathmont Centre, the IDSC aged care service at Northfield and to supporting clients of IDSC living in the community.

IDSC volunteers operate within the framework established by Volunteering SA, and the service is now one of the largest in South Australia, providing in excess of 6 000 hours per month, which is an incredible contribution by any measure. An important aspect of the volunteer service has been the friendships that develop between the volunteers and residents. This is undoubtedly one of the best aspects of any volunteer activity, and I know that it is something of great value to the residents of Strathmont. The wide range of roles that volunteers fill is also worthy of mention. Volunteers will drive vehicles for residents, assist with art and craft activities, with makeup and grooming, relaxation exercises and music sessions in addition to the more mundane but no less important jobs such as shopping, and household and garden maintenance.

IDSC volunteers have also developed partnerships with other community groups, including Strathmont Centre Parents and Friends Association, employment agencies and service clubs, in an effort to promote volunteering as a community activity. These groups and associations provide additional assistance by supporting clients in developmental programs, crafts and activities, outings and leisure activities. The fact that residents are engaged with their community through these activities is a great boost to the residents' emotional and psychological wellbeing. This high level of service, care and attention would be greatly reduced without the efforts of these wonderful volunteers.

In May of this year, Annette James (the manager of the IDSC volunteer service and, I might say, a friend of mine) established a branch here in Mount Gambier for the purpose of providing support to IDSC clients in the South-East, including residents of the IDSC South-East Accommodation Service. The extension of support service to regional clients has vastly improved their quality of life with outings, assistance in accessing services within the community and help with household maintenance now made possible. The 25 wonderful and dedicated volunteers involved with the IDSC volunteer services here in Mount Gambier have in the short space of a year provided some 650 hours per month and greatly improved the quality of life of those residents of Mount Gambier they are assisting.

It is very easy to see that the principles that IDSC volunteers commit to, namely the development of personal

potential, inclusion in the ordinary activities of the community and achieving control of one's own life, are not just nice-sounding words but are actually being achieved through the efforts of IDSC volunteers. This morning I went along with my colleague the member for Wright to visit the centre here in Margaret Street. It was filled with volunteers supporting the IDSC clients. The hall was buzzing to music from a local band of volunteers. Clients were dancing with the volunteers. One lady, whose name (from memory) was Nadia, was in a wheelchair dancing around the floor, and others who were not dancing were sitting there clapping along.

I commend all those volunteers here in Mount Gambier. Having had the opportunity to speak to them this morning, I must say it was quite enlightening. They clearly care about the folk they are supporting, and a very obvious personal relationship has developed between the clients and the volunteers. To all those people I say thank you so much for the support that you are giving IDSC clients. Today, I am proudly wearing one of the paper roses that were made for us and the volunteers, and I ask people to pop along and see what support they can give that service.

Time expired.

INTERNATIONAL FIREFIGHTERS' DAY

Mrs PENFOLD (Flinders): I understand that today is International Firefighters' Day, and I take the opportunity to thank all those people who have been involved, both past and present, paid and volunteer, who risked their lives to save the lives and property of others. I particularly thank those who have been involved in the recent devastating fires on southern Eyre Peninsula and with great sadness remember Trent Murnane and Neil Richardson died while fighting those fires. I hope that the recently announced inquiry will help to ensure that everyone will be heard and that the same mistakes that were made will never be made again. We thought we had learnt from the Tulka fire, but that fire proved that this is not the case.

The community's response has been amazing, and people are working hard to restore and rebuild homes, farms and shattered lives. As well as the direct impact on residents who tragically lost family members and had their homes and properties destroyed, the bushfire has had a ripple effect on the entire community that is difficult to underestimate. I take this opportunity to thank the state government for its response in helping victims by setting up a single one-stop-shop for advice and referral, and the largely volunteer staff who manned it.

My office was one of the agencies at the front line of helping bushfire victims both in the days immediately following and in the ongoing recovery process. Demand for help has been such that, in addition to the many people who contacted the bushfire recovery centre and the many other agencies, my staff and I have been contacted by hundreds of bushfire victims and others who have sought our help on issues as diverse as feed and transport for surviving livestock, the waiving of stamp duty on replacement homes and vehicles, and referrals for counselling. Many of these constituents have contacted us multiple times and the queries are still coming in.

We have also taken a lot of calls from people in other parts of the state and interstate who asked how they could make donations and volunteer help. Some bushfire victims simply wanted to talk to a sympathetic listener, and we have had traumatised people break down in our office. People who come to us for help in these circumstances cannot be fobbed off quickly with a phone number or a pamphlet.

My staff members have done their best to respond with sensitivity and to help in any way they can, but the sudden increase in workload for an office that was already overstretched has taken its toll on all of us. I take this opportunity to acknowledge the work my staff members have undertaken and thank them for their commitment, their caring and the many hours of unpaid work that they have contributed. The 11 January bushfire might have faded from the headlines but the recovery process will take much, much longer, and we are now in a dangerous phase after a traumatic event when the accumulated mental and emotional stress can manifest itself in depression, anxiety and post-traumatic stress disorders.

The bushfire has brought to a head the urgent need in my office for more staff—something I have been asking the Treasurer for since May last year—well before the fire. Since that time, I have sent the Treasurer four letters asking for additional funding for staff, together with faxes and telephone calls, and he had not had the courtesy even to acknowledge a single one of them until recently when on 5 April, some 11 months after my initial request, he sent me a three line letter rejecting without explanation my request for more staff. The Flinders electorate office is entitled to only 2.1 full-time equivalent staff members and I pay an extra 1.2 staff members out of my own pocket and, after the fire, even more. Because of the sheer size of the electorate of Flinders, which is roughly the size of Tasmania, I have to run two offices—one full-time at Port Lincoln, and another two days a week at Ceduna, which is four hours' drive away. I understand that the electorates of Stuart and Giles are staffed at the rate of around 2.5 FTE, and although Flinders is not as geographically large as either of these, we have roughly the same number of people at 32 558, according to the most recent census. I have chosen to run two offices rather than one as in Stuart and Giles, to better service my constituents, but this puts considerable strain on the resources available to me. I would be happy if we could get extra funding for even a 0.3 FTE.

Time expired.

SA WORKS PROGRAM

Mr O'BRIEN (Napier): SA Works is an initiative of this government, administered by Minister Key, which provides our state with a coherent vision for learning and work, supported by practical initiatives to improve the employment prospects, possibilities and achievements of South Australians. SA Works has had some significant successes in the Limestone Coast region. The region is an example for other communities around South Australia as to how a community can pull together and come up with genuinely innovative local ideas and actions that really address local employment and training issues. The SA Works program operates in this area as Limestone Coast Regions at Work. The program has already exceeded its target to achieve 510 anticipated participants with 939 participant numbers. These include involvement in non-accredited training such as mentoring, involvement in forums, expos and industry groups, return to school, re-engagement in the community, and accessing information and services.

The Limestone Coast Regions at Work program is on track to achieve 345 anticipated full-time employment outcomes. This figure does not include the many part-time employment outcomes which are also being achieved. What makes the Limestone Coast program unique is its mixture of projects devised and sourced locally. The heavy vehicle project is a great example of how industry, community and government can pull together and respond to opportunities and circumstances. Consultation with industry, and both the Onkaparinga and the South-East Institutes of TAFE, identified that there are issues around heavy vehicle apprentice training at, particularly, second and third year levels in the region. Previously, apprentices had to travel to Onkaparinga TAFE, which meant lost time for employers through travel, and it was costly in terms of accommodation and fuel.

Road transport and forestry industry operators within the region have donated over half a million dollars worth of heavy vehicle and earth moving equipment to ensure that training is carried out using current equipment. Regional TAFE SA Naracoorte has worked closely with industry to ensure that training will meet their needs. The sum of $150 000 has been made available from the Department of Further Education, Employment, Science and Technology to enable the South-East Institute of TAFE to establish and deliver a quality second and third year heavy vehicle apprentice training program. This helps secure local employment and skills in a region that is well placed to further develop the local transport industry as a result of future growth in areas such as the blue gum timber industry.

When the Fletcher Jones factory closed on 15 October 2004, approximately 50 workers were retrenched. Most were women who had worked at the factory for a long period of time. SA Works, in consultation with local services, developed a program for these workers which included counselling and a detailed career plan for every worker, advice and training, both general and specific for up to 12 months after retrenchment, and the establishment of a support network. Subsequently, workers have been supported through targeted sessions looking at writing a resume, interview skills and the application process. Subsequent meetings of Fletcher Jones staff have been held, with great benefits in terms of maintaining links.

It is interesting to learn just how these 50 people have faired. Currently, of the 50 workers retrenched from their jobs, 24 are now in some form of employment, 12 have commenced study, some are also working part time, and only eight are looking for employment. I think that is a very significant outcome and a great result for 42 of the 50. South Australia Works, which has currently spent $35 000 on this program through Regions at Work, continues to work with a number of those who are not in work, and it provides support to engage in mentoring programs, work placement and training.

Time expired.

TAXES

Mr HAMILTON-SMITH (Waite): I bring to the attention of the house, and to the attention of the people of the South-East, that this Labor government of which the local member, the member for Mount Gambier, is a key player, has delivered the highest taxes that the people of the South-East have ever seen and the lowest wages of any state in Australia. People across the border in Victoria are earning $121 more than does the average worker here, and I will say more about that in a moment. But, before I do, I want to take the house back to 1993. Remember the $10 billion worth of debt that we inherited when Labor was last in office? The Premier was a senior minister in that government—he was the chief engineer of the HMAS South Australia when it struck the iceberg called the State Bank. They wrecked the state. The Treasurer, Mr Foley, was a cabin boy—a senior adviser, running around, shuffling the papers. They delivered ruin. It took eight years to fix it, but we fixed it. Yes, some tough decisions had to be made, but we fixed it. The Labor Party came back into office, and now it is claiming that it has a AAA rating—and now the government is crowing about what a good job it is doing. The reason why the government has a AAA rating—the reason why the money is rolling in—is that there is relatively no debt—I think it is down almost to $2 billion from $10 billion; and the $300 million a year deficit—the annual debt the then Labor government gave us: it was in the red $300 million a year—has vanished.

The government took over a great set of accounts. Now we have Labor saying, 'Aren't we doing a great job?' I will tell the government why it is doing a great job. After eight years of pain, this state restructured its economy and its finances, and the good people of the South-East had to tighten their belt to help pay for it. Now we find that revenue is flooding in. The state government is awash with tax—$5 billion of unforeseen revenue, above and beyond that which was predicted in 2001-02, when the Liberals were last in office. GST revenues alone have exceeded expectations by $1.7 billion.

The property tax rip-off that is going on, involving ordinary families who might own one investment property or a shack down on the coast, is raking in hundreds of millions of dollars for this government to spend. In fact, tax revenue has gone up by 27 per cent since the member for Mount Gambier, who forms part of this Labor government, joined the team—that is how much the taxes have gone up in the last three years. Revenue has gone up by 20 per cent and expenditure has gone up by 16 per cent. But what is it being spent on? Is it being spent on roads, buses and hospitals in the South East? Is it being spent on electricity? Remember the promise: if you want cheaper power, vote for Labor? Is it already spent on gas?

Mr Koutsantonis: Who sold it?

Mr HAMILTON-SMITH: We sold it, and I will tell the member why we sold it: it was to pay off the $10 billion worth of debt. Is it being spent on a future program? Is it being spent on building local industries, or is the economy in the South-East, as in most of South Australia, being buoyed largely by the construction boom, low interest rates and the credit flowing from that into retail? Are the underlying strengths of the economy being reinforced? Are we making economic hay while the sun is shining? Across the border, the average Victorian family, according to the ABS is earning $779 a week, $121 more than South Australians. From November 2002 to November 2004, the average South Australian wage rose from $662 to $668—

Mr Koutsantonis interjecting:

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

Mr HAMILTON-SMITH: —whereas the national average for the same period rose from $702 to $766. In Tasmania, the average worker earned $699; in Queensland, it was $723; in New South Wales, it was $805; in the ACT, it was $909. CPI during this period, I point out to the member for Mount Gambier and his team, has gone up by 8.9 per cent.

Wages have risen by only 2.96 per cent. Yes; the government has done a splendid job. We fixed it for the government to come back in and what has—

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens will be warned in a minute.

Mr HAMILTON-SMITH: —it delivered to the South-East? The lowest wages in the nation and, across the border, they earn far more; it has delivered taxes and ruin.

Time expired.

TAFE, MOUNT GAMBIER

Ms BREUER (Giles): I remind the opposition that every time members opposite insult the member for Mount Gambier, they are insulting the people of Mount Gambier themselves who elected him.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! The member for Waite has had his chance.

Ms BREUER: I am delighted to be here in Mount Gambier today because, as a country member, I know how difficult it is for country people to get to see us operating in parliament, and I think this is a wonderful experience for this community. I am very pleased that we are here and I hope that we take our parliament out to other country areas in the future. My only complaint is that it is in Mount Gambier and not in Whyalla; however, I acknowledge that Mount Gambier is the biggest city outside of Adelaide in South Australia. However, I say, 'Look out; we'll be back one day, I hope.' I am very pleased that we are here.

I want to talk about a subject dear to my heart and that is the TAFE system in South Australia and, particularly, here in Mount Gambier. I congratulate the TAFE South Australia Mount Gambier campus on developing its first retail simulated shop. This project is one of those great examples of TAFE achieving well for its students. It has been undertaken by the TAFE staff and led by lecturer Marj Swaffer who has been a passionate supporter of this initiative. The simulation shop has several benefits for the community in Mount Gambier and across the South-East, and it creates another avenue for students to make themselves ready for employment, which is really important.

Traineeships in retail operations give the participants experience and theory training in the workplace. What if you are a student who has not been able to gain a traineeship? The retail simulated shop can provide hands-on practical experience for learners. The actual space the retail simulated shop occupies is eye-catching, I am told, with a large front window for visual merchandising, a shop counter, shelving, mannequins and office equipment. Small business in the region does not have to take the time to train work experience students, so the retail simulated shop is a solution for them, and it now has 30 full-time students enrolled in its first term of operation, which is a great achievement. Some of the competencies offered within this new learning methodology include customer service, visual merchandising, stock control and EFTPOS. The facility will also support learning in other courses such as MYOB facilities for financial services students and customer service for students in trade and business schools.

Working in the simulated shop will complement the theory component of the retail competencies taught through learning guides and written activities. A student experience might include opening the shop at the beginning of the day, which includes security processes. Students must ensure that the cash float is correct in the till, start up the point-of-sale system and log into the system, just like a real shop. Students also check that sufficient documentation is available such as lay-by slips, gift vouchers, rolls, gift wrap bags and EFTPOS documentation. Students learn window-dressing, which includes the use of mannequins, props, rises and display products. They even learn how to gift wrap, which is a skill that most of us could improve on and, certainly, my family would agree with that. I am not known for my cake decorating or present wrapping.

In understanding grocery sales, students learn to face up or bring stock to front. They learn first in, first out principles by checking use-by dates and gain an understanding of stock display such as ensuring that detergents are midway up the shelving to ensure that they are out of the reach of little children. Through this training, students are made aware of occupational health and safety matters and shop presentation including cleaning floors, shelves and counters in order for the shop to be inviting to customers. In the selling of goods, students learn some product knowledge and have the opportunity to gain practical experience of selling up and add-on selling. They also develop communication skills and how to present themselves to customers. Importantly, they gain practical experience in how to deal with an objection, a difficult customer and complaints. I am sure these students could also benefit from the experience of question time.

Students complete the cycle at the end of the business day by balancing the till, preparing banking, reordering stock, cleaning and completing security-related duties. From this example, students in the shop will gain tangible and ready-to-use skills in the retail sector but Certificate II and Certificate III in Retail Operations will also be offered using the shop, giving students the best chance to gain employment in the retail sector across this region.

Minister Key has also advised me that students find this sort of training very enjoyable whilst gaining real work-type training. The provision of this linear learning methodology and hands-on experience has been well received by the community, the businesses and the students, and I congratulate the business community, TAFE SA Mount Gambier campus and lecturers like Marj Swaffer and the team on this fine initiative. I look forward to visiting TAFE tomorrow morning to look at what is happening there and also view what is happening with university students in this region.

MOTOR VEHICLES (EMERGENCY CONTACT DETAILS) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

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

That this bill be now read a second time.

I will not hold the house long on this particular issue, which has been before the house on at least one other occasion. The bill is very simple. It suggests that motorists in South Australia should have the opportunity, when obtaining a driver's licence, to put a name and emergency contact phone number on the back of the licence.

The reason I move this bill, simple as it is, is that I had a constituent come to me whose son was involved in a fatal accident. The accident occurred approximately two kilometres from the parents' home and about 1.5 kilometres from the victim's home, but the authorities took about 17 hours to locate the parents. I do not criticise the authorities on that point because, obviously, they have priorities to deal with when there is a serious accident and, if the name is a common one, it is difficult to work out where the relatives are. There was no-one at the son's home to give the police or the authorities a hint as to where the parents might be, so 17 hours later the parents were contacted about their son being in a critical condition—in fact, as I understand it, this particular lad died before the parents had to opportunity to say their goodbyes. So, the father has come to me suggesting a very simple solution to the problem, that is, that contact details be shown on the back of a driver's licence.

For some unknown reason, it has taken three attempts to get this very simple measure discussed in the house, and I am hoping that on this occasion the government might even come to the table and agree to the proposition. It should not take a parliament three years to deal with such a simple proposition. There is already provision to put certain conditions on a driver's licence. For my sins, on the back of my licence I have a condition that I can drive a class LR, which is restricted to Apex fun trains—so I am a licensed APEX fun train driver.

Ms Bedford: That is going to come in handy.

The Hon. I.F. EVANS: It is very handy, actually, because you can do a lot of charity work at school fairs and church fetes. As the member for Florey would no doubt be aware, you need a special licence for that. So, there already is provision within the system for putting details on the back of a licence. Some people will raise the issue of what happens when the person you nominate changes phone numbers. I think that will happen rarely.

In my case, I would not nominate my son because teenagers regularly change their phone numbers; I would nominate a more senior, mature aged relative that I know would more than likely have the same phone number for many years. For instance, my parents have been at the same address for well over 20 years, so logic to me would be to nominate one of them. A person would not have to nominate a member of their own household because their address is already on the licence and the police can go there. This measure is a fail-safe if no-one is home at the address that is on the licence.

This is a simple measure and I cannot imagine why it has taken three attempts to get the parliament to deal with it. This idea has come from a family that has been through significant trauma. I think it is a reasonable idea and I do not think it will cost the government a lot of money. To give the government time to adjust its system so that this can occur, the bill provides that it starts in 2007. So, we have 18 months to work out how we can put a phone number on the back of a driver's licence. I think it is a simple measure and that it has merit. Hopefully the house will give it support when it goes to the vote in a few weeks' time.

Mrs GERAGHTY secured the adjournment of the debate.

NATIVE VEGETATION (EXPANSION OF CEMETERIES) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) sought leave and introduced a bill for and act to amend the Native Vegetation Act 1991.

Leave granted.

The Hon. I.F. EVANS: This bill seeks to amend the Native Vegetation Act. For those who are not familiar with parliamentary procedure, at the moment we are in private members' time. It is the only two hours in the parliamentary week when non-government and government members, in a private capacity, can raise bills for the parliament to debate. They are normally adjourned after the person moving the bill speaks and are debated some weeks down the debating chain. I explain that to members of the house because standing orders prevent my explaining that to the gallery, and I would never go outside standing orders.

We are debating amendments to the Native Vegetation Act. The reason that I propose this bill is a small issue in the South-East to do with the Native Vegetation Act—that is, that one of the local councils in the Port Macdonnell district wants the cemetery to expand, and the Native Vegetation Board has indicated that it will prevent the cemetery being expanded. Many months ago the local member indicated that this problem would be fixed, and there was an article in the local paper that this matter would be addressed by changes to the regulations.

I am a bit suspicious that a change to the regulations might deal only with cemeteries in the South-East. What I propose in this bill is that cemeteries throughout South Australia be exempt from the Native Vegetation Act. Therefore, if a cemetery wishes to expand it does not need the approval of the Native Vegetation Council. Again, this a very simple measure. When one thinks of the important role our cemeteries and cemetery authorities undertake, I cannot see any real problem with this bill. Why should those who administer our cemeteries be subject to the Native Vegetation Act? I support the local member who expressed the view in the local paper that cemeteries should be exempt from the Native Vegetation Act. I agree with that principle but it should apply across the whole state and not just in South Australia. This bill simply exempts cemeteries from the operation of the Native Vegetation Act.

Mrs GERAGHTY secured the adjournment of the debate.

Mr MEIER: Mr Deputy Speaker, I draw your attention to the state of the house.

Members interjecting:

The DEPUTY SPEAKER: Order! A quorum is not present, ring the bells.

A quorum having been formed:

PARLIAMENTARY STAFF

Mrs REDMOND (Heysen): I move:

That this house establish a select committee to examine and report upon the work relationship between members of parliament and the paid staff of the parliament, given the unique position of the parliament with respect to employment of staff, and in particular—

(a) investigate mechanisms by which appropriate behaviour should be managed within the parliament and make such recommendations as to legislative changes as it thinks necessary or appropriate;

(b) specifically investigate reasonably published allegation of assault allegedly perpetrated by a member of parliament against a member of staff;

(c) that in reporting back, the committee be empowered to consider and respect the wishes of the employee allegedly involved in the assault regarding the desire for anonymity, but that no such protection be afforded to any member of parliament in the event that the committee finds that an assault did occur; and

(d) that the committee report back by the end of May 2005 in respect to the specific assault allegations referred to in (b) and (c) above.

Members would be aware of the reasons that I have brought this matter before the house. In fact, many members of the public would be aware of it, because it received considerable publicity when there was an alleged assault by a member of parliament against a member of the staff. I make no comment as to whether such an assault did occur. I have no agenda in moving this motion other than to bring to the attention of the house a possible shortcoming in the way it conducts itself and makes itself more accountable to the public at large and to itself in terms of its behaviour. What concerned me about the assault allegations was that it appeared to me that the police did not necessarily have the authority to investigate the matter as fully as they might otherwise have done, and nor did the Commissioner for Public Employment.

That being the case, I, as a new member of parliament, became concerned that there was the potential for a situation in this state where we as legislators are making laws compelling those in the community to behave in a certain way in their workplaces all over the state but not perhaps being subject to any compulsion in terms of upholding those very same high standards ourselves. That is my only agenda in bringing this motion, and I sought to do it by setting up a select committee. I do not make any pretence of being the arbiter of all wisdom in this matter. Indeed, I am not. I have looked at what I can of the standing orders and, indeed, I note the Speaker's reference yesterday when he drew attention to standing order 385 which, under the heading 'Committee not to entertain charges against members', provides:

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.

I do not think that that inhibits me from putting the motion in its current form. As I said, I have been trying to read a bit of Erskine May in anticipation of this motion coming on. In fact, I was interested to read in Erskine May that, pursuant to a resolution of 1688:

. . . if any member of the house refuse, upon being sent to, to come to give evidence or information as a witness to a committee, the committee ought to acquaint the house therewith and not summon such member to attend the committee.

However, it goes on to say that, on occasion, members have been ordered by the house to attend select committees and there has been no instance of a member persisting in a refusal to give evidence when ordered by the house to do so. I was also interested, when I tried to look up the heading of 'Allegations against members', in the statement that 'Good temper and moderation are the characteristics of parliamentary language.' After three years in the house, I would have to say that that comes as something of a surprise to me.

In any event, all I am trying to do in setting up a select committee is have the matter properly investigated. It seemed to me that there was no way for the house to deal with it other than for the house itself to decide to set up a select committee or to investigate it as a committee of the whole house. That seemed somewhat cumbersome, so I was suggesting that a select committee of only three members be set up comprising myself, the member for Mitchell (who, of course, represents the Greens as an Independent in this house) and a member of the government. I am quite comfortable with any changes that people might want to make to that suggestion. It may be that, like most other select committees in this place, we should set up a larger select committee.

We certainly have the power to hear evidence in private. I suspect that paragraph (c) of my motion has now become defunct, given that the member for Hammond has identified himself as the member of parliament to whom the allegation referred and that he has, in doing so, also named on a number of occasions the staff member. Nevertheless, it concerns me greatly that—

The Hon. I.P. LEWIS: On a point of order, at no time did I do anything—

The DEPUTY SPEAKER: There is no point of order. If the member wishes to make—

The Hon. I.P. LEWIS: There is a point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: No, there is no point of order. If the member wishes to make a personal explanation—

The Hon. I.P. LEWIS: An allegation has just been made against me.

The DEPUTY SPEAKER: The member for Hammond will resume his seat.

The Hon. I.P. LEWIS: An allegation has just been made against me, Mr Deputy Speaker, and I have a right to require you to enforce the standing orders. That is not true.

The DEPUTY SPEAKER: If the member wishes to make a personal explanation—

The Hon. I.P. Lewis: It's not a personal explanation.

The DEPUTY SPEAKER: Indeed, he can make a contribution to the debate. The member for Heysen.

Mrs REDMOND: In any event, and in deference to the member for Hammond, it matters not who made the allegation. The information is now out in the public arena that the member for Hammond is the person alleged to have assaulted a member of staff, and the identity of the staffer has also been revealed in the public forum. As I said earlier, the point is that there is a suggestion out in the public that we as members of parliament are able to behave towards our staff members and members of staff of the parliament itself in a manner that is different from that which can be compelled in any other workplace in this state.

It seems to me that it is appropriate for us to at least look at that question as members of parliament, look at it honestly and objectively, see whether there is an issue, assess the situation and make any recommendations that may be appropriate to ensure that, if we are going to make rules about how other people behave, then we ourselves behave with the highest of standards. We must ensure that we do not take the privilege of being a member of parliament as giving us some right to behave in a lesser manner than other people are compelled to behave.

I do not want to labour the point too much, but I believe that this house owes a duty to itself and to the wider community to be seen to be upholding high standards. When the member for Hammond was the speaker, he continually exhorted us to behave with higher standards than perhaps he was witnessing as the speaker. All I am seeking to do by this motion is to have us address what may be an issue. It may not; it may turn out to be the case that there was no assault, that there is nothing to complain about and that no-one has any beef. But, the apparent perception in the public domain is that an assault was alleged. It seems to have been swept under the carpet. In my view, it is necessary for us to be open

and fully accountable about this matter, and to put the thing to rest once and for all by fully investigating it, making some findings and making any recommendations that may be necessary to make sure that we as members of parliament uphold the proper standards.

The Hon. I.P. LEWIS: On a point of order, Mr Deputy Speaker, I now ask you to give a ruling on the orderliness or otherwise of paragraphs (b), (c) and (d) of the proposition before the chamber with respect to standing order 385. Clearly, what the proposition, as it is put by the member for Heysen, seeks to do is to invite a charge to be made, whereupon the committee, of course, if it is to observe standing order 385, must immediately cease further contemplation of any such proposition and report it to the house.

The DEPUTY SPEAKER: My ruling is that those paragraphs of the motion are in order. My advice is that standing order 385 contemplates committees that have not been given a specific reference from the house. The member for Heysen proposes to provide a select committee with a specific reference to investigate these matters, in which case standing order 385 does not apply.

The Hon. I.P. LEWIS: Mr Deputy Speaker, I move dissent from your ruling.

The DEPUTY SPEAKER: The member for Hammond will have to bring that to the table in writing.

The Hon. I.P. LEWIS: I will, Mr Deputy Speaker, and I do so very deliberately, because I believe all honourable members need to now nail their colours to the mast on this proposition.

The DEPUTY SPEAKER: If the member for Hammond will just proceed with bringing his motion to the table.

The Hon. I.P. LEWIS: I contemplate further amendments to this proposition, which just might embarrass about 15 members.

Mr HANNA: On a point of order, Mr Deputy Speaker: I request that the clock be stopped for private members' time during this inordinate delay while waiting for writing to come up to the Speaker.

The DEPUTY SPEAKER: I think that that is a reasonable request. However, I inform the member for Mitchell that it is not within my power to extend the two hours of private members' time. I am not able to do that; that would require a suspension of standing orders. There is no indication of a seconder on the motion. Is there a seconder for the motion? If there is no seconder, then the motion lapses.

Mrs GERAGHTY (Torrens): I move:

That the debate be adjourned.

The house divided on the motion:

The SPEAKER: There being only one member for the noes, I declare that the motion passes in the affirmative.

SIR ROBERT HELPMANN THEATRE

The Hon. I.P. LEWIS (Hammond): I move:

That this house establish a select committee to—

(a) discover the reasons why the funding for the renovations and repairs of the Sir Robert Helpmann Theatre, including the re-upholstering of the seating, which has been approved and budgeted for in previous years, has been diverted away from the approved purpose; and

(b) determine the extent to which the current minister, the Premier, and any other minister was involved in or was aware of this decision-making process, with a view to restoring the funding and commencing the work in this and other similarly affected regional arts theatres, forthwith.

The proposition is to discover the truth of why, when parliament itself, through its appropriations of funds for the purposes, as defined in the budget and in supply bills, having approved the funds to be spent on those purposes, discovers to its dismay at the end of the financial year that the funds so approved were, in the general case, diverted and directed to other things, as a prerogative decision of executive government, that is made unlawfully, because parliament had made the decision to do this work. In the general case, that has been happening over the last couple of decades, with increasing frequency, because of the ambiguous nature of the terminology used in the budget process and in the estimates committees in those papers which are presented to us. But, in this case, in the particular case in question, there is no such excuse. There was no ambiguity. The people in this area had a right to believe that the theatre would be refurbished, according to the allocation of funds that were made. It astonished me, when I arrived here, to find that it had not happened. The appearance of the seats from where I stand is pretty terrible.

I am told that the other theatres around the state have been similarly affected. One wonders, perhaps, if it has not been a deliberate diversion of funds away from the theatres in the regions for the purpose of beautification, if you want to call it that, of the Festival Centre Precinct where funds have been spent in a way which was never contemplated by the Public Works Committee and in a way which is anti-social and offensive to the other people who are entitled to use that public space. Quite simply, I refer to the way in which the redevelopment in front of the Festival Theatre in Adelaide has taken place, because it is very antagonistic and hostile to the people who need to walk through that space from the railway station to the Adelaide University. They have stainless steel fences that impede their way from the railway station between the Festival Centre car park and the Festival Theatre itself on their way to the university and points beyond, walking along that pathway on the northern side of Government House between Government House and the Torrens Parade Ground, or if they choose to come through there on their way from the train in which they arrived to the city from their homes in the suburbs to go to the Adelaide Oval.

They have found that they have to navigate around the precincts of the Festival Centre, which were expensively undertaken, which are unnecessarily anti-social and very destructive of the amenity value of the area, but pleasant enough for those people who work in the Festival Theatre and believe they own it. Well, they bloody well do not. It ought never to have been undertaken in that fashion and, in my judgment, it was undertaken at the expense of our regional theatres and the appeal that they have for the people who would otherwise patronise them. I know that if I lived in the city, the same as if I were to live in the northern cities of Spencer Gulf, the state of upholstery in the theatre is simply very poor, without going into too many epithets about it.

Why, therefore, should the people in the arts be allowed to get away with rearranging their own priorities to use the money which parliament itself has decided ought to go in the way in which the cabinet had decided? It does not say much for the strength of cabinet, the minister or the Premier in telling the bureaucrats that they cannot get away with that sort of thing. Notwithstanding that, the most important issue here is that they are the people in the Festival Theatre and the head of the arts department in the city who are imposing hegemonistically their will over and above the will of parliament,

the will of law, at the expense of people in the regions, which is improper. We are all South Australians and, if you want to be inclusive, those people living in the metropolitan area and working as public servants need to respect the fact that they alone do not have the power to insult the rest of South Australia outside the capital city and please themselves so that they use our taxpayers' money that is collected in rural South Australia per capita probably in greater quantity than it is for people living in the metropolitan area. Certainly, the way it is spent spend on things like buses illustrates the truth of that statement when it comes to determining expenditure.

I want a select committee to discover how that happened and compel the people in the arts department, and every other department that might be watching on, never to do that again. It is the same inappropriate behaviour that has caused the 'stashed cash affair' in the Crown Solicitor's Trust Account. That was the bureaucracy deciding that they would subvert the will of parliament, determined by law in the appropriation bills, to do things according to the agenda which they set for themselves without the law providing for them to do so. If we do not have the guts to do this, we will never send the message to the bureaucracy, especially the bureaucracy in the capital city, that it cannot continue to go roughshod over parliament and the interests of people who live outside the capital city in the regions. We need to do that. It will not be a long, drawn out process: it should rapidly be able to discover how it happened and report that publicly.

More particularly, I commend the Premier, probably because he and his advisers heard me saying that I thought the money that had been appropriated for this theatre and other refurbishment work ought to have already been spent in the way in which it was intended, and decided, 'My goodness, what a mess; we must fix that immediately.' He stated yesterday, after I gave notice of my intention to move this motion, that he would straightaway require the work that has been promised for three years, and explicitly set down in the works program two years ago, to be undertaken. I thank the house for its attention and trust that it will give this proposition swift passage.

Mr BRINDAL (Unley): I feel compelled by the arguments put by the member for Hammond, because central to them is the proposition that each year this parliament has brought before it a budget, and each year each minister is examined by this house in committee on every line of the budget, which promises to commit, from the public purse of South Australia, from the people of South Australia's money, such funds as are needed for the following projects. Line by line, item by item, the budget is accounted for by this parliament, and it is a sworn duty of every member of this house—and especially the executive government—to be held accountable before this house, most importantly, for the expenditure of public moneys. That lies at the root of the proposition put forward by the member for Hammond. I am quite sure that the Premier will get up and say, 'Under a Liberal government such and such occurred.'

The Hon. I.P. Lewis: And he would probably be right.

Mr BRINDAL: The member for Hammond anticipates me. I acknowledge, as a minister in that government, that it may well have been correct that that happened: it still does not make it right. It does happen—and as a minister I had the privilege of the experience—that some programs go over budget but, if money is voted for a project, there is a rightful expectation that that money can be spent and, if the money is not spent from that budget line, the money ought to be returned to the Treasury generally, because the money was predicated by the parliament.

No-one would doubt that this is a wonderful facility, a great facility for South Australia. If, in fact, this facility has been voted money on repeated occasions (and I accept the member for Hammond's words) and the money was not spent, then it is right that the parliament asks why it was not spent, and why it takes this parliament's coming down here to actually make a decision. 'Whoops, we voted to spend this money for the last several years. The people of Mount Gambier might realise that and might catch us out in the lie so we will make an announcement to spend the money now.' This house voted for the money to be spent in previous years. If the money was not spent, this house has an absolute duty to require an answer why and to call whichever minister was responsible to explain, in case there has been malfeasance of their office.

The minister worries. The assistant minister for the arts is crying. Isn't it interesting that he takes his duties and his oath of high office so lightly that he can burst into tears at the prospect that someone might have wrongly abused the public purse.

Ms Breuer interjecting:

Mr BRINDAL: I am sorry: if you have an illness, I do apologise. It looked liked acting which the person for whom this theatre is named would be very proud.

Members interjecting:

The SPEAKER: Order! The member for Unley will address the substance of the motion.

Mr BRINDAL: I am addressing it. I am just noticing that the goody-two-shoes opposite do not appear to be such goody-two-shoes when they get upset, sir. It is really interesting: they revert—

The SPEAKER: The member for Unley should come back to the substance of the motion.

Mr BRINDAL: Before I do sit down, sir—because I really wanted to support the member Hammond—let me just say this: if the member for Giles continues with the churlish rudeness that she has been displaying to me for the last few days, there will be a quarrel in this house that you will not believe. I am sick of her rudeness. If she is does not get over it she will have a real quarrel on her hands.

The SPEAKER: Order! Members need to settle down and not get too excited about things.

Mr HAMILTON-SMITH (Waite): The government seems reluctant to comment. As shadow minister, I will comment on behalf of the opposition. I say to the member who moved the motion that it would have been most helpful if he had spoken to me about it so that we could have discussed it prior to the bill being moved and prior to the debate. I agree with the thrust of what the member is trying to do but I do not agree with the device—a select committee. The member is trying to highlight the fact that the government has been more than disingenuous with the way that it has approached this matter, that it has removed a considerable amount of funding that was earmarked by the former government for the Sir Robert Helpmann Theatre and other theatres, and that it has not delivered; and the member wants to establish a select committee to investigate and resolve the issue. I am not completely convinced that that is a necessity, but I am persuaded by the member. I have listened to the debate and will listen to what the government says, but indicate that the opposition will be inclined to support the motion. I will listen carefully to what the government says.

Let me clarify some the facts. First, it is quite correct that the $7.2 million—and I encourage the minister to listen to this—of funding that was earmarked by the former government and promised in the 2002 election was funded. As I pointed out to the minister previously when he claimed that it was not funded—and I am referring specifically to *Hansard* during budget estimates on 16 June—it was funded within the Department of Transport, Urban Planning and the Arts by the former minister, Diana Laidlaw. I have explained this to the minister before and I have pointed him to the papers, and he has consistently argued that it was not funded.

I am prepared to give the minister a copy of the bilateral submissions which clearly indicates an underspend in the Highways Fund that was reallocated over four years: in 2002-03, $1.69 million; in 2003-04, $1.07 million—

The Hon. M.D. Rann interjecting:

Mr HAMILTON-SMITH: —in 2004-05, $2.5 million; and in 2005-06, $1.1 million. The Premier interjects. Guess what the Premier did at the time of the last budget? He found money from elsewhere in the Premier's budget to give to the arts. He did exactly as Diana Laidlaw did. Obviously he agrees with the principle that it is all right for a minister to shift money from one part of his or her budget portfolio to another, because he himself has done it: that is, exactly what Diana Laidlaw did.

If the minister had bothered to check with his department and the former CEO of the Department of Transport, Urban Planning and the Arts he would have found the papers that allocated the funding over four years against a non-highways line. It was funded, it was earmarked, it was promised—and it would have been delivered.

Let me get to the next part of the argument—and this is that the minister, like Boadicea, has driven down out of the forest on his chariot and solved the problems of the world with his financial sword. This is not the case—$1.27 million was required for this theatre, and it included significant items which involved safety, disability access, and a whole range of issues. In fact, hundreds of thousands of dollars was required for priority work on architectural and building fabrics, mechanical services and electrical services.

He has provided a mere pittance of that. It is a few hundred thousand dollars, which is to be spread around the four country theatres and not all spent at the Robert Helpmann theatre. Yes, a number of things are to be done in a rebuild in May—that is correct. I have had a look around the facility, spoken to the staff and gone through the list. Yes, work is to be done in May—thank heavens for that. Three years after it was supposed to have been done we are finally getting some progress. It should have been done in 2002, but the government is not doing a range of things that need attention, such as mechanical services, provision of adequate ventilation, issues to do with air-conditioning, issues to do with disabled access and safety lighting. A whole range of things will not be fixed in May.

Certainly, there will be some cosmetic work, but the government is not spending the $1.27 million that is needed to bring this theatre up to the standard required and to the standard met in Adelaide. It reflects that this government, in drawing up its budget, thinks only of Adelaide. It is Adelaide focused. When you sit around the party room on our side, half the members are from the country. When you sit around the party room over there, there is one country member representing Whyalla and the two they have bought for $2 million each—the two ministers who went to their electorates and said they were Independents and Nationals and, having been elected by the good people of their areas—

Members interjecting:

Mr HAMILTON-SMITH: —they become ministers. Over here we understand the issues in the country and that is why we have argued from the start that this theatre, the Middleback Theatre and the theatres in the Riverland and Port Pirie need money spent on them—$7.2 million. That is why I raised the issue in budget estimates and why I put out a number of public statements on this issue, including one on 10 September 2004. It has been raised time and again.

I warned the shadow minister in budget estimates by asking him to be sure that he did not mislead the house. He consistently got up and said that it was funded. I ask him to repeat that today. I can tell him and provide documentary proof to show that it was funded and was offset within the former government's budget lines. The money was there. If you want to continue to lie, go right ahead, but you will not fool the people of South Australia.

The Hon. J.D. HILL: On a point of order, the honourable member said, 'If I want to continue to lie.' I believe he is reflecting on me and using unparliamentary language.

The SPEAKER: The honourable member must not suggest that the minister has misled the house other than by substantive motion. I ask the member for Waite to correct it.

Mr HAMILTON-SMITH: I humbly withdraw any suggestion that the minister might have lied. Perhaps he stretched the truth a little, but the money was there. He let down not only the people of Mount Gambier but also the people of Port Pirie, the Riverland and Whyalla. I commend the government for the fact that it has done something. It has committed $500 000 instead of $7.2 million over several years in order to piece by piece address the issues confronting the four theatres.

I note with interest that, because the parliament was coming down here, it redirected the bulk of that funding to this theatre. I look forward to going to the other three theatres to see what sort of condition they are in as I doubt they have had very much at all. I have asked questions on notice, as the minister would be aware, about whether there have been any injuries or occupational health and safety issues here as a consequence of the government not having done anything for the past three years, but there has been no reply.

In summary, the government has vacillated. The Premier was going to be Don Dunstan: let us focus on the arts and throw money at the arts. I have had a look at what Don Dunstan spent on the arts. The graph of arts funding under Don Dunstan's tenure was like this. The graph on arts funding under this government is like that. It has cleverly cut most arts funding from the people who most need it. Even the Independent Arts Council, in its submission for the budget, again reiterated the need for $7.2 million to be spent on these four regional theatres.

You have thrown a little bit of money at it, but you have not fixed the problem. You are awash with cash. You are ripping hundreds of millions of dollars worth of taxes off the good citizens of the South-East, raking it in with the GST. All that the motion is asking is that you do the right thing by the four theatres. In light of the minister's response, the opposition will be supporting the motion, although I would ask the honourable member if in future he would consult with us so that we could perhaps be better prepared. We look forward to the government trying to explain to people why it has taken it three years to do anything at all and why, having finally got

off its backside, it is going to provide only one-third of the solution.

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): I thank members for this debate, because it gives me an opportunity to talk about a range of issues in relation to arts funding in Mount Gambier. The point I would make to start with is that my father was a soldier in the Second World War, an anti-tank gunner, and after the Second World War he developed a bit of a nickname. He was called 'Gunner' Hill, not only because of his war service but because he was often 'gunna' do things which he did not always get around to. The member for Waite reminds me of that, because he is always talking about the things that the Liberal Party was 'gunna' do.

Members opposite were in office for eight years. Not one thing that I am aware of was done to repair this theatre in those eight years. They went to that election and said 'We're going to do all these great things.' When you look through the budget papers for the money that they alleged they allocated for those great things, we could not find it. We are now told by the member for Waite that he has cabinet documents. How he got cabinet documents, I do not know.

Mr Hamilton-Smith: They're not cabinet documents.

The Hon. J.D. HILL: A bilateral paper is a cabinet document.

Mr HAMILTON-SMITH: On a point of order, sir, I have made no such claim that I have cabinet documents.

The SPEAKER: It is not a point of order.

The Hon. J.D. HILL: The honourable member says he has bilateral papers. Bilateral papers are cabinet documents.

Mr Hamilton-Smith: You don't even understand the budget process.

The SPEAKER: The member for Waite has already spoken.

Mr Hamilton-Smith: How long have you been a minister?

The Hon. M.D. Rann interjecting:

The SPEAKER: The Premier is out of order. The member for Hartley will be warned in a minute.

The Hon. J.D. HILL: If the member has got cabinet papers he has them improperly, and it would be interesting to know from where he got them. The admission that he made today was that the funding that had been allegedly allocated by the former government for this was in fact hidden in the Highways Fund. I am not surprised we did not find it, because it was under the Highways Fund. Unfortunately for the member for Waite and unfortunately for the former government, they were diverting funds from transport into the arts. It was done improperly and discovered, I believe, by the Auditor-General. That is the kind of standard that the honourable member is referring to. I assure every member of this house that there was nowhere visible in the budget papers—

Mr BRINDAL: I have a point of order as to relevance. This is a motion put forward by the member for Hammond.

The SPEAKER: That is a point of order. The minister needs to be relevant. I believe that he is being generally relevant but he needs to focus on the specifics of the motion.

The Hon. J.D. HILL: I was actually referring to the argument put by the member for Waite in his contribution—which I listened to in silence—because he made allegations about the funding. This motion is all about the funding: where was the funding. If I cannot talk about that issue, I do not know what I can talk about, because that is the most relevant fact. The point is that when we came to government we committed funding to fix up these theatres: not talk, not words, not 'we're gunna do it.' We are actually doing it. We are actually putting money into it.

I know that people in this theatre, people in Mount Gambier, are pleased that over $500 000 has been put aside to fix up some of the issues in this theatre. In fact, yesterday in question time I gave the house the information about what has already been done and what is being planned. We have already had new emergency communication systems between the front of house and backstage staff and provided new auditorium speakers. We have replaced theatre lights and provided better fire services for the theatre. We have also funded some extra equipment on an occupational health and safety basis.

I advise that the theatre will be closed between 20 May and 10 June for refurbishment, in particular, in relation to the repainting, recarpeting and the new seats. As I read the motion from the member for Hammond, he refers to the re-upholstering of seats; that is, in fact, exactly what is going on. There has been no diversion of the budget from that manner; this money is being spent in the appropriate way. The government takes advice from Country Arts SA. It is not some nameless arts bureaucrat in Adelaide.

Mr Venning: Mr Murdoch was the chair for years.

The Hon. J.D. HILL: Well, it was chaired by Nicola Downer for a long time. Country Arts South Australia works out the priorities because it owns and runs this theatre, and it makes determinations about how the funding should be spent, and we take its advice. Country Arts SA has worked out—I guess by talking to the local people—what the priorities are. And the money which has been applied is being managed by the organisation, I believe, in a very sensible way because it manages this theatre for this local community very well.

Mention was made of Don Dunstan. It was Don Dunstan's vision to put theatres of this scale and calibre into country areas, and the fact is that we have had this theatre here for 25 years as a result of that foresight. Now it is the new Labor government coming to office which is actually repairing this theatre. The Liberal Party was in office for eight years and did nothing about these issues. I totally reject this motion by the member for Hammond. It is based on a false premise that funding has not been allocated or appropriated in the usual way. I believe the facts are already before the house. There is no reason for a select committee to inquire into this. It would be a waste of resources of this place. The opposition members should actually do something positive rather than nitpicking, grandstanding and point-scoring. This is a government that is actually working to look after country people in the area of the arts—

Mr Hamilton-Smith: You can't buy arts.

The SPEAKER: Order, member for Waite!

The Hon. R.J. McEWEN (Mount Gambier): This theatre is the cultural heart of this community, and it obviously needs to have money spent on it regularly. I do not support the select committee. I do support, however, the spending of another $500 000 and the closing of this theatre for three weeks. I also support fact that IT installations will be left behind when we go back to Adelaide. I compliment the minister on continuing to invest in this fine theatre.

Mr WILLIAMS (MacKillop): I support the motion, because the Minister Assisting the Minister for Arts has just

proved why we need a select committee to get to the bottom of this. The member for Mount Gambier just stood up and said that he supports the spending of $500 000. Let us be absolutely clear—the $500 000 is for four theatres. It is not for this theatre. It will be spent on the four theatres, as mentioned by the member for Waite, at Port Augusta, Whyalla, Port Pirie and Mount Gambier. That is a substantial cut from the $7.2 million that was allocated. The Minister Assisting the Premier in the Arts stood up and said that he could not find the money in the budget when the Labor Party took over government in South Australia. Well, if he could not find it, then there is a claim made from this side of the chamber that the money was definitely there, and the member for Waite said that he can prove documentary evidence. What better way to find out who is telling the truth, because they both can not be telling the truth. We on this side are very happy to have a select committee of this parliament to find out who is telling the truth and getting to the bottom of it.

When the Labor government came to power—you will remember, Sir—they ran up and down North Terrace and they ran all over South Australia saying, 'We have cut $997 million from the budget, and that is what we are using to fund our programs.' For three years now we have been asking, 'Show us where you cut that money,' and they have refused. The Treasurer has refused to divulge to the parliament what programs he has cut. I would ask the member for West Torrens to prove that that is not true and to show us where that $987 million, which was inherited by this government, was cut from its budget, because I guarantee that $7.2 million of it was cut from the theatres we talked about and that a fair bit was from this theatre. It would have seen this theatre upgraded and brought up to a satisfactory standard three years ago.

Mr HANNA (Mitchell): The member for Hammond has every right to bring this motion to the house, but let me say that he has brought about 20 motions forward in the last couple of days and, as a courtesy, he has asked me and I have signed them because every motion brought to this place needs a seconder. But I become very concerned if the time we have to discuss the really vital issues of the state is frittered away on the decision about whether or not we should reupholster the seats in the theatre in Mount Gambier. It is a very nice theatre, and it is a very important part of the Mount Gambier community, but we do not need to spend half an hour of debate of parliamentary time to decide whether or not it needs new upholstery. It is a very important point I make.

I have motions here to deal with whether or not uranium waste storage and transport is being adequately managed in South Australia at this time. I have a motion about whether victims of crime are getting adequate statutory compensation at this time. I have a motion on whether priests should have an obligation to report child abuse at this time—and I would have thought Mr Lewis of all people was a champion of supporting those sorts of measures. But we are frittering away this time if we are to spend it on whether or not these seats should be reupholstered, and the members of the public who are here to witness it have seen this political banter back and forth, both sides blaming the other, and it is a bloody disgrace. If Mr Lewis is to take over non-government time, I can tell Mr Lewis—I can tell this group of MPs, and I can tell the public—

The SPEAKER: Order! The member for Mitchell should call him by his title: the member for Hammond.

Mr HANNA: I am referring to the member for Hammond, and I will not be seconding his motions any more.

The Hon. I.F. EVANS (Davenport): I will not hold the house long, given the member for Mitchell's comments, but I make this point to the member for Mitchell. The first paragraph of the member for Hammond's motion has nothing to do with the upholstery of the theatre. It talks about ministerial accountability to this parliament. We have a minister who says, 'Don't worry. I can tell you as minister the funding was not there.' Is the member for Mitchell really saying that we, as a parliament, should say that, if the minister says that the funding was there, we should believe him? Our job is to hold the minister to account. It would not be the first time that a minister has made a comment to this house that has not proven to be correct. If what the minister says is true—namely, that the funding was not there—it will take about three questions to the head of the arts department. Was the money there? If it was, where was it, how much, where, and which budget line?

It will take three questions and it will be solved: select committee issue solved; ministerial accountability solved; and the honesty and the truth of the matter is discovered by the parliament. On what basis do we sit there and say, 'Well, because the minister says the money was not there, we believe the minister'? The member for Hammond has a right to move a motion inquiring about ministerial accountability, and the shadow minister has indicated that we will support it. It is true that the upholstery issue is further down a lower order chain of events in the motion, but the key issue is ministerial honesty. The government says that the $7.2 million was not there. The opposition spokesman says that it was there. Let us get the arts bureaucrat in, ask three questions in front of a select committee, and the truth will be known.

The Hon. M.D. RANN (Premier): I am really pleased to—

Members interjecting:

The Hon. M.D. RANN: Is there order here?

The SPEAKER: Order! The Premier has the call.

The Hon. M.D. RANN: I think that a few things should be put on the record, that is, these fantastic theatres in the Riverland and the Robert Helpmann Theatre. I was here in 1984 when Sir Robert Helpmann was here for the ceremony with John Bannon, Don Dunstan and a full house. I think people are quite aware of who was responsible for establishing regional theatres in South Australia, and it was not the Liberal Party: the Labor Party was responsible for establishing regional theatres in this state.

The Hon. Dean Brown interjecting:

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

The Hon. M.D. RANN: Citizens of this state should also know that members of parliament are paid for sitting on select committees. This is an absolute trivialisation of what has happened—8½ years of talk and no substance, and nothing could represent it more than the shadow minister for the arts.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I want to immediately set the record straight by pointing out that it was the Tonkin government that voted for the money—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier is out of order.

The Hon. DEAN BROWN: It was the Tonkin government which went to the Riverland to announce the establishment of the Riverland theatre and which provided the money for it. I was there on the day. We should not try to rewrite the state's history in relation to this issue. I applaud the idea—and Don Dunstan certainly had the idea—but I understand that it was the Tonkin government that put in two of the theatres. But, I support all major regional centres getting a theatre like this one. I think it is a fantastic cultural centre for the community, and I believe it should be maintained to a high standard.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. DEAN BROWN: I would also like to see similar theatres established in other regional centres. My own area of Victor Harbor, which covers 25 000 to 30 000 people—

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens will be warned in a minute.

The Hon. DEAN BROWN: We have a community hall that is very outdated indeed. I would like to see money provided in the same way, so that the dream which started in the 1970s—and I acknowledge that it was under Don Dunstan—which was continued by David Tonkin and which was further developed, with some money from both the state and federal governments, in Port Lincoln, under the Liberal government, can be realised. I would like to see that continued so that other regional centres can also end up with the same benefit. The Mount Gambier people are fortunate in having a facility like this, and I would like to make sure that it is properly maintained.

Mr BRINDAL: I rise on a point of order, Mr Speaker. There was a clear imputation in the Premier's speech that some of us might be swayed in our vote by being paid $12 for a session. I object to that, and I ask him—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I think the figure is the amazing amount of $15 a day.

Mr SCALZI (Hartley): I will be very brief in my comments. After all the discussion, this is not just about the upholstery of the seats in this theatre: it is about whether the government was covering its seats with the expenditure. I support the motion.

The SPEAKER: I want to correct the figure: it is $12.50. I doubt whether many members in this place would be swayed by that amount.

The Hon. I.P. LEWIS (Hammond): I thank all honourable members who have shown some interest in this subject and concern for the way in which government determines its priorities. It is not just executive government: it is the bureaucrats as well, and the contribution they have made, however limited or accurate or inaccurate it may have been, to the debate. The proposition really is not so much just about the tatty seats in the theatre that ought to have been fixed long ago: it is about that process. If members of parliament do not take this opportunity to clean up this practice, without it being seen to be ultimately something intended to embarrass the government—and it is not—if it embarrasses the government—

Mr Koutsantonis interjecting:

The Hon. I.P. LEWIS: I thank the honourable member for his interjection, because what he is admitting is that they have something to cover up.

Mr Koutsantonis: I am saying that you intended to embarrass the government. If there is something to embarrass the executive government, then be it on its head. I have no reason to try to hide it. However, if it is a discretionary determination being made at the highest level in arts administration, that is a different matter. That is as bad as the 'stashed cash affair'. It is about time public servants did what parliament directs and not what they choose. Support the proposition and it will be $6.25, because we will be able to sit and get the truth of the matter out before lunch time on Friday.

The house divided on the motion:

AYES (18)

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

NOES (22)

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

PAIR(S)

Gunn, G. M.	Rann, M. D.
Brokenshire, R. L.	Foley, K. O.
Buckby, M. R.	White, P. L.

Majority of 4 for the noes.

Motion thus negatived.

McGEE, Mr E.

The Hon. I.P. LEWIS (Hammond): I move:

That this house establish a select committee to discover and determine the extent of the network of intrigue of the convicted road traffic offender and solicitor—

and I could use other less complimentary terms to describe the same—

The SPEAKER: Order! Can the members for Mount Gambier, Unley, Davenport, Enfield, Reynell and West Torrens, and several ministers, including the Minister for Education and Children's Services, please take their seats or leave the chamber.

The Hon. I.P. LEWIS: I continue:

—Mr Eugene McGee, with a view to discover the possible extent of the influence he, his associates and supporters had in procuring a perversion of procedures of the investigation and prosecution of offences they have or may have been involved in, such as paedophilia and fraud, as well as any other actions which are criminal in any form, including those designed to pervert the course of justice, in order to determine if those organised criminal activities should be the subject of a royal commission.

I gave notice of that proposition before the Premier gave a commitment and stated that he would establish a royal commission. He said that he was thinking about it on Sunday, and I sent out a news release entitled 'McGee worries Mike Rann. Considering a royal commission? Just do it.'

The problem is, it is too ruddy narrow. This fellow McGee is part of an organised criminal network. It is an outstanding illustration of the interconnected organised criminal activities and corrupt practices that have been going on in this state for too long. The royal commission must go wider and must cover more of McGee's activities and connections than just a narrow inquiry into the prosecution of his traffic offences. That is bad enough, God knows, but God knows more than that and the public ought to know it too.

McGee, the fellow who is the solicitor, was involved with Peter Liddy, the paedophile, and with Terry Stephens, another paedophile and violent bank robber, a con man and a fraudster. And he has connections. There is van Kryssen, the complicit solicitor/valuer, who was given the job of valuing the assets of Liddy and ignored those assets of the collectable memorabilia that Liddy owned in providing a court with an assessment of the value of those assets: van Kryssen, the complicit solicitor, the valuer, was involved with the guns that I never saw and never knew existed—I was not told about them until I heard about them in the media. And there is the legal system we have in this state and its terrible treatment of the case for the victims of Peter Liddy where there was a conspiracy between the people I have named and others to simply squirrel away unlawfully any access they might have to those assets as compensation for them as his victims: there was no capacity in the civil action to get at them.

McGee seems pretty well connected, does he not, Mr Speaker? It is not just the people I have mentioned but a few others. How else did he procure the outcome he did from the trial he has just been through? One wonders. Surely the system is not that bad that it would spontaneously deliver such a miscarriage of justice?

I stumbled across this mess quite by accident in consequence of a conversation that I had on Christmas Day 2001 with one of my nephews and his wife, and I quickly wished the hell that I had not, in spite of my desire to extricate myself from the situation in which I found myself late in January, when a message I was supposed to get was not passed onto me. I only met the sod on 30 December, and I sought to discover something of his credibility. The message that was sent to me did not get to me that day, and the man who gave it to me disappeared on his holidays believing that he had helped me understand. When the man got back from his holidays three weeks later, I suddenly realised, already a week and more into an election campaign, that the fellow I had been speaking to was an out-and-out rotter: he did not even deserve a place in the baboon cage. They at least respect the way the family's pecking order is determined in the kind of lewd acts that they get up to. But Liddy does not, and neither does Stephens. Yet this fellow McGee is involved in the thick of it.

An honourable member: And your evidence?

The Hon. I.P. LEWIS: There is some evidence that he has been involved in peddling child pornography, among other things.

Members interjecting:

The Hon. I.P. LEWIS: In spite of my desire to get out of it, to get away from it, there were MPs who wanted to corral me into the mess and put me right in the cesspool with those others who were involved in such criminal activities in corrupt administration and grand conspiracy. In May 2002, I told the current government that it needed a royal commission to avoid getting itself tainted in the same stinking mess and muddled administration in various interconnected aspects of the law such as the previous Labor and Liberal governments innocently or ignorantly, naively or otherwise, got themselves involved in. I knew then, shortly after becoming Speaker, that it was going to be my melancholy duty to deal with the mess, so deal with it I have to the best of my ability with the very limited resources at my disposal, which required me to use those services of people who were sincere in their desire to address the problem.

The Hon. M.J. Atkinson: Very limited judgment!

The Hon. I.P. LEWIS: Well, I didn't get much help from you. It then became apparent that I would be doing it alone. I now realise that the government was wanting to hide something itself. It wanted to dodge the issue and it did so in a piecemeal approach through the Layton inquiry, then tougher sentences and then it knew it still had a problem—

The Hon. M.J. Atkinson interjecting:

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

The Hon. I.P. LEWIS: —with tougher legislation for paedophiles. It still knew it had a problem and it had not addressed it: it was dancing all around it with the Mullighan inquiry. To his credit, the minister at the table, apart from the Attorney-General, did his bit in that. Then he screwed up over the staff he appointed to it, because he put that fellow Miller in there who was already involved in this mess that I am referring to, along with people like McGee.

The Hon. M.J. Atkinson: You got the name wrong.

The Hon. I.P. LEWIS: Whoever it was.

An honourable member interjecting:

The Hon. I.P. LEWIS: Morris, yes. Poor sod, thought he would get away with it and be able to do some injury in the process of administration there. He ought never to have allowed his name to go forward. He had a conflict of interest a mile wide. Anyway, the courts have had a part in this as well as the police and the office of the DPP. Too often the investigation and the determination of what evidence to consider has been far too low, to the extent that criminal behaviour goes free and runs rife over considerations of the public interest. The minister knows that is the truth. The government has been dancing all around the issue, pretending to address it but deliberately avoiding the hot, stinking core of the abscess. It needs to be lanced. You want to get a plaster on it and get it out. Jay, you need to do it, mate. Just get on with it. Have a royal commission and it will clear your name and that of everyone else on the front bench who is honourable.

The Hon. J.W. Weatherill: Before you destroy any more lives.

The Hon. I.P. LEWIS: The government has sacrificed me and tried to make me the villain. Well, I am not. I have done my duty without fear or favour all the way, in spite of the pain I have had to suffer. The minister is sadly mistaken if he thinks I am going to be brow beaten by that kind of verballing, which is the word the Minister for the Environment used. The Premier has said that he was thinking about a royal commission. He needs the terms of reference to be widened so that we can cover all the stuff that Eugene McGee has been involved in and the other people who have been involved with him. It has to have wide enough terms of reference to cover the trickery, the treachery, the smart alec side stepping and the legal slick willy wandering that has

been going on amongst members of the front bench and those in the Labor Party's pack of political terrorists who pull on their balaclavas whenever they say it is a seedier government figure, but they want to remain nameless.

Now Media Mike knows he must do it and must make the terms of reference wide enough to catch the real villains instead of wasting money on a very narrow preoccupation with just the traffic offences. I commend the proposition to honourable members.

Mr BRINDAL (Unley): I have no doubt at all of the sincerity of the member for Hammond in putting this proposition before the house, but I remind the house and the people of South Australia who read *Hansard* of the witch-hunt we have witnessed in this state, the terrible injustices done in this state in the past few months. This house is not fitted to do the job the member for Hammond asks us to do and, while I believe the sincerity of the member for Hammond, it is not right that this house turn itself into a forum for some McCarthy sort of witch-hunt where people cast half truths and aspersions on people who—

The Hon. M.J. Atkinson: Complete lies.

Mr BRINDAL: I am not prepared to say that. If the member for Hammond has proof and believes there are competent authorities—

The Hon. M.J. Atkinson: He didn't offer a shred of evidence.

Mr BRINDAL: I should not answer interjections, but I would have been embarrassed had he done so, because then I would have felt compelled to make some sort of decision and it is not my right, my duty or my responsibility as a member. I have not been elected to pursue legal matters as a lawyer must pursue them, nor to try people either in the court of public opinion or in any other court. I would therefore suggest that this parliament discharge this matter. I believe we could do so by simply concurring to change the motion to read that this house refer to the executive government the member for Hammond's proposition and leave in all the other words so that the house may vote on the matter, discharge it and refer it to the—

The Hon. I.P. Lewis: I will accept that proposition.

Mr BRINDAL: —executive government, who are the right and proper people to consider it.

The Hon. I.P. Lewis: I would be happy with that amendment.

Mr BRINDAL: The member for Hammond acquiesces. So, with the Attorney's approval—

The Hon. M.J. Atkinson: We'll just discharge it.

Mr BRINDAL: I do not want to delay the house for long, but I offer to the house a solution because, while we can just discharge it, if there has been any truth at all in the member for Hammond's allegations, executive government—

The Hon. M.J. Atkinson: He just made it up as he went along.

Mr BRINDAL: I am sorry, but I am not prepared to just dismiss someone because the Attorney says so. I remind the Attorney that today or recently—

The Hon. I.P. Lewis interjecting:

The SPEAKER: Order, the member for Hammond!

Mr BRINDAL: I remind the Attorney, with due deference to the Attorney, that he appears to have made wrong statements in connection with assertions made by Channel 7 in the past. So, just because he assures this house that there is nothing in it, I am prepared to take his word—

The Hon. M.J. Atkinson: We all listened to it.

Mr BRINDAL: Yes, but the Attorney's officers have not listened to it. The Attorney has not shown this to any other competent authority. If a member comes in here, however misguided some of us might think he is, and says something he believes to be true, we owe it to the people of South Australia at least to give it to the executive government to have it referred to competent authority. We should not just vote it down as if he never said the words: they will stand for ever in the record of this house.

We can vote it down, and if any of it is proved true—if any one skerrick of what the member for Hammond says proves true—how does any one of us face the decent people of South Australia and say we thought the member for Hammond was having a flight of fancy? He could be right. That is why I believe the executive government should look at the matter and, whatever it believes to be competent, as lawful authority, that should be the end of it.

The SPEAKER: If the member wishes to move an amendment he must do so in the normal way.

There being a disturbance in the gallery:

The SPEAKER: Order! The gallery must not clap. The member for Unley was objecting to clapping from the gallery the other day. There is no clapping to be conducted in the gallery.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I rise to speak because of the nature of the contribution made by the member for Hammond concerning this state government's credentials in matters of child protection and also, in particular, in relation to its commitment to ridding the state of one of the great stains on its capacity to hold its head high, the scourge of child abuse in our community. I want to remind members of this house and members of the public listening to this debate that, within three weeks of coming to office, this government commissioned the largest and most thoroughgoing review into child protection that has ever been undertaken in the state's history, the Layton review. That review sought to hear from and did take evidence from any interested person across the length and breadth of this state about what measures were regarded as appropriate to fix our system of child protection.

The SPEAKER: Order! Just to clarify matters, because of standing orders, is the member for Unley indicating that he is moving an amendment? If he does not move it now, he loses the option.

Mr BRINDAL: I apologise to the minister. I said in my speech that I am just writing it out.

The SPEAKER: As long as the member is indicating that he is drafting it.

Mr BRINDAL: Yes, I am.

The SPEAKER: The honourable member has to move the amendment: he cannot have a second bite at the cherry.

Mr BRINDAL: With the minister's indulgence, I move:

That the words 'establish a select committee' be deleted and the words 'refer to the Executive Government the member for Hammond's proposition' be substituted therefor, and that all other words remain.

The Hon. J.W. WEATHERILL: That inquiry took 12 months to deliberate, but we did not wait until the inquiry had finished its deliberations to act.

The Hon. I.P. LEWIS: On a point of order, the remarks that the minister seeks to make are not about the proposition I have here.

The Hon. J.W. WEATHERILL: They are directly related.

The Hon. I.P. Lewis: They are not. They are a justification—

The SPEAKER: Order! The member for Hammond must not debate a point of order. The minister must speak to the motion.

The Hon. J.W. WEATHERILL: I do, sir, and it directly relates to the motion and the remarks that were made by the member for Hammond in the course of his contribution. If those remarks were relevant, so are these. The essence of the member for Hammond's contribution and his motion is this: that there is a mega-conspiracy that goes to the very heart of the judicial system in this state. That is his proposition, and notwithstanding all of the measures of that have been put in place by this state government, all of which I will explain to the house—

Ms CHAPMAN: My point of order is relevance on the basis that the Layton inquiry and action by the government in relation to child abuse is nothing to do with this motion. This motion is very specific. It seeks the house's approval to have a select committee about a Mr Eugene McGee and has nothing to do with the minister's—

The SPEAKER: Order! The minister can touch on that as part of this case, but it should not be the main focus.

The Hon. J.W. WEATHERILL: To explain the point to those opposite, if they will allow me to develop the argument, it is this: we heard the calls by the member for Hammond for a broad-reaching inquiry into the judicial system in relation to this state at the time that we put in place the Layton inquiry. Indeed, he said at the time that the Layton inquiry was not a sufficient response. Those in the media who also seek to run this idea have created quite a lot of mileage and getting quite a lot of viewers on the back of this idea that there is some mega conspiracy that exists at every level of the judiciary, the Houses of Parliament and in the police force, seeking to denigrate with wild allegations every one of those levels of our community, were never happy with the limited inquiries that sought to make constructive contributions to make changes to our systems to ensure that they were operating the best way they could.

So, we had the Layton inquiry; we commissioned that first. We changed the laws which prevented those prior 1982 escaping prosecution for sexual offences. We set up the paedophile task force within the Police Force. We applied an extra $210 million into the child protection systems which supported additional accountability exercises. We then turned our attention to the Mullighan inquiry, and to those adult survivors of child sexual abuse who also sought another forum. We did take our time about it. We did take our time to design a particular inquiry that would allow those people to come forward and participate in a healing process, tell their stories and make sure that we got to the truth of the matter.

The Hon. I.P. Lewis interjecting:

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

The Hon. J.W. WEATHERILL: We were not prepared to tumble for a royal commission where a circus would have been created, where allegation after allegation would be trotted out under the protection of privilege, and decent South Australians would have their lives and careers ruined forever. We were not prepared to cooperate in that. The Mullighan inquiry is up and running. It has credibility, and 500 people have been to see the Mullighan inquiry, and they believe in the process that we have been setting up. We have elements in the community—supported and sponsored by the member for Hammond—who are prepared to tear down and seek to denigrate this inquiry.

We have a small indication of what would have happened had we acceded to the member for Hammond's request for an open royal commission where all of these matters would have tumbled out in public. He was never prepared to accept the regime that this parliament put in place for a system of orderly and sensible hearing of these people's stories to ensure that we got to the truth of the matter. Instead, he wanted a circus where decent people would have their names dragged through the mud and ruined forever simply on the say so of the most scandalous and outrageous rumour. We were never prepared to cooperate in that. We will stand for the rights of citizens to have their civil liberties protected in a decent fashion. That is why we set up the inquiry in the way that we did. We are not going to accede to a circus, and that is the essence of this resolution.

The SPEAKER: The house will deal with the amendment moved by the member for Unley which deletes 'establish a select committee' and the words, 'refer to the executive government, the member for Hammond's proposition,' and with all other words remaining.

The house divided on the amendment:

AYES (19)

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

NOES (21)

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

PAIR(S)

Buckby, M. R.	Rann, M. D.
Gunn, G. M.	Foley, K. O.
Brokenshire, R. L.	White, P. L.

Majority of 2 for the noes.

Amendment thus negatived.

Mrs REDMOND: Mr Speaker, I want to move a further amendment.

The SPEAKER: The member cannot, because debate has been concluded. The question relating to the amendment concludes the debate, and the rule is that the motion must be put immediately.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. We have had a motion and one amendment moved, and that amendment was defeated. There is nothing preventing a member then moving a subsequent amendment, which is exactly what the member is attempting to do, otherwise

there would be no capability for this parliament to consider more than one amendment on any one motion.

The SPEAKER: The provisions are that all amendments are put before the debate is concluded.

The Hon. I.P. LEWIS (Hammond): I move:

That standing orders be so far suspended as would enable the debate of the matter before the chamber to be adjourned.

The house divided on the motion:

AYES (18)

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

NOES (22)

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

PAIR(S)

Buckby, M. R.	Foley, K. O.
Gunn, G. M.	Rann, M. D.
Brokenshire, R. L.	White, P. L.

Majority of 4 for the noes.

Motion thus negatived.

The SPEAKER: The question is that the member for Hammond's motion be agreed to.

The house divided on the motion:

AYES (18)

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

NOES (22)

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

PAIR(S)

Buckby, M. R.	Rann, M. D.

PAIR(S) (cont.)

Gunn, G. M.	Foley, K. O.
Brokenshire, R. L.	White, P. L.

Majority of 4 for the noes.

Motion thus negatived.

SITTINGS AND BUSINESS

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the sitting of the house be continued beyond 7 p.m.

Motion carried.

VICTIMS OF CRIME (LEGAL COSTS AND DISBURSEMENTS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Victims of Crime Act 2001. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill amends the Victims of Crime Act 2001 on the topic of legal disbursements. These are the expenses incurred in making a claim for compensation. They include medical report costs.

First, the bill proposes to add to the act a schedule setting out the rules about disbursements that can be claimed from the fund if the victim succeeds in the claim. At the moment, the rules about disbursements are found in the Victims of Crime (Compensation) Regulations 2004. These have proved controversial. Various earlier forms of the regulations have been disallowed. The repeated disallowance of regulations disrupts the management of these cases both for victims and for the Crown. Without regulations, victims do not know what documents they must submit to the Crown and what costs they can claim from the fund. The government wants to put a stop to this disruption by setting out the disbursement rules in the act.

Two things can happen in a victim's claim. The claim may be settled by agreement of parties without the need for any application to the court, or it may be that the parties do not agree and an application to the court is required. In the latter case, of course, the court can decide what disbursements the victim can recover from the fund. In the former case, however, as there has been no application to the court, the court is not seized of the matter and cannot rule on disbursements. Regulations under the predecessor act, the Criminal Injuries Compensation Act, provided differently for these two situations. These regulations said that, if the matter settles without an application to the court, then the victim is entitled to recover reasonable disbursements as certified by the Crown Solicitor. If there were an application to the court, then the victim was entitled to reasonable disbursements as certified by the court (although, of course, the parties were often able to agree about what these should be). That same rule has always been the basis of the regulations made under this act. It is hard to see what other approach there could be.

The regulations under this act, however, sought also to make some specific rules about what expenses could be claimed from the fund. These were designed to avoid needless expense. They included a rule that, in general, the fund would not pay for a copy of a voluminous hospital record but only for a report or summary of the record (for

example, the discharge summary or a letter from the hospital registrar).

Another was the rule that in general the fund would not pay for a report on the victim's injuries from a person without medical qualifications. A third was the rule that the fund would not generally pay for a specialist report incurred during the three-month period for negotiation referred to in section 18(5) of the act but would pay for a general practitioner's report. A fourth was the rule that the fund would not normally pay for reports for more than one expert in the same specialty.

All these rules were capable of waiver by consent of the parties. They were meant to avoid unnecessary expense to the fund without detracting from the victim's ability to present his or her case for compensation. The government has always thought that its rules about disbursements were entirely reasonable. Just the same, it has made various changes to the rules to try to accommodate the concerns expressed by a few legal practitioners and some members. For example, it included in the present regulations a list of matters that the Crown Solicitor must consider if asked to approve the funds paying for an allied health report. This was to make the process more transparent. The bill would carry over these rules into the act, but with two important changes. I seek leave to have the more detailed explanation of the bill and its clauses inserted in *Hansard* without my reading it.

Leave granted.

First, the Government has been persuaded that, even in the three month period for negotiation, the victim should be permitted to obtain, at Fund expense, a report from a psychiatrist, where it is reasonable to do so. Most of the claims on the Fund include a claim for a mental injury. The Bill enables a victim who alleges a mental injury to obtain a report from a psychiatrist from the outset of the case, knowing that, as long as the claim succeeds and the report charge was reasonably incurred, the Fund will pay.

Second, the Bill proposes to provide an avenue of review for decisions by the Crown Solicitor in cases where there is no application to the court. The Victims of Crime Co-ordinator is, under section 16, an officer appointed by the Governor to advise the Attorney-General on marshalling available government resources so they can be applied for the benefit of victims of crime in the most efficient and effective way. He also carries out other functions related to the objects of this Act as assigned by the Attorney-General. This office is presently held by Mr Michael O'Connell, a former police officer who holds the Australian Police Medal for his work for victims of crime. He was appointed under the former Liberal Government and so, I presume, enjoys the respect and confidence of Members opposite just as he does of the present Government. The Bill proposes that the Co-ordinator would, at the victim's request, review the Crown's decision about a disbursement. This would apply in cases where the claim is settled without an application to the court. The Co-ordinator would have no role in a case where there is an application to the court.

The Bill would not permit judicial review of a decision of the Victims of Crime Co-ordinator about a disbursement. The general rule that if the case settles without an application to the court, the disbursements are as certified by the Crown, was never controversial under the former Act. This is a modification of that rule to give the victim further recourse where the Crown and the victim cannot agree. It is not meant to set off a process of litigation over a disbursement.

The Bill proposes to carry over from the present Regulations the general rules about disbursements. The Fund would pay for a report from an allied health practitioner only if, in the case that settles without an application to the court, the Crown or the Victims of Crime Co-ordinator so agrees, and, in the case of an application to the court, the court is satisfied that a doctor or dentist could not have provided the necessary evidence. A good example of such a case is where a neuropsychological opinion is required about cognitive deficits caused by a head injury. The Bill proposes a list of factors to be considered by the Crown Solicitor in deciding whether the Fund should pay for an allied health report. It is quite similar to the list in the present Regulations.

Also, as now, the Fund would not usually pay for lengthy hospital records to be obtained, where a letter from the registrar or a discharge summary would do the job. It would not normally pay for reports from different experts in the same specialty. That only encourages shopping for a more favourable opinion. The victim is entitled to do that, but not at Fund expense. Further, the Fund would not normally pay for a report from a specialist, other than a psychiatrist, obtained before the end of the period for negotiation. Again, the parties can otherwise agree. As in the present regulations, it is necessary to seek the Crown's agreement before, rather than after, incurring the expense. No doubt victims will wish to do that in any case, to avoid the risk of having to pay the fee from their own pockets.

Some people seem to think that a victim should have a legal right to obtain a report from an allied health practitioner, and, in particular, a psychologist, at Fund expense. The Government still does not agree with that. The Government believes that, because these are claims about injuries, a medical practitioner will almost always be qualified to give an opinion. For the special case where the evidence needed is beyond the expertise of a medical practitioner, provision is made. Otherwise, if a victim insists on having a report from an allied health practitioner rather than a medical practitioner, just as a matter of preference, that is up to the victim, but the Fund should not have to pay for it.

The Bill deals only with disbursements. The scale of costs payable to legal practitioners who represent victims will continue to be fixed by regulation. That enables the scale to be readily adjusted from time to time. Likewise, the regulations would continue to prescribe the information and documents that must be submitted in support of a claim for compensation. These do not appear to be controversial. If this Bill passes, it will be necessary to vary the present regulations so that matters dealt with in the Act are removed from the regulations. The Government hopes that that will remove the contentious matters from the regulations, so that they will not be again disallowed.

In this Bill, the Government makes compromises in a good faith attempt to resolve this matter.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Victims of Crime Act 2001*

4—Amendment of section 25—Legal costs and disbursements

It is proposed to insert a new subsection that will provide that Schedule 2 applies to the determination and recovery of disbursements in proceedings under the Act.

5—Substitution of Schedule 2

Current Schedule 2 is obsolete and it is proposed to repeal that Schedule and substitute a new Schedule that will make provision for the recovery of disbursements in claims for statutory compensation under the Act.

Schedule 2—Disbursements

Clause 1 of the Schedule contains definitions of words and phrases for the purposes of the Schedule.

Clause 2 makes provision for the recovery of disbursements if an application for statutory compensation is made to the court. Subject to the listed exceptions, if an application for statutory compensation is made to the court, the claimant may recover disbursements certified by the court to have been reasonably incurred in connection with the application. The cost of obtaining a report of the kind listed in the exceptions may only be recovered if the Crown Solicitor gave prior approval, or the court is satisfied that the report was necessary for the proper determination of the matter.

Clause 3 makes provision for the recovery of disbursements if a claim for statutory compensation is agreed without an application being made to the court. In that situation, subject to the listed exceptions, the claimant may recover disbursements certified by the Crown Solicitor to have been reasonably incurred in connection with the application. The cost of obtaining a report of the kind listed in the exceptions may only be recovered if the Crown Solicitor gave prior approval.

However, a claimant who is aggrieved by a determination of the Crown Solicitor concerning the recovery of

a disbursement, may apply to the Victims of Crime Co-ordinator for a review of that determination and the Victims of Crime Co-ordinator may confirm or vary the Crown Solicitor's determination. The determination of the Victims of Crime Co-ordinator is not subject to further review or appeal in any court.

Ms CHAPMAN secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (SERIOUS VEHICLE AND VESSEL OFFENCES) ACT AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935; and to make related amendments to the Road Traffic Act 1961. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill deals with a matter of great concern to the government and the public. The recent outcry about available penalties in prominent road accident cases, and one in particular, has highlighted the need for changes to the laws dealing with causing death by dangerous driving and leaving the scene of an accident. The government finds it abhorrent that a person could kill or seriously injure another in an accident and then drive off without stopping to provide assistance and pay so little by way of a penalty. The law must reflect the serious nature of such action and ensure penalties are sufficient. We must deter people who think about shirking their responsibilities.

The bill amends the Criminal Law Consolidation Act 1935 and the Road Traffic Act 1961. It creates a new offence of leaving an accident scene after causing death or physical harm by careless use of a vehicle or vessel, restructures the offence of causing death by dangerous driving and increases the penalties for failing to stop and give assistance to persons injured in motor vehicle accidents.

The bill redefines the terms 'motor vehicle' and 'vehicle' and extends the offences in part 3, division 6 of the Criminal Law Consolidation Act 1935 to accidents involving vessels and motor vessels such as jet skis. I seek leave to have the more detailed explanation of the bill and its clauses inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Is leave granted?

The Hon. I.P. Lewis: No.

The DEPUTY SPEAKER: Leave is not granted. The Attorney-General.

The Hon. M.J. ATKINSON: My remarks will be first under the heading 'Amendments to the Criminal Law Consolidation Act 1935' and subheading 'Cause death or injury by dangerous driving.' Section 19A of the Criminal Law Consolidation Act 1935 makes it an offence—

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: If I can just explain to the member for Davenport, it is customary in parliament for all ministers to be given leave to insert the entire speech in *Hansard* without their reading it. I am the only minister, I think, who actually reads a summary of the speech to advise the house of what the bill is about. I have read that summary of the speech and now the member for Hammond, in order to waste time, is asking me to read out a great deal of technical detail about the bill. Since I am required to do so, I shall go ahead and do so. What it means, however, is that this sitting in Mount Gambier will deal with far less business than it otherwise would have.

Section 19A of the Criminal Law Consolidation Act 1935 makes it an offence to cause death or injury to a person as a result of driving a vehicle in a culpably negligent manner, recklessly or at speed, or in a manner dangerous to the public. The maximum penalties for a first offence range from imprisonment for a term not exceeding 10 years where death or grievous bodily harm is caused, to four years where non-grievous injury is caused. The offence attracts a higher penalty for second or subsequent offences. Where a vehicle other than a motor vehicle is used and injury is caused, the maximum penalty is two years imprisonment.

The Hon. I.P. Lewis interjecting:

The Hon. M.J. ATKINSON: For the information of the member for Hammond, that is if you cause injury when you are driving a bicycle. The amendment restructures the offence in section 19A so that there is a basic offence and an aggravated offence. It adopts the same structure and terminology as is used in the Statutes Amendment and Repeal (Aggravated Offences) Bill currently before parliament. References in section 19A to 'grievous bodily injury' and 'injury' will be replaced with 'serious harm' and 'harm' by that bill. An aggravated offence is an offence committed in any of these circumstances:

- the offender was attempting to escape pursuit by police;
- the offender was disqualified by a court from holding or obtaining a licence;
- the offender committed the offence as part of a prolonged, persistent and deliberate course of very bad driving or vessel operation;
- the offender committed the offence with a blood alcohol content of 0.15 grams or more in 100 millilitres of blood; or
- the offender was driving in contravention of section 45A of the Road Traffic Act 1961.

That is the new section contained in the Road Traffic (Excessive Speed) Bill 2005 to deal with high range excessive speed, or section 47 of the Road Traffic Act 1961, driving under the influence of drugs or alcohol so as to be incapable of exercising effective control, or operating a vessel in similar circumstances in contravention of section 70(1) of the Harbors and Navigation Act 1993.

The Hon. I.P. Lewis: So, it is a lesser penalty for vessels than it is for cars? That is the effect of what you are saying.

The Hon. M.J. ATKINSON: No; it is the same. As members of the gallery know, the member for Hammond is now reading the exact speech that I am reading out. He has been provided with a copy. The penalties for a first or second basic offence are the same as in the current section, but there will be higher penalty for a further or subsequent offence, being a maximum penalty of imprisonment for 20 years and disqualification from holding a driver's licence for 10 years, or such longer period as the court orders.

The maximum penalty for the first aggravated offence will be set at the same level as for a second basic offence. The maximum penalty for a second aggravated offence will be the same as for a the third basic offence, that is, imprisonment for 20 years and disqualification from holding a driver's licence for 10 years, or such longer period as the court orders. The maximum penalty for a third aggravated offence will be the same as for a third basic offence.

This section will be amended to cover death caused by a vehicle or vessel. Such a scenario is not currently within the scope of the section—if the member for Hammond is paying attention—as section 19A(1) is limited to cases where the driving of a motor vehicle causes a death.

The Hon. I.P. Lewis: Why are you excluding boats?

The Hon. M.J. ATKINSON: We are not; we are including them. I wish he would read. The penalty for the new offence where death was caused but a motor vehicle or a motor vessel is not used in the commission of the offence will be imprisonment for seven years.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.J. ATKINSON: It would be good if, out of respect to the house, the member for Unley would not read a novel. The revised penalties will also apply where serious harm is caused to a victim. This is what happens now in that the maximum penalties for causing grievous bodily injury in section 19A(3) are the same as for causing death in section 19A(1). The maximum penalties where serious harm has not been caused reflect the increases contained in the Aggravated Offences Bill.

The maximum penalty for a first basic offence will be imprisonment for five years and disqualification from holding a driver's licence for one year, or such longer period as the court orders. The maximum penalty for a subsequent basic offence will be imprisonment for seven years and disqualification from holding a driver's licence for three years, or such longer period as the court orders. The maximum penalty for the aggravated offence will be the same as for a second basic offence. The maximum penalty where harm was caused but a motor vehicle or motor vessel was not used in the commission of the offence will be imprisonment for five years. This reflects the increase from two to five years contained in the Aggravated Offences Bill, and I hope that answers the member for Hammond's question.

The Hon. I.P. Lewis: The interesting bit is coming up.

The DEPUTY SPEAKER: Order, the member for Hammond will cease interjecting!

The Hon. M.J. ATKINSON: Under the heading, 'New offence of leaving an accident scene after causing death or serious injury by careless driving', the bill also creates a new offence of leaving an accident scene after causing death or physical harm by careless driving or vessel operation. The provision is squarely aimed at drivers or operators who cause an accident resulting in death or physical injury, but do not stop and provide all possible assistance to the victim. This is not to say that people must stop and perform first aid when they are not qualified to do so, but rather that they must take steps to assist a dead or injured person directly, or by obtaining expert help, for example, by calling police or an ambulance or emergency services. Such an action could save a life, minimise the extent of the injury and improve the chances of recovery.

A failure to observe these basic steps is reprehensible. The applicable maximum penalty must reinforce the view that failure to fulfil this duty is a serious breach of the law. The maximum penalty for a first offence where death or serious harm results will be imprisonment for ten years, and disqualification from holding a driver's licence for five years or such longer period as the court orders. The maximum penalty for a second or subsequent offence will be imprisonment for 15 years and disqualification from holding a driver's licence for ten years or such longer period as the court orders.

Mr Scalzi: Is this part of the Premier's Reading Challenge?

The Hon. M.J. ATKINSON: For the information of the member for Hartley, I am not reading this speech because I like the sound of my own voice, or I want to detain the house, I am reading this speech because the member for Hammond would not give me leave to insert it in *Hansard* in the normal way.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr Scalzi: I apologise. The Attorney reads well.

The Hon. M.J. ATKINSON: I thank the member for Hartley for his apology. The penalties in the new section generally reflect those applicable to the basic offences of causing death or serious harm by dangerous driving under section 19A, although the penalty provisions for those offences also differentiate between second and subsequent offences. New section 19AB contains two defences. The first defence is based on the defence already contained in section 43 of the Road Traffic Act 1961. It deals with the situation where the defendant is unaware that the accident occurred, and the lack of awareness was reasonable.

The second defence deals with the duty to stop. It deals with those few situations where the driver genuinely believes on reasonable grounds that to stop would endanger the physical safety of the driver or another person. The defence is not a means by which drivers can flee the scene because they are scared of the consequences of their actions, or because they do not want to face up to the accident scene or the injured person. It is intended for those few cases where a person would genuinely be at risk if they stopped. For example, a group of pedestrians is walking on a roadway abusing and threatening drivers, and one of the pedestrians is hit by a car. If the driver genuinely believes that his or her personal safety or the safety of a passenger is at risk because of threats from the acquaintances of the injured person, and that belief is reasonable, the driver may leave the scene of the accident. The defence does not excuse the driver from all responsibility, and does not mean that the driver can continue to drive to his or her original destination as if nothing had happened.

The driver must, at the earliest opportunity, notify the police, ambulance or an appropriate emergency services of the accident. The bill amends the alternative verdict provisions of section 19B so that, if the jury is not satisfied that the accused is guilty of an offence against section 19AB, it may find that the accused is guilty of a lesser offence under the Road Traffic Act 1961 or the Harbors and Navigation Act 1993, with which the person has been charged.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: I thank the member for Unley for his support on that point. My next remarks will be under the heading, 'Disqualification of licence'. Where a vehicle or vessel is involved in the commission of offences of manslaughter or reckless endangerment, the bill also amends sections 13 and 29 of the Criminal Law Consolidation Act 1935 to provide a mandatory period of licence disqualification, where a motor vehicle is used in the commission of the offence. A court already has power to order licence disqualification for these offences under section 168 of the Road Traffic Act 1961, but these amendments will make it mandatory. This is consistent with the inclusion of mandatory licence disqualification periods for causing death and injury by dangerous driving.

Mr Brindal: Is the mandatory period a minimum?

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

Mr Brindal: I often am.

The DEPUTY SPEAKER: Well, you had better not be.

The Hon. M.J. ATKINSON: The final part of my speech will be under the heading, 'Amendment to the Road Traffic

Act 1961'. Section 43 of the Road Traffic Act requires the driver of a vehicle involved in an accident where someone is killed or injured to stop and give all possible assistance. The bill increases the penalty under section 43 from a maximum penalty of $5 000 or imprisonment for one year to imprisonment for five years. The section differs from the new section 19AB of the Criminal Law Consolidation Act 1935 in that it covers all drivers involved in an accident, whether or not the accident was caused by the person driving without due care. The same defences will apply as apply to the new section 19AB offence.

Section 164 provides that all offences under the Road Traffic Act 1961 are summary offences. Given the increase in penalty for the section 43 offence, this is no longer appropriate. The bill removes section 164 of the Road Traffic Act 1961 so that offences under the act will be classified in accordance with the general rules of classification under section 5 of the Summary Procedure Act 1921. The bill also makes it clear that, where the court convicts a person for an offence and imposes a sentence of imprisonment and a period of licence disqualification, the specified disqualification period will not begin to run until the person is released from prison.

When I inherited the Justice portfolio from the Hon. R.D. Lawson (the Liberal attorney-general) and the member for Mawson, the situation was that, when a person was sentenced to a term of imprisonment for cause death by dangerous driving, that person was also sentenced to a period of licence disqualification. However, under the way the member for Mawson and the Hon. R.D. Lawson had it jigged, the licence disqualification expired before the person got out of prison. So, on their first day out of prison, they were able to start driving again. It is possible that, as the act currently operates, a person could be imprisoned and subject to an order for licence disqualification, but, by the time the person is released from prison, the licence disqualification has already expired. Labor is going to change that. I commend the bill to members. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 5—Interpretation

This clause inserts various definitions for the purposes of the measure.

5—Amendment of section 5AA—Aggravated offences

This clause amends section 5AA (as proposed to be inserted in the *Criminal Law Consolidation Act 1935* by the *Statutes Amendment and Repeal (Aggravated Offences) Bill*) to define certain aggravating factors for the purposes of an offence against section 19A of the Act, which deals with causing death or harm by dangerous use of a vehicle or vessel. The circumstances that will make such an offence an "aggravated offence" are that—

- the offender committed the offence in the course of attempting to escape police pursuit;
- the offender was, at the time of the offence, driving the vehicle knowing that he or she was disqualified, by court order, from holding or obtaining a driver's licence;
- the offender committed the offence as part of a prolonged, persistent and deliberate course of very bad driving or vessel operation;
- the offender committed the offence with a blood alcohol content of .15 or more;
- the offender was, at the time of the offence, driving in contravention of section 45A or 47 of the *Road Traffic Act 1961* or section 70(1) of the *Harbors and Navigation Act 1993*.

6—Amendment of section 13—Manslaughter

Section 13 is amended to ensure that a person who is convicted of manslaughter in circumstances where a motor vehicle was used in the commission of the offence, will be disqualified from holding or obtaining a driver's licence for a period of 10 years or more.

7—Substitution of heading

This clause substitutes a new heading for Part 3, Division 6 (consequentially to other proposed amendments).

8—Insertion of section 19AAB

This clause inserts definitions for the purposes of Division 6.

9—Amendment of section 19A—Causing death or harm by dangerous use of vehicle or vessel

This clause amends the penalties applying to offences under section 19A and extends the application of the section to cover use of vehicles and vessels generally. Currently, the penalty for causing death or serious harm by driving a motor vehicle is, for a first offence, imprisonment for 10 years and licence disqualification for 5 years or more and for a subsequent offence, imprisonment for 15 years and licence disqualification for 10 years or more. This is to be varied as follows:

- for a first offence involving use of a motor vehicle or motor vessel, the penalty for a basic offence will stay the same as that currently applying to motor vehicles, but for an aggravated offence the penalty will be imprisonment for 15 years and licence disqualification for 10 years or more;
- for a second offence involving use of a motor vehicle or motor vessel, the penalty for a basic offence will be imprisonment for 15 years and licence disqualification for 10 years or more and for an aggravated offence will be imprisonment for 20 years and licence disqualification for 10 years or more;
- for a third or subsequent offence involving use of a motor vehicle or motor vessel, the penalty will be imprisonment for 20 years and licence disqualification for 10 years or more;
- for an offence involving use of neither a motor vehicle nor a motor vessel, the penalty will be imprisonment for 7 years.

The penalties for causing harm, other than serious harm, by driving a motor vehicle and for causing harm by driving a vehicle other than a motor vehicle are to be increased under provisions of the *Statutes Amendment and Repeal (Aggravated Offences) Bill* and this clause does not further increase those penalties, other than to introduce the concept of an aggravated first offence for causing non-serious harm by driving a motor vehicle. The aggravated first offence will carry the same penalty as is prescribed for a second or subsequent such offence. As for death and serious harm, the non-serious harm provision will be extended to apply to vessels.

The clause also makes some minor clarifying and consequential amendments to section 19A.

10—Insertion of section 19AB

This clause inserts a new section as follows:

19AB—Leaving accident scene after causing death or harm by careless use of vehicle or vessel

This provision creates new offences related to causing death or physical harm by careless driving or vessel operation and failing to stop and give assistance. Under subclause (1), a person who—

- drives a vehicle or operates a vessel without due care or attention and, by that conduct, causes the death of another; and
- having caused the death, fails to stop the vehicle or vessel and give all possible assistance,

is guilty of an offence.

The penalty for a first offence involving the use of a motor vehicle or motor vessel is imprisonment for 10 years and licence disqualification for 5 years or more and the penalty for a subsequent such offence is imprisonment for 15 years and licence disqualification for 10 years or more. If neither a motor vehicle nor motor vessel is used in the

commission of the offence, the penalty is imprisonment for 7 years.

Under subclause (2), a person who—

- drives a vehicle or operates a vessel without due care or attention and, by that conduct, causes physical harm to another; and
- having caused the harm, fails to stop the vehicle or vessel and give all possible assistance

is guilty of an offence.

The penalty under this provision for a first offence where serious harm was caused by driving a motor vehicle or motor vessel is imprisonment for 10 years and licence disqualification for 5 years or more and the penalty for a subsequent such offence is imprisonment for 15 years and licence disqualification for 10 years or more. The penalty for a first offence where non-serious harm was caused by driving a motor vehicle or motor vessel is imprisonment for 5 years and licence disqualification for 1 year or more and the penalty for a subsequent such offence is imprisonment for 7 years and licence disqualification for 3 years or more. If neither a motor vehicle nor motor vessel is used in the commission of the offence, the penalty is 5 years imprisonment.

It is to be a defence to a charge of an offence against the section if—

- the defendant was unaware that the accident had occurred and that the defendant's lack of awareness was reasonable in the circumstances; or
- the defendant genuinely believed on reasonable grounds that stopping and giving assistance would endanger his or her physical safety, or the physical safety of another person and, at the earliest opportunity, notified police, ambulance or some other authority responsible for providing emergency services of the accident.

The provision also provides that offences against section 19A are to be counted as previous offences in certain circumstances and contains a provision equivalent to section 19A(7), allowing separate charges to be laid in respect of each person killed or harmed by the same act or omission.

11—Amendment of section 19B—Alternative verdicts

This clause amends the alternative verdicts provision to allow alternative verdicts where a vessel was used in the commission of an offence against section 19A and to allow a person charged with an offence against section 19AB to be convicted, by way of alternative verdict, of a lesser offence against the *Road Traffic Act 1961* or *Harbors and Navigation Act 1993* if the person was also charged with that lesser offence.

12—Amendment of section 29—Acts endangering life or creating risk of serious harm

This clause amends section 29 of the *Criminal Law Consolidation Act 1935* to ensure that a person convicted of an offence against that section in circumstances where a motor vehicle was used in the commission of the offence, will be disqualified from holding or obtaining a driver's licence for a period of 5 years or more.

Schedule 1—Related amendments to *Road Traffic Act 1961*

1—Amendment of section 43—Duty to stop and give assistance where person killed or injured

This provision increases the penalty for failing to stop and give assistance after an accident to 5 years imprisonment (increased from $5 000 and imprisonment for 1 year) and substitutes a new provision setting out defences to a charge of such an offence. The defences are that—

- the defendant was unaware that the accident had occurred and that the defendant's lack of awareness was reasonable in the circumstances; or
- the defendant genuinely believed on reasonable grounds that compliance with the provision would endanger his or her physical safety, or the physical safety of another person and, at the earliest opportunity, notified police, ambulance or some other authority responsible for providing emergency services of the accident.

2—Repeal of section 164

This clause repeals section 164 (which provides that offences against the Act are summary offences).

3—Insertion of section 169B

This clause inserts a new section 169B which provides that where a court imposes imprisonment and a specified period of licence disqualification on a convicted person, the person will be disqualified for the period while they are in prison as well as for the period specified by the court following their release or, if the person is serving another disqualification that is still operative on release, for the period specified by the court in addition to that other period.

Ms CHAPMAN (Bragg): I move:

That the debate be adjourned.

However, I want to debate the date.

The DEPUTY SPEAKER: I am sorry; the motion as to when a debate is made an order of the day cannot be debated: it has to be put immediately.

Ms CHAPMAN: I inquire as to what that date will be for the next day of sitting.

The DEPUTY SPEAKER: The next day of sitting is tomorrow.

The Hon. M.J. ATKINSON (Attorney-General): In clarification, it has always been the practice of the government, whether Liberal or Labor, to give the opposition at least one week's notice of a bill. I have moved it today. It will not be debated.

Mr Brindal: A sitting week's notice?

The Hon. M.J. ATKINSON: Yes; a sitting week's notice. It will not be debated until parliament resumes.

Ms CHAPMAN: Given the explanation provided by the Attorney—and I appreciate that—my inquiry was in relation to the date that it would be heard, given the Premier's announcement this week—

The DEPUTY SPEAKER: No; I am not going down this path. The motion has to be put immediately without debate. I have allowed the Attorney-General to clarify just to help things along, but I will not indulge members in allowing this to be debated. It is for the government to work out with the opposition as to when bills are brought up. It is not to be debated. The motion has to be put immediately.

Ms CHAPMAN: Thank you, Mr Deputy Speaker.

Motion carried; debate adjourned.

STATUTES AMENDMENT (UNIVERSITIES) AMENDMENT BILL

The Hon. S.W. KEY (Minister for Employment, Training and Further Education) obtained leave and introduced a bill for an act to amend the Flinders University of South Australia Act 1996; University of Adelaide Act 1971; and the University of South Australia Act 1990. Read a first time.

The Hon. S.W. KEY: I move:

That this will be now read a second time.

The Statutes Amendment (Universities) Amendment Bill 2005 makes a number of amendments to South Australia's three university acts. The bill is primarily a response to the federal reforms in the higher education sector and, in particular, to section 33-15 of the Higher Education Support Act 2003 of the commonwealth. The receipt of the universities growth funding from the commonwealth (namely 2.5 per cent in 2005, 5 per cent in 2006 and 7.5 per cent in 2007) is contingent on the implementation of the Commonwealth National Governance Protocols by the bill. The universities will suffer significant financial disadvantage if the provisions of the bill relating to the protocols are not implemented by 31 August 2005. The potential loss amounts to around $20 million to South Australian universities in 2006—an

amount that will be permanently removed from university grants.

The protocols require that the enabling legislation of each university must:

- specify the university's objectives and functions; and
- include the duties of the members of the governing body, and the sanctions for a breach of these duties; and
- appoint or elect ad personam each council member (except for the Chancellor, Vice-Chancellor and the Presiding Member of the Academic Board); and
- incorporate best practice provisions in respect of council member's activities including conflict of interest, good faith, duty relating to use of due care and diligence and conflict of interest; and
- specify that councils can only remove a member for a breach of duty with a two-thirds majority.

The following amendments are strongly recommended in the national governance protocols and, although not compulsory, are included in the bill. They are that at least two council members have financial expertise and at least one member has commercial expertise, and the limitation of time served by a member of council so that a member may only hold office for more than 12 years by resolution of the council. It is noted that although the bill removes the presiding members of the students associations as ex officio members, the councils maintain the same number of students as at present—that is, three for each council.

The federal Department of Education, Science and Training has confirmed that the bill complies with the national governance protocols. The bill contains three types of amendments: those for all relevant acts to be compliant with the protocols; those sought by the Flinders University of South Australia and the University of South Australia in order to establish parity with the University of Adelaide Act 1971, which was amended in 2003; and a number of miscellaneous amendments. The bill deals with each university act individually, with the amendments required by the protocols being replicated in relation to each of those acts. Given that the University of Adelaide Act 1971 was only recently amended, it already meets the requirements of a number of protocols and hence is shorter than the parts related to the other universities.

The following powers have been sought by the universities in consultation with the government:

- provisions for the protection of titles, logos, official insignia;
- a statement that the universities are not agencies or instrumentalities of the Crown;
- changes to the universities' powers to deal with land (being only land that is not the subject of a trust or other such limitation);
- provisions that universities are able to exercise their powers interstate and overseas; and
- providing for the vice-chancellor to be the universities' chief executive officer and principal academic (this is also required by the protocols).

Most of these amendments are to bring Flinders University and the University of South Australia into line with the University of Adelaide. The bill also extends the existing power to confer awards to include awards jointly conferred to another university, registered training organisation (and this is within the meaning of the Training and Skills Development Act 2003) and other specified bodies.

The presiding members of the three student associations were consulted in relation to the bill. With their agreement, the requirement that student associations be consulted in relation to the appointment or election of student members of council in each university act has been removed. Given that the likely outcome of legislation currently before the federal parliament will stop payments to student unions and hence will result in the closure of those unions, the requirement of consultation with those bodies in the course of appointing or electing student members would obviously provide a barrier for the efficient appointment or election of those members. The bill amends the relevant section of each act to enable the process for electing or selecting student members to be determined by the council of each university. However, the bill includes transitional provisions to enable the current ex officio student and graduate members to see out the remainder of their term.

As a result of ongoing discussions with the federal minister, the state has agreed that the proposed changes are in the best interests of universities and the national higher education sector. The government has consulted broadly on the bill with a range of stakeholders including the opposition, university councils, student representatives, union representatives and other interested parties. The bill will assist the achievement of the South Australian Strategic Plan target T6.16 (increasing university participation to exceed the national average within 10 years). The loss of income to universities should this bill not pass would, in time, seriously challenge the state's ability to meet this target.

I commend the bill to members and seek leave to have the explanation of the clauses published in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *The Flinders University of South Australia Act 1966*

4—Amendment of section 1—Short title

This clause amends section 1 of the principal Act to remove "*The*" from the short title so as to make the short title consisted with current practice.

5—Amendment of section 2—Interpretation

This clause amends section 2 of the principal Act by inserting the definitions of terms used in provisions to be inserted by this measure.

6—Amendment of section 3—Establishment and incorporation of The Flinders University of South Australia

This clause makes a consequential amendment to section 3 of the principal Act to remove references to the convocation of the University.

The clause also substitutes new subclauses (3) to (7) which clearly set out the powers of the University so that those powers are consistent between all 3 universities.

7—Insertion of sections 4A and 4B

This clause inserts new sections 4A and 4B into the principal Act. Those sections provide that "The Flinders University of South Australia" and "Flinders University" are official titles, and provide for the protection of the proprietary interests of the University, that is official logos, official symbols and official titles. Those terms are defined in section 2 of the principal Act. Offences relating to the use without consent of those things are established, carrying a maximum penalty of $20 000. These provisions are consistent with those currently found in the *University of Adelaide Act 1971*.

8—Amendment of section 5—Council

This clause amends section 5 of the principal Act to set out the primary responsibilities of the Council.

The clause also inserts a new subsection (2a), requiring that the Council must in all matters endeavour to advance the interests of the University.

The clause removes subsection (3)(c), abolishing the *ex officio* office on the Council of the General Secretary of the Students Association of the University, with subsection (3)(h) also being amended to make the above office an *ad personam* one, subject to the provisions of that paragraph.

Finally, the clause amends subsection (3b) to require that at least 2 members of the Council must have financial management expertise and at least 1 must have commercial expertise.

9—Amendment of section 6—Term of office

This clause amends section 6 of the principal Act to provide that a person may not, except by resolution of the Council, be appointed or elected as a member of the Council if the appointment or election (as the case requires) would result in the person being a member of the Council for more than 12 years. The clause also makes consequential amendments.

This clause also inserts a new subsection (6a), providing that an appointed or elected member of the Council may only be removed under subsection (6)(d) for serious misconduct by resolution passed by at least a two-thirds majority of the members of the Council.

The clause also inserts a new subsection (7)(f), providing that the office of an appointed or elected member becomes vacant if the member is disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth.

10—Amendment of section 16—Appointment of Chancellor, Vice-Chancellor, etc

This clause inserts a new subsection (1a) into section 16 of the principal Act, providing that the Vice-Chancellor is the principal academic and chief executive officer of the University and is responsible to the Council for the academic standards, management and administration of the University.

This clause also amends subsections (2) and (6) to include the position of Deputy Chancellor in those provisions.

11—Repeal of section 17

This clause repeals section 17 of the principal Act, abolishing the convocation of the University.

12—Insertion of sections 18A to 18E

This clause inserts new sections 18A to 18E into the principal Act.

18A—Duty of Council members to exercise care and diligence etc

This clause provides that a member of the Council must at all times in the performance of his or her functions exercise a reasonable degree of care and diligence, and act in the best interest of the University.

18B—Duty of Council members to act in good faith etc

This clause provides that member of the Council must at all times act in good faith, honestly and for a proper purpose in the performance of the functions of his or her office, whether within or outside the State. However, that does not apply to conduct that is merely of a trivial character and does not result in significant detriment to the interest of the University.

The clause also provides that a member of the Council must not improperly use his or her position to gain an advantage for himself or herself or another person, whether within or outside the State.

18C—Duty of Council members with respect to conflict of interest

This clause sets out provisions relating to conflict of interest. These provisions are consistent with those found in the *University of Adelaide Act 1971* and the *Public Sector Management Act 1995*.

18D—Removal of Council members for contravention of section 18A, 18B or 18C

This clause provides that on-compliance by a member of the Council with a duty imposed under proposed section 18A, 18B or 18C will be taken to be serious misconduct and a ground for removal of the member from office.

18E—Civil liability for contravention of section 18B or 18C

This clause provides that if a person who is a member of the Council or a former member of the Council is guilty of a contravention of section or 18C, the University may recover from the person by action in a court of competent jurisdiction an amount equal to the profit made by the person or any other person (if one was made) and compensation for the loss or damage suffered as a result of the contravention.

13—Amendment of section 20—Power of Council to make statutes, regulations and by-laws

This clause amends section 20(1)(h) of the principal Act consequential upon the proposed repeal of section 17.

14—Amendment of section 21—Power to confer awards

This clause amends section 21(1a) of the principal Act to allow the University to confer academic awards jointly with another university, a registered training organisation or another body specified in the regulations.

This clause also inserts new subsections (4) and (5) into the section, allowing the Governor to make regulations specifying a body for the purposes of proposed subsection (1a), and excluding a registered training organisation from the ambit of the definition of registered training organisation.

Proposed subclause (5) defines ***registered training organisation***.

15—Repeal of section 23

This clause repeals section 23 of the principal Act (a prohibition on religious tests), as it is properly a matter for the *Equal Opportunity Act 1984*.

16—Repeal of sections 25 and 26

This clause repeals obsolete sections 25 and 26 of the principal Act.

17—Insertion of section 29

This clause inserts new section 29 into the principal Act, providing immunity from civil liability for members of the Council for an act or omission in the exercise or purported exercise of official powers or functions. This is consistent with the position of board members in corporations.

Part 3—Amendment of *University of Adelaide Act 1971*

18—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to make a consequential amendment due to the joint conferral of awards.

19—Amendment of section 4—Continuance and powers of University

This clause inserts subsection (7) of section 4 of the principal Act, a provision that clarifies (should there be any doubt) that subsection (5) does not confer any power to alienate land contrary to the terms of a trust relating to the land.

20—Insertion of section 4A

This clause inserts new section 4A into the principal Act, providing that the object of the University is the advancement of learning and knowledge, including the provision of university education.

21—Amendment of section 6—Power to confer awards

This clause amends section 6(1a) of the principal Act to allow awards to be conferred jointly with another university, a registered training organisation or another body specified in the regulations.

This clause also inserts new subsections (4) and (5) into the section, allowing the Governor to make regulations specifying a body for the purposes of proposed subsection (1a), and excluding a registered training organisation from the ambit of the definition of registered training organisation.

Proposed subclause (5) defines ***registered training organisation***.

22—Amendment of section 9—Council to be the governing body of University

This clause amends section 9 of the principal Act to set out the primary responsibilities of the Council.

23—Amendment of section 12—Constitution of Council

The clause deletes subsection (1)(ab), abolishing the *ex officio* office on the Council of the presiding member of the Students Association of the University, with subsection (1)(g) also being substituted to make the above office an *ad personam* one, subject to the provisions of that paragraph.

This clause also deletes subsection (1)(ac), abolishing the *ex officio* office on the Council of the presiding member

of the Graduate Association of the University, with subsection (1)(h) also being amended to make the above office an *ad personam* one, subject to the provisions of that paragraph.

Finally, the clause amends subsection (3) to require that at least 2 members of the Council must have financial management expertise and at least 1 must have commercial expertise.

24—Insertion of section 12A

This clause inserts new section 12A of the principal Act, setting out provisions relating to the terms of office of various Council members.

25—Amendment of section 13—Casual vacancies

This clause amends section 13(1) of the principal Act by the insertion of new paragraph (f), providing for the vacation of the office of a member who is disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth.

This clause also provides that an appointed or elected member of the Council may only be removed under subsection (1)(d) by resolution passed by at least a two-thirds majority of the members of the Council.

26—Substitution of section 15

This clause substitutes section 15 of the principal Act to include a reference to acting in the best interest of the University with the current provision.

27—Amendment of section 16—Duty of Council members to act in good faith etc

This clause amends section 16 of the principal Act to include references to acting in good faith and for a proper purpose.

This clause also inserts new subsection (1a), providing that a member of the Council must not improperly use his or her position to gain an advantage for himself or herself or another person, whether within or outside the State.

28—Amendment of section 17A—Removal of Council members for contravention of section 15, 16 or 17

This clause makes a minor technical amendment to section 17A of the principal Act.

29—Amendment of section 23—By-laws

This clause amends section 23(3a) of the principal Act to remove the requirement that by-laws be sealed with the seal of the University.

30—Amendment of section 25—Report

This clause amends section 25(1) of the principal Act to change the month in which a report must be presented to the Governor from September to June.

31—Insertion of section 29

This clause inserts new section 29 into the principal Act, providing immunity from civil liability for members of the Council for an act or omission in the exercise or purported exercise of official powers or functions. This is consistent with the position of board members in corporations.

Part 4—Amendment of *University of South Australia Act 1990*

32—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act by inserting the definitions of terms used in provisions to be inserted by this measure.

33—Amendment of section 4—Establishment of the University

This clause substitutes subsection (2) of section 4 of the principal Act, setting out the corporate nature of the University.

This clause also provides that the University is neither an agency nor instrumentality of the Crown.

34—Amendment of section 6—Powers of the University

This clause amends section 6(1a) of the principal Act to allow awards to be conferred jointly with another university, a registered training organisation or another body specified in the regulations.

This clause also inserts new subsection (1b) into the section, allowing the Governor to make regulations specifying a body for the purposes of proposed subsection (1a), and excluding a registered training organisation from the ambit of the definition of registered training organisation.

The clause substitutes subclauses (2), (3) and (4), and inserts new subclause (5). Subclauses (2), (3) and (4) set out provisions related to the exercise of the University's powers. Proposed subclause (5) defines ***registered training organisation***.

35—Amendment of section 7—Principles to be observed by the University

This clause repeals subsections (2), (3) and (4) of section 7 of the principal Act. These are matters properly left to the *Equal Opportunity Act 1984*.

36—Insertion of sections 9B and 9C

This clause inserts new sections 9B and 9C into the principal Act. Those sections provide that "The University of South Australia" and "UniSA" are official titles, and provide for the protection of the proprietary interests of the University, that is official logos, official symbols and official titles. Those terms are defined in section 3 of the principal Act. Offences relating to the use without consent of those things are established, carrying a maximum penalty of $20 000. These provisions are consistent with those currently found in the *University of Adelaide Act 1971*.

37—Amendment of section 10—Establishment of the Council

This clause amends section 10 of the principal Act to set out the primary responsibilities of the Council.

The clause also inserts a new subsection (2a), requiring that the Council must in all matters endeavour to advance the interests of the University.

The clause removes subsection (3)(c), abolishing the *ex officio* office on the Council of the presiding member of the Students Association of the University, with subsection (3)(h) also being amended to make the above office an *ad personam* one, subject to the provisions of that paragraph.

Finally, the clause amends subsection (5) to require that at least 2 members of the Council must have financial management expertise and at least 1 must have commercial expertise.

38—Amendment of section 11—Term of office

This clause amends section 11 of the principal Act to provide that a person may not, except by resolution of the Council, be appointed or elected as a member of the Council if the appointment or election (as the case requires) would result in the person being a member of the Council for more than 12 years. The clause also makes consequential amendments.

The clause also inserts a new subsection (7)(f), providing that the office of an appointed or elected member becomes vacant if the member is disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth.

This clause also inserts a new subsection (7a), providing that an appointed or elected member of the Council may only be removed under subsection (6)(d) for serious misconduct by resolution passed by at least a two-thirds majority of the members of the Council.

39—Amendment of section 12—Chancellor and Deputy Chancellor, etc

This clause inserts new subsection (4) into section 12 of the principal Act, allowing the Council to appoint not more than 2 Pro-Chancellors for a term of 2 years on terms and conditions fixed by the Council, and makes consequential amends related to the same.

40—Insertion of sections 15A to 15E

This clause inserts new sections 15A to 15E into the principal Act.

15A—Duty of Council members to exercise care and diligence etc

This clause provides that a member of the Council must at all times in the performance of his or her functions exercise a reasonable degree of care and diligence, and act in the best interest of the University.

15B—Duty of Council members to act in good faith etc

This clause provides that member of the Council must at all times act in good faith, honestly and for a proper purpose in the performance of the functions of his or her office, whether within or outside the State. However, that does not apply to conduct that is merely of a trivial character and does not result in significant detriment to the interest of the University.

The clause also provides that a member of the Council must not improperly use his or her position to gain

an advantage for himself or herself or another person, whether within or outside the State.

15C—Duty of Council members with respect to conflict of interest

This clause sets out provisions relating to conflict of interest. These provisions are consistent with those found in the *University of Adelaide Act 1971* and the *Public Sector Management Act 1995*.

15D—Removal of Council members for contravention of section 15A, 15B or 15C

This clause provides that on-compliance by a member of the Council with a duty imposed under proposed section 15A, 15B or 15C will be taken to be serious misconduct and a ground for removal of the member from office.

15E—Civil liability for contravention of section 15B or 15C

This clause provides that if a person who is a member of the Council or a former member of the Council is guilty of a contravention of section 15B or 15C, the University may recover from the person by action in a court of competent jurisdiction an amount equal to the profit made by the person or any other person (if one was made) and compensation for the loss or damage suffered as a result of the contravention.

41—Amendment of section 16—Vice Chancellor

This clause substitutes a new subsection (2) into section 16 of the principal Act, providing that the Vice-Chancellor is the principal academic and chief executive officer of the University and is responsible to the Council for the academic standards, management and administration of the University.

42—Amendment of section 18—Annual report

This clause amends section 18 of the principal Act to require that a copy of every statute of the University confirmed by the Governor during the year ending on the preceding 31 December be included with the Annual report presented to the Minister.

43—Amendment of section 22—Jurisdiction of Industrial Commission

This clause amends an obsolete reference.

44—Amendment of section 24—Power to make statutes

This clause amends section 24 of the principal Act to remove the requirement that statutes be sealed with the seal of the University.

45—Amendment of section 25—Power to make by-laws

This clause amends section 25 of the principal Act to remove the requirement that by-laws be sealed with the seal of the University.

46—Insertion of section 27

This clause inserts new section 27 into the principal Act, providing immunity from civil liability for members of the Council for an act or omission in the exercise or purported exercise of official powers or functions. This is consistent with the position of board members in corporations.

Schedule 1—Transitional provisions

Part 1—Transitional provisions related to *The Flinders University of South Australia Act 1966*

1—Council members

This clause provides a transitional provision allowing the General Secretary of the Students Association (currently an *ex officio* position on the Council) to continue to hold office as a member of the Council until the end of his or her term.

Part 2—Transitional provisions related to *University of Adelaide Act 1971*

2—Council members

This clause provides a transitional provision allowing the presiding member of the Students Association and the presiding member of the Graduate Association (currently *ex officio* positions on the Council) to continue to hold office as a member of the Council until the end of his or her term.

Part 3—Transitional provisions related to *University of South Australia Act 1990*

3—Council members

This clause provides a transitional provision allowing the presiding member of the Students Association (currently an *ex officio* position on the Council) to continue to hold office as a member of the Council until the end of his or her term.

Ms CHAPMAN secured the adjournment of the debate.

EDUCATION (EXTENSION) AMENDMENT BILL

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to amend the Education Act 1972. Read a first time.

The Hon. J.D. LOMAX-SMITH: I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to extend the sunset clause associated with the Materials and Services charging provisions of s106A of the *Education Act 1972* for one year to 1 September 2006.

The current provisions enable schools to charge and legally recover a fee for the cost of materials and services used or consumed by students undertaking essential curriculum.

Although the notion of 'school fees' arose during the 1960's, it wasn't until the late nineties, under the previous government, that a decision was taken to formalise the process of charging parents, and in 2000 this process was enshrined in legislation.

The intention of a compulsory Materials and Services Charge under this Government, has always been limited to providing materials, historically funded by parents, deemed essential for the curriculum, through the cheapest and most equitable approach.

In 2003, after the previous Minister had been alerted to concerns in the community, this Government introduced into Parliament a range of legislative improvements to enhance clarity and transparency with regard to the Charge. During the debate on this Bill, a range of amendments were introduced both by Independents and the Opposition and subsequently passed. One of these amendments was the requirement for a sunset clause. Although the Government did not support this amendment, as it did not allow sufficient time for the new legislation to be fully trialled in schools, an investigation into this Charge has been conducted by the Government in order to honour this clause. Therefore in 2004, the Department of Education and Children's Services (DECS) was asked to investigate the Charge and the success of the legislative changes passed in 2003.

The Chief Executive of DECS then engaged Mr. Graham Foreman to undertake an external review of the Charge. This investigation was spear-headed by a Reference Group comprising of representatives from peak groups in the education sector including members of Principals' and Parents' Associations. Mr. Graham Foreman also received submissions and comments from Members of Parliament, Unions, parents and other interested members of the community.

As a result of this investigation, the Chief Executive provided information about the spectrum of issues raised during the consultation process. Some of the issues brought to the attention of the Government, though concerning, do not require legislative change for improvements to be made. It was also evident that there had not been sufficient time to properly assess many of the legislative changes introduced in 2003. For example, in 2004 only one school successfully polled to charge a higher legally recoverable amount than the standard sum and again this year there were only 23 schools that have successfully carried out a poll.

The department has immediately acted on many of the concerns raised by preparing improved departmental guidelines and tightening practices to ensure that schools undertake the setting and collection of the Charge appropriately and in accordance with existing legislation. While a small number of schools have had difficulties in administering the Charge, most schools do abide by the rules. Additional assistance will be provided to all schools to ensure compliance over the coming year.

This Government will therefore ensure that a broad range of improvements not requiring legislative change will be introduced immediately in order to address the concerns raised during the consultation process. These improvements will make the Charge simpler and fairer for parents whilst preserving the ability for schools to recover the cost of materials and services supplied to students. Following the Government's request, the department has prepared a new set of Administrative Instructions and Guidelines in line with these changes.

For the information of the House, the issues raised during the consultation process revolved around a lack of clarity about what was included in the Charge and what families should expect to

receive in return for payment of the Charge. It also highlighted the fact that there was some confusion in schools about both the debt-collection process and the polling process. There were also reports of students being excluded from the curriculum as well as a lack of discretion in some schools regarding students on School Card. Most of the issues raised stemmed from a lack of understanding of both the Charge and the School Card subsidy.

This Government has already identified solutions to address the above problems, which will be implemented over the coming months.

- A new, mandatory Notice for calculating the Charge will be provided to all schools across the State. Some of the new conditions of this form will include:
    - Schools calculating the actual costs of the items supplied to students and clearly indicating what will be provided to the student. This will give parents a better understanding of exactly what they are getting for their dollar.
    - The Notice will have to go through a central approval process so that we can address consistency and equity for the Charge across the State. Once approved schools will have to release the Notice to parents and give parents adequate time to raise any concerns they may have. When the cost of the items included in the Charge has been approved by the school community, the school will be required to issue invoices to parents based upon the original approved Notice.
    - There will be increased auditing and checking measures to ensure compliance with legislation and the new guidelines. Any reports of non-compliance with the new guidelines will be addressed through the central approval process and if necessary the school may be required to re-issue the Notice and Invoice.
    - Better information will be provided to schools including step-by-step instructions on how to calculate the Charge, compile the Notice and issue an invoice. The defined list of items will also be reinforced in the Department's Administrative Instructions and Guidelines to assist schools in identifying and calculating the cost of the essential materials and services for the curriculum. This is a major improvement, which will help parents to understand exactly what their child will get in return for payment of the Charge and will provide schools with much needed instructions on how to administer the Charge.
- Improved guidelines for undertaking polling will be introduced. Step-by-step instructions will be provided to schools regarding both the debt-collection process and the polling process. This will clear up any confusion that may have arisen and will make it easier for schools to administer both procedures. Templates will also be available to ensure the process is as simple for schools as possible.
- To ensure that no student is excluded from activities because of non-payment of the Charge, the guidelines will be strengthened to make certain children are in no way disadvantaged because their parents have not paid the Charge. Similar instructions will also be reinforced to ensure the dignity and confidentiality for School Card applicants and School Card holders is preserved. Clear instructions and training will be provided to schools about how to manage School Card applications discreetly.
- To create greater equity and fairness, the ability for schools to negotiate payment by instalment over the year will also be strengthened through step-by-step instructions to help schools to manage their budgets and allow for this provision in their own administration.

The above improvements will transform the process of charging parents by addressing the key issues of transparency, equity and fair operation of the Charge and enhancing the legislative changes already made by this Government. To complement these changes an extensive communication strategy will be implemented. An extensive campaign to encourage all eligible parents to apply for School Card will be rolled-out so that all financially disadvantaged families reap the benefits of the School Card subsidy. District Office Staff, School Administration Officers, Principals and Governing Councils will all be provided with training, detailed information and support to help implement these improvements.

This Government is taking action now and will continue to closely monitor the Charge over the coming year. The extension of the sunset clause will enable a proper assessment of some of the legislative provisions, which have only been trialled in a handful of schools.

In order to ensure the Government is continually updated on this matter, members of the reference group set up during last year's consultation process will be invited to remain as a point of reference for the government on this matter. They will be invited to continue in an advisory role throughout 2005 and 2006 to discuss current issues and provide advice on these matters.

The Government is committed to getting this right – this is an important issue for schools, parents and children alike and we need to continually monitor it to ensure it is as equitable, fair and simple as possible.

With the extension of the sunset clause until September 2006, this Bill will maintain existing legislative provisions, which have already been substantially improved upon by this Government.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Education Act 1972*

3—Amendment of section 106A—Materials and services charges for curricular activities

Subsection (16) provides that section 106A will expire on 1 September 2005. The amendment alters the date of expiry to 1 September 2006.

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (SENTENCING OF SEX OFFENDERS) BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 2277.)

Ms CHAPMAN (Bragg): The bill we are considering today is the Statutes Amendment (Sentencing of Sex Offenders) Bill. There is no question that the commission of a sexual offence against anyone is obscene, but the commission of a sexual offence against a child is even more so. When it is persistent and in a relationship of trust between an adult and the child it is the most heinous of crimes, and this is clearly recognised by both the parliament and the community.

This bill was introduced by the Attorney-General on 11 April 2005. The bill amends the criminal law of this state in five respects. I indicate that the Liberal opposition will support the bill. However, notwithstanding our support, I indicate that we have considerable reservations about some aspects of the bill. It is important that the parliament and the community are made aware of some of the limitations of what is being presented in the context of attempting to deal in a comprehensive way with these most hideous of crimes.

The five areas of amendment being presented by the government in this bill are as follows: first, the bill inserts into the Criminal Law Sentencing Act a new declaration that the primary purpose of the criminal law in relation to offences involving sexual exploitation of children is deterrence; secondly, the bill reduces the threshold to allow a court to make a declaration that a defendant who commits serious sexual offences against a child is, first, 'a serious repeat offender' (such a defendant will became liable to a tougher sentencing regime); thirdly, the bill introduces new measures relating to offenders who have been unable to control their sexual instincts. Those who are unwilling to control their sexual instincts will now be covered by the provision which allows indefinite detention. Fourthly, the bill will reverse the

effect of a judicial policy, prompted by the Court of Criminal Appeal in the case of R. versus Kench. Fifthly, the bill will widen the net against those who offend against children by raising the age of eligible victims from 12 years to 14 years. I will deal with each of these measures separately.

I should begin by observing with regret that some of these measures are typical of the Rann government's approach to these matters. It is reactive to every adverse headline—it is never pro-active. This bill is all about protecting children, but the government has failed, even now, to implement all the recommendations of the Layton report. It is typical of its tardiness in matters of child protection. The bill will amend section 10 of the Criminal Law Sentencing Act (which I will refer to as the sentencing act), by adding to the list of 18 matters that a sentencing court must already take into account and for the two existing primary policies of the criminal law—yet another primary policy—to protect children from sexual predators by ensuring that, when in any sentence for an offence involving sexual exploitation of a child paramount consideration is given to the need for deterrents. I remind the house that the other existing primary purposes which are already there in the act under section 10(2) are 'protections of the security of the law for occupants of homes from intruders'. The other primary purpose in section 10(3) is:

(3) a primary policy of the criminal law in relation to arson or causing bushfire is—

(a) to bring home to the offender the extreme gravity of the offence; and

(b) to exact reparation from the offender to the maximum extent possible under the criminal justice system for harm done to the community.

The adjective 'primarily' does not have any special legal meaning. In the context of this new subsection its dictionary meaning is 'of the first importance, principle, chief; that which is first in order, rank or importance'. This amendment will create a plethora of primary purposes and surely it is a contradiction in terms to have more than one primary or chief purpose. Adding additional chief purposes whenever the mood takes the parliament will clearly water down the effect of provisions like this. The government is just injecting political rhetoric into the sentencing system. In legal terms this is window dressing, which is unlikely to change any sentence. However, it does express a community sentiment and it is for that reason and only that reason that we are prepared to support the government on this aspect. We would have been inclined to insert the words 'and the protection of children' because, in our view, their protection is of paramount importance. However, we do not propose to amend this verbiage: it is the government's patchwork wording for what it is worth.

I have two questions of the Attorney-General. First, I would be obliged if the Attorney in his second reading reply or in the committee stage of the debate would refer the house to any dicta of any sentencing or appeal judges on the meaning and effects of the two earlier inclusions of primary purpose; and will he also enlighten the house on the number of cases in which those new primary purposes have been applied? Secondly, does the Attorney have any estimate based on experience in the past five years of the number of cases which the government claims might be affected by this measure?

The second aspect of this bill is to amend section 20B of the Criminal Law (Sentencing) Act, in particular, to provide that an offender who commits a serious offence against a person under 14 years on two separate occasions and is convicted of those offences may be declared a serious repeat offender. That has the following effect: first, that the court is not bound to impose a penalty proportionate to the offence; and, secondly, the non-parole period must be not less than 80 per cent of the head sentence. I remind the house that section 20B already provides that these sanctions apply to a person who is convicted of committing such offences on three separate occasions. Section 20B was only enacted in its current form in 2003, and I refer members to the Criminal Law (Sentencing) Act 2003.

The only change is the italicised words to which I have referred; that is, the addition of a special provision for offences against children. I remind the house that serious sexual offences are defined as rape, unlawful sexual intercourse, indecent assault, acts of gross indecency, abduction, procuring sexual intercourse, production or possession of child pornography, procuring a child to commit an indecent act, sexual servitude, deceptive recruiting for or using children in sexual services and persistent sexual abuse of a child. Given that the government is amending section 20B so soon after its initial enactment, will the Attorney indicate to the house whether the new section has been the subject of any judicial application or interpretation?

Furthermore, can he cite cases which have been decided under the regime introduced in 2003? If he can cite any examples, can he inform the house whether the actual result of the case could be expected to be different as a result of these amendments? The bill will introduce new provisions into the Criminal Law (Sentencing) Act for offenders who are incapable of controlling their sexual instincts. The act already has such provisions, and in particular I refer to section 23. Such an offender can be detained indefinitely and can be released on conditions imposed by the court, and they are already provided for in section 24 of the act. Indeed, provisions of this kind have been in the law for many years. They are not commonly used. There are at least four current prisoners being held under these provisions here in South Australia, and I ask that the Attorney provide the house with details of each prisoner being held in South Australian gaols, with details of their terms of detention.

The Hon. M.J. Atkinson: That is four?

Ms CHAPMAN: At least four. I have asked for all of them. The bill will extend the scope of these provisions to persons who are unwilling to control their sexual instincts. Two cases provide the justification for inserting new provisions to include those who are unwilling to control their sexual instincts. The first is R v Kiltie in 1986, where a psychiatrist opined that the defendant had the capacity but was unwilling to control his sexual instincts. The second is the case of R v England in 2003, where the defendant refused to be interviewed by psychiatrists. One of the two court-appointed psychiatrists was not able to reach any opinion about the offender's capabilities, but that psychiatrist later changed his mind (R v England No. 2, 2004).

The bill will also allow the Attorney-General to apply in respect of a person who is currently serving a sentence rather than as at present, when applications are wholly made at the time when the original sentence was imposed. The opposition is aware of the decision of the High Court in Farndon, which has been referred to by the Attorney-General in his second reading explanation. I ask the Attorney to confirm that this new regime will apply to persons in respect of whom, (1), orders have already been made; (2), orders have already been applied for; (3), those who are already in prison; and, (4), those who have been released on parole.

Next, the bill seeks to reverse the effect of a decision of the Court of Criminal Appeal in R v Kench, 2005 SASC 1985, which was handed down on 15 March this year. In order to understand what is being proposed, it is necessary to go back to a decision of the Court of Criminal Appeal in R v D, a decision in 1997. The real starting point to this exercise was enactment in 1994 under the then Liberal government of section 74 of the Criminal Law Consolidation Act. That section created the offence of 'persistent sexual abuse of a child.' In summary, the section provides:

> Persistent sexual abuse of a child consists of a course of conduct involving the commission of a sexual offence against a child (that is, under 16 years) on at least three separate occasions over at least three days.

The range of possible penalties for persistent sexual abuse of a child was very wide. This is all law that currently exists. Section 74(7) provides:

> A person convicted of persistent sexual abuse of a child is liable to a term of imprisonment proportionate to the seriousness of the offender's conduct, which may in the most serious of cases be imprisonment for life.

For the creation of the new special offence of persistent offending, the maximum penalty for the standard offence of unlawful sexual intercourse is seven years, and life imprisonment if the child was under the age of 12, and the maximum penalty for the general offence of indecent assault is eight years. For those who might ultimately follow this debate, sections 49 and 56 of the Criminal Law Consolidation Act were referred to.

In the 1997 decision of R v D, the Court of Criminal Appeal (which comprised Chief Justice Doyle and Justices Millhouse and Bleby) considered the principles to be applied when a court sentences persons convicted under section 74(7). The new section 74 commenced operation in July 1994. The defendant's offences were committed between November and December of that year. In that case, the defendant's victim was his 14-year old stepdaughter. The offences had an absolutely devastating effect upon the girl. The Crown argued that the penalties under section 74 should be higher than the old standard. The court did not accept that particular argument. It held that section 74 was procedural and that it was only designed to overcome the difficulties presented by multiple sex offences against children, that is, the difficulty of identifying separate offences with sufficient particularity. However, the court did agree that the general level of penalties for these offences should rise. I remind the house that we are talking of persistent sexual abuse of a child, which involves the commission of the offence on at least three occasions over at least three days. So, we are clearly talking about sustained and repeated offences.

The court examined the sentences in a number of comparable cases and laid down new guidelines. The trial judge in that case had sentenced the defendant to imprisonment for six years with a non-parole period of 4½ years (and this is the offence that we are referring to in relation to the defendant's victim being his 14-year old stepdaughter). The Court of Criminal Appeal considered the fact that the offending was of short duration—two months—that the defendant had made voluntary admissions and was remorseful, that there were mitigating factors and that it should reduce the sentence to five years with a 3½ year non-parole period. However, Chief Justice Doyle said that the higher penalties should be imposed in the future for 'a course of conduct including unlawful sexual intercourse with a child, committed by a person in a position of trust and authority'. The Chief Justice further said:

> It is not necessary for the court to give a warning before increasing the range of penalties for a particular type of offending. . . Nevertheless. . . warnings do have a part to play in the sentencing process. I consider it appropriate that the heavier penalty should be imposed in cases in which a conviction is recorded hereafter or a plea of guilty is entered hereafter. Although the heavier range of penalties could be applied in the present case, I consider that as a matter of fairness the present case should be dealt with by reference to the standard reflected in the previously decided cases to which I have already referred.

He concluded that the starting head sentence should be about 12 years where the victim was 12 years or under and about 10 years where the victim was over the age of 12 years. The Hon. Justice Bleby stated:

> I would. . . wish to join in the warning suggested by the Chief Justice that heavier penalties should be imposed for offences of this nature in respect of future convictions or pleas of guilty. Without that warning, however, it might be unfair on the present appellant to adopt that approach, and I would therefore stand by the proposed reduction in this case.

In summary, in R v D the court was warning that longer sentences could be warranted. However, those penalties would only apply to latter cases because the court said it would be unfair to offenders to increase the penalties without warning them.

Then we came to the decision in the case of Kench which was decided on 15 March this year. In the case of Kench, the offender was a 48-year old schoolmaster. He was convicted of five counts of unlawful sexual intercourse and other offences against a 13-year old scout. In the District Court, Judge Clayton sentenced him to 10 years with a non-parole period of six years. This was in accordance with the new scale that had been laid down in the case of R v D. The Court of Criminal Appeal agreed with Kench's counsel that R v D only applies—that is the previous decision of the Court of Criminal Appeal—to offences committed after the announcement of the decision. In Kench's decision, the Chief Justice stated:

> To apply the [higher] standard foreshadowed in D to offences that occurred before that decision, amounts to a retrospective change in the approach to sentencing. It also produces the result that an offender sentenced today for offences committed before 1997 is treated more harshly than an offender whose like offences were committed before 1997, but who was sentenced before the decision in D. It is open to the Court to apply a newly formulated sentencing standard to offences committed before the change occurred, but there should be good grounds to ignore the considerations just referred to by me before one does so. To the extent that the need to deter offenders was a fact influencing the decision in D, that element of deterrence is achieved by applying the highest standard of sentencing to persons who offended after the decision.
>
> Accordingly, I proceed on the basis that the [higher] standard indicated by the decision in D is not applicable in this present case.

The Full Court in Kench's case determined that the sentence be reduced, and it was reduced to eight years with a five-year non-parole period.

The decision was promptly followed by an exclusive for the Premier in *The Advertiser*. The headline was, 'Rann vows no special deals for sex crimes'. The Premier stated the following on Radio 5AA:

> What we are asking our courts to do is think about the victims more than they think about the criminals.

The Premier repeated his usual rhetoric, 'If it offends a few judges along the way that's too bad.' *The Advertiser* editorial trotted along under the heading, 'Creating two classes of paedophiles'. In the general clamour for change, the shadow attorney-general said, on behalf of the Liberal Party, that we examine the judgment to see that there was an error of legal principle in which the parliament should intervene. That was

a refreshing change from this government which simply huffs and puffs and postures against decisions which are unpopular. It never looks to the underlying principle.

This is a complex issue. The parliament should be reluctant to interfere in the considered exercise by courts, especially the Court of Criminal Appeal and its traditional and important role in fashioning the legal policies which lower courts impose in the South Australian hierarchy. Sentencing in individual cases is the responsibility of judges. We will be on very dangerous ground when politicians start to take over the sentencing of individual offenders and, on this occasion, that is exactly what has happened.

It is a function of this parliament to lay down the principle and for the courts to apply them. The second reading explanation of this bill states that the government's justification for overturning this decision of the Chief Justice and two other distinguished judges is as follows:

> The Premier and I have expressed our opinion that this decision should not be allowed to stand as to the general law and a general precedent.

That is the justification for overturning the Court of Criminal Appeal. That is it. That is the entire justification. This must be the flimsiest and most arrogant of reasons for rejecting a considered judgment of any court. Given the view of the Premier and the Attorney-General (who have never been in any court of law), as well as from their public utterances, they have no appreciation of the complexities of the law. The arguments advanced by the Attorney-General in his second reading explanation are not sufficiently cogent.

The Hon. M.J. Atkinson: Are you voting for it or not?

Ms CHAPMAN: You be patient, just for a change. When we examine the issue, however, irrespective of the government's flimsy proposal, and consider the principle applied in Kench, there is an aspect of that that is unsound—not that the Attorney-General has raised it, and the government has not woken up to this. For that reason, it should not be allowed to stand. As a matter of policy, the opposition considers that the court laid under-emphasis on the alleged unfairness of not giving warnings before penalties are increased.

Whilst there may be some localised or minor offences where warnings, in part, play an important role in sentencing, there is no empirical evidence of which we are aware that would suggest that judicial warnings have any significant effect on the behaviour of this type of offender. In fairness to the court, from his language, it appears that the Chief Justice never suggested that warnings play a crucial part in the sentencing system. We do not believe that warnings have any relevance in relation to the relatively minor alteration to penalties which the court pronounced in these cases.

The offending was always in the category of very serious, and no offender could have been in doubt about the consequences of this type of offending. It is important to note that these penalties, both before and after the warning, were well within the maximum range laid down by the parliament. We note that the modification to the policy is limited to the effect of Kench. We do not believe it could operate unfairly, nor does it amount to retrospective amendment of criminal penalties. Accordingly, for those reasons, we will support this amendment in principle. However, we do have some reservations about the terminology. We query why the expression 'offences involving paedophilia' is now adopted. This language is not used in either of the decisions in R v D, or R v Kench, or in the legislation. This is a new expression.

If paedophilia is a shorthand description of 'persistent sexual offending by an adult in some position of authority or influence over a child who is in a position of relative vulnerability', we may not have any reservations. However, if the inclusion of paedophilia was intended to extend the criminal law, then we would want to have a full debate on the implications of that change. So, I invite the Attorney-General to provide to the house an explanation for this choice of terminology.

The fifth and final of the significant amendments is to increase from 12 years to 14 years the age in respect of which certain sex offences attract higher penalties. This relates to unlawful sexual intercourse and sexual servitude, and I referred to some of those matters earlier. I indicate that we support this change. However, there is no explanation in the second reading speech for this alteration and, accordingly, I would be obliged if the Attorney-General would place on record whether this amendment follows from the recommendation of any consultation or committee. In addition, does the government have any statistics to indicate the number of victims aged between 12 years and 14 years in relation to these offences over the past five years? Having raised those matters and inviting the Attorney to respond in relation to the questions raised by the opposition, I indicate that the opposition will support the government in the passage of the bill.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: As I outlined, if the Attorney was listening, at the commencement.

Mrs GERAGHTY (Torrens): I move:

That the debate be adjourned.

The house divided on the motion:

While the debate was being held:

Ms CHAPMAN: I indicate to the house that the member for Unley intends to withdraw the division.

The DEPUTY SPEAKER: The member for Unley needs to do it, rather than have another member do it on his behalf.

Leave is granted.

Motion carried; debate adjourned.

NARACOORTE TOWN SQUARE BILL

The Hon. R.J. McEWEN (Minister for State/Local Government Relations) obtained leave and introduced a bill for an act to alter the trusts applicable to the Naracoorte Town Square to enable certain works to be undertaken; and for other purposes. Read a first time.

The Hon. R.J. McEWEN: I move:

That standing orders be so far suspended as to enable the bill to pass through all remaining stages without delay.

Motion carried.

The Hon. R.J. McEWEN: I move:

That this bill be now read a second time.

The aim of the bill is to give the Naracoorte Lucindale Council limited powers to carry out certain works on the Naracoorte Town Square, which is held by the council and subject to trusts.

The land in Naracoorte was originally surveyed by George Ormerod, a resident of Robetown, one of the founders of the township of Naracoorte, by an indenture made on 14 September 1871, subject to certain trusts concerning the use of the land. The trusts required defined portions of the land to be used for the purpose of public roads, streets or thor-

oughfares, and the remainder to be held as a public common or reserve for the use or benefit of the inhabitants of the township. One of the conditions of the trust was that no houses or buildings of any kind were permitted to be erected on the reserve. The land to which the indenture applied is now described as the whole of the land comprised in Certificate of Title Register Book Volume 2012 Folio 115 and is now held by the Naracoorte Lucindale Council under the same trusts as originally imposed.

In 1952, the Naracoorte Town Square Act 1952 lifted the prohibition on the erection of any houses or dwellings for a period of 10 years after the commencement of that act, and a public bandstand was built on the reserve. The bandstand includes public toilets. The Naracoorte Lucindale Council has requested that the trusts be altered again in order to enable existing public toilets to be refurbished or replaced, or alternative toilets built, and to enable the alteration of the area set aside as road.

Clause 4 states that the council may undertake defined works during the prescribed period, which is five years from the commencement of this act. However, no work may be undertaken without the written approval of the plans and specifications by the minister to whom the administration of the Local Government Act 1999 is committed. This is to ensure that the reasons for which the town square was dedicated to the public, as open space in the centre of the town for the benefit and enjoyment of its citizens, is protected and that only work as defined is carried out by the council. I commend the bill to members and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

1—Short title

This clause is formal.

2—Interpretation

This clause defines a number of terms for the purposes of the measure.

3—Application of Act

This clause provides that the Bill is not to be taken to derogate from the Acts and laws that normally apply to carrying out the works referred to in clause 4.

4—Council may undertake works

This clause provides that despite an 1871 indenture and the resulting trusts that apply to the land to which the Bill relates (the Naracoorte Town Square), the Naracoorte Lucindale Council can during the period of 5 years from the commencement of the Bill undertake any one or more of the following works on the land:

(a) the demolition or refurbishment of any existing building or other structure on the land that incorporates public toilets;

(b) the building of public toilets in place of or in addition to any existing public toilets on the land;

(c) the closure of any existing road or portion of road, or opening of any new road or portion of road, on the land.

The clause also provides that no work of the kind referred to can be undertaken except in accordance with plans and specifications approved in writing prior to the commencement of the work by the Minister to whom the administration of the *Local Government Act 1999* is for the time being committed.

5—Indenture and trusts to reflect alteration of roads

This clause provides that if any changes are made to the areas of road on the land during the 5 year period from the commencement of the Bill, the 1871 indenture and the resulting trusts over the land (which currently specify the portions of the land that are to be held for road purposes and the portions that are to be held for other purposes) are to be taken to be altered to reflect those changes.

Ms Chapman: Do we need a select committee?

The Hon. R.J. McEWEN: No.

The SPEAKER: I am ruling that this is a hybrid bill. Therefore, standing orders will have to be suspended to enable the bill to pass through the remaining stages without reference to a select committee. I need to count the members in the house.

Mr WILLIAMS (MacKillop): There is not a lot I need to add to what the Minister for Local Government has already informed the house in his report. The Naracoorte and Lucindale Council set aside moneys in its last annual budget and desires that a toilet block that was originally built in the Naracoorte town square in 1952 be rebuilt.

The council approached me some time ago and put to me that it was the council's understanding that legislation such as this would need to go through this parliament to allow a variation to the deed of trust to allow that work to be carried out. I believe the deed of trust was first signed in 1871. In fact, the direct descendants of the original owners of the land still live in the Naracoorte community. Notwithstanding that, the town council, with, I believe, the support of the local community, want the toilet block in the Naracoorte town square to be reconstructed for the benefit and amenity of not only the people of Naracoorte but also for the growing tourism trade. Being host to the only World Heritage site (the Naracoorte Caves) in this state, Naracoorte has seen a considerable increase in tourism activity over recent years. When it rains again, it will also be host to the world famous Bool Lagoon.

The people of Naracoorte very much desire that this work be completed. As it has budgeted for it this financial year, the council would like this bill to go through parliament as quickly as possible so that the works budgeted for can commence this financial year. I commend the bill to the house.

Bill read a second time.

The SPEAKER: I have examined the bill, and I declare it to be a hybrid bill.

The Hon. R.J. McEWEN (Minister for State/Local Government Relations): I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without reference to a select committee.

Motion carried.

The Hon. R.J. McEWEN: I move:

That this bill be now read a third time.

I thank the house for the way in which it has dealt with the bill.

Bill read a third time and passed.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

The Legislative Council disagreed to the amendments made by the House of Assembly for the reason indicated in the following schedule:

No. 1. *Clause 11, page 6, lines 27 and 28*—

Delete the clause and substitute:

11—Amendment of section 66—Automatic release on parole for certain prisoners

(1) Section 66—delete "The" and substitute:

Subject to subsection (2), the

(2) Section 66—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) Subsection (1) does not apply to—
(a) a prisoner if any part of the imprisonment for which the prisoner was sentenced is in respect of a sexual offence; or
(b) a prisoner of a class excluded by the regulations from the application of subsection (1) (but the regulations may not exclude a prisoner liable to serve a total period of imprisonment of 3 years or less).

No. 2. *Clause 12(1), page 6, lines 30 and 31*—
Delete subclause (1) and substitute:
(1) Section 67(1) and (2)—delete subsections (1) and (2) and substitute:
(1) This section applies to a prisoner if—
(a) section 66 does not apply to the prisoner; and
(b) a non-parole period has been fixed for the prisoner; and
(c) the prisoner is not serving a sentence of indeterminate duration.
(2) If this section applies to a prisoner—
(a) the prisoner; or
(b) the Chief Executive Officer, or any employee of the Department authorised by the Chief Executive Officer,
may apply in the prescribed manner to the Board for the prisoner's release on parole.

No. 3. *Clause 15, page 8, lines 21 to 37*—
Delete the clause.

Schedule of the Reason for disagreeing with the foregoing Amendments.

Because the amendments of the House of Assembly are not appropriate.

PARLIAMENTARY COMMITTEES (PUBLIC WORKS) AMENDMENT BILL

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

No. 1. *Clause 4, page 2, lines 13 to 15*—
Delete all words in these lines and substitute:
computing project means a project involving the purchase of any components of computing technology to improve services, including (without limitation) computer hardware, software products, software modification, software development, cabling, building work, furnishings, associated labour costs, consultancy fees and equipment;

No. 2. *Clause 4, page 3, line 20*—
Delete "software development"

No. 3. *Clause 6, page 4, line 21*—
Delete "$10 000 000" and substitute:
$5 000 000

No. 4. *Clause 6, page 5, lines 1 to 5*—
Delete subclause (5)

No. 5. *Clause 6, page 5, before line 6*—
Insert:
(5a) In determining what is a public work, and in estimating the future cost of a public work, any artificial division of a project so as to make it appear to be a number of separate projects is to be ignored.

No. 6. *Clause 6, page 5, line 25*—
Delete "$10 000 000" and substitute:
$5 000 000

ADJOURNMENT DEBATE

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

That the house do now adjourn.

INFRASTRUCTURE EXPENDITURE

Mr VENNING (Schubert): The unique occasion of this parliament sitting in Mount Gambier is appreciated by me. It is an honour to be part of this history. I thank the people of Mount Gambier for their hospitality and friendliness. I like this city, having visited it many times, the first time as a small boy when I visited my uncle and aunt, Mr and Mrs Evan Tylor, who lived At Millicent for some time during the mid-1950s. My uncle was employed designing and building the many drains that criss-cross the landscape here.

With the funeral of Sir Joh Bjelke-Petersen taking place yesterday, I take this opportunity to reflect on one of the most successful yet controversial politicians in Australian history and his forward movements in terms of development for his state of Queensland and, more importantly, its relevance to us in South Australia. For almost two decades, this strong politician worked wonders for Queensland as his 'can do' attitude towards development saw the state progress in leaps and bounds. Sir Joh knew that Queensland had huge problems. He introduced policies and initiatives to turn the problems around. There was very little infrastructure and few natural resources at the time. Sir Joh realised the potential that existed for Queensland, particularly through tourism opportunities and investments for older citizens. He made the coal mines profitable and he provided new state-of-the-art infrastructure.

He got rid of the iniquitous death duties before we did and he was upfront in encouraging all the retirees to come and build their homes and retire in Queensland, and they did so in droves, particularly in the areas of the Gold Coast and Surfers Paradise. Not only did he set about establishing and promoting Queensland as a prime area for retirees and tourism but he also encouraged developers to come in and develop the area. His methods of encouraging business to come to Queensland were often unorthodox, but it worked. Most importantly, the infrastructure that was built under Petersen in Queensland is in stark contrast to that in South Australia today. While Queensland had Petersen, South Australia had the Dunstan government and, when Petersen came to office in 1968, South Australia had better infrastructure than Brisbane. However, after 20 years, that has completely changed. I was in Brisbane a couple of weeks ago. It now has fantastic infrastructure including parks and gardens, public transport, new trains—everything.

Was it the Petersen line or the Dunstan line that set up their individual states for the future and which is more appreciated today? While Petersen was leading Queensland, Dunstan was 'revolutionising' South Australia. The Tonkin Liberal government tried to redress the problem when it came to power. It was particularly active with plans for massive new infrastructure, massive city road upgrades and rail upgrades including the standardisation of all gauges including the South-East lines. All the Tonkin government's plans were stopped by the subsequent Labor government of Mr John Bannon. Most importantly, the MATS plan, which was the biggest transport upgrade of Adelaide since Colonel Light, was scrapped. It was a plan not dissimilar to what we see in Brisbane today, but maybe not on such a grand scale. Some would say that the State Bank (another Labor disaster) was not the worst disaster for South Australia, but the scrapping of the MATS plan was.

On the day after Petersen's funeral some people were very critical of the style of premier he was, with the word 'corrupt' being mentioned. I think that is extremely unfair and, at this time, very disrespectful. Queensland will reap the benefits of Petersen's stewardship for many decades to come while South Australia labours under the Dunstan dilemma, with a city that is now choking and with levels of infrastructure

required which are unachievable and unaffordable when taking into account the costs of things today. Yes, former premier Joh Bjelke-Petersen was unashamedly pro-Queensland and unashamedly pro-development, even if his methods were controversial. Remember, Joh did not take any personal superannuation.

To bring this to the realms of today: yes, we have another Labor government here in South Australia and they are trying to address our huge shortfalls in public infrastructure. Well, are they? I am a member of the state Public Works Committee. We have had three years of this Labor government and how many public works have we had through? I appreciate working with colleagues on that committee but we have had practically no public works at all—the only ones we have done were projects or major works that were left by the previous Liberal government.

Queensland is now arguably the best performing state, and when we consider where we were in 1968 when the 'peanut farmer' or the 'kid from Kingaroy' came into power—that will be Sir Joh Bjelke-Petersen's epitaph and the problem we have here in South Australia will be Dunstan's. Sir Joh was everything that the Don Dunstan government was not, and that subsequent to that the Bannon, Arnold and Rann Labor governments were not and are not. He knew what people wanted, he knew how to get it, he knew how to pay for it and he knew how to get it done quickly. They are words we just do not know today, things just do not happen quickly today. None of these attributes apply to the current Labor government. Petersen's time in power proves many things, and I believe that Queensland has been extremely fortunate that the 'kid from Kingaroy' became their leader in 1968. It is a shame that we got Don Dunstan at the same time, and it is just a pity that the state of South Australia is falling behind the eight ball because of a government which has a 'cannot do' attitude.

Members should look at the Economic Development Board's recommendations. Recommendation No. 1 of 32 is that we have a 'can do' government. Dozens upon dozens of projects have been put forward but this government does not even start them; it says it will do but nothing happens. This 'can do' attitude is missing from governments today. I very much lament the situation we are now in.

I was in Queensland when Sir Joh died and I heard the criticisms and the accolades, and I sat down and wrote this speech out because I had all these mixed emotions about where we could have been if we had had similar leadership here. I know that members of the current government have the same mind-set—they are unable to get the system to go. I will not mention names but I know, from public works and everything else, that they have a desire to progress but they cannot because the system does not allow them to. One does not have to look too far to see how much the Rann Labor government is really achieving in terms of infrastructure development and upgrades. As I said, all you have to do is look at the Public Works Committee.

We are facing extreme challenges right now and we will not be doing so well in the future if something is not done about our failing infrastructure. As you are aware, I am a member of the Public Works Committee and I am very concerned that we are not having any work coming through. Worst of all is the money that is being spent on this iniquitous lifting bridge at Port Adelaide when we could save $90 million to $100 million on that project building a better bridge, one that would be better served by the industry by having it fixed. That $100 million would more than standardise the railway line down here to Mount Gambier. It would be great to subsidise a passenger service back to our regional cities of Mount Gambier, Port Pirie, Port Augusta and Whyalla. We should also be dualling all our major highways: Adelaide to the border at Bordertown, Adelaide to the Riverland to the border, and also Adelaide to at least Port Augusta.

Mr Koutsantonis interjecting:

Mr VENNING: We were doing that.

Members interjecting:

The SPEAKER: Order!

Mr VENNING: In my electorate alone $19 million was spent. I am totally bereft as to why we have a government that is supported by two Independents, neither of whom represent the City of Mount Gambier. Those country members of parliament are keeping this government in power. We have a citycentric government that is supported by a member who is sitting alongside of me right now. It is supported by members of parliament who are really not independent at all. It is against the natural attitude and the requirements of the people of Mount Gambier. Thanks for having us—

Time expired.

THE VILLAGE TAVERNER

Ms RANKINE (Wright): As a result of a number of serious incidents at the Village Taverner over a long period of time—

The SPEAKER: Order! Someone must have a mobile phone near the microphone.

Ms RANKINE: —I forwarded a submission to the Office of the Liquor and Gambling Commissioner asking for a review of the operating hours of these premises. From Wednesday to Saturday each week, the Village Taverner operates until 4 o'clock in the morning. It is the only hotel for some distance to do so. Hotel patrons are leaving their local when it shuts and travelling to Golden Grove for a late-night session. This has caused some very real problems. In 2003, a young man, Andrew Rankine (not related to me) died as a result of an assault—

The SPEAKER: Order! Someone must have a mobile phone or some other electronic device near the microphone.

Ms RANKINE: —and this has caused his family and friends a lot of distress. It was as a direct result of incidents occurring in and around the Taverner that a dry zone was proclaimed in July 2003. However, serious incidents have continued to occur. In March there was a brawl at 3:30 a.m. involving up to 50 people. Police were called to the car park of the Village Taverner following reports that a group of people were drinking and causing a disturbance. A fight broke out, bottles were thrown at the police, and the police used capsicum spray and arrested five people.

Holden Hill police's Acting Superintendent, Peter Anderson, was reported as saying that it took police until 4:15 a.m. to clear the area. He said, 'It's not the first time we have had problems at that hotel at closing time.' It is clear there is a safety risk associated with the operating hours of this hotel. In a report in *The Advertiser* in November headed 'Closing time at Golden Grove's pub notorious', several late-night taxi drivers and service station attendants said that they consistently saw aggressive behaviour in the area. One attendant said, 'It's enough to put you off working nights.' That person had been in that job for 14 years.

We have also had incidents of women being attacked in the early hours of the morning near the hotel. One woman

was grabbed from behind and pulled into the bushes on The Golden Way, where she was sexually assaulted and briefly lost consciousness in a violent struggle with her attacker. The woman had been to the Village Taverner and was waiting to flag down a taxi to make her way home. In an earlier incident three men attempted to pull a woman into a car in the car park of the hotel, but luckily she escaped unharmed.

These incidents are serious and highlight the consequences, I believe, of very late operating hours when no other facilities are open. People from all walks of life are attracted to the venue as are some very unsavoury characters who are not there simply for a fun night out. There are others who, it would seem, cannot help but get into mischief. It does not have to be serious mischief, but it upsets and unsettles the residents. Quite frankly, the residents have had enough, and I don't blame them.

When approval was originally sought for this hotel to be established, the residents were assured that it would be a family tavern. I do not know of any families who are out until four in the morning on Thursday and Friday nights. I have no doubt that, when a new patrol base is up and running next year, the very visible presence of the police will have an impact on the behaviour of hotel patrons. But this is not just about policing. The Taverner also has a responsibility and I am sure they would agree. They work well with the Golden Grove Stakeholders Group and they have implemented a range of security measures. However, the problems have continued. Sensible operating hours will go a long way towards solving the problems being experienced and that is why I have asked the commission to consider this issue.

Last night the member for Playford thanked the people of Mount Gambier for their warm hospitality and I reiterate those sentiments. No matter where I have visited I have been very warmly welcomed. I visited Meals on Wheels in Mount Gambier yesterday and was treated to some wonderful homemade scones and jam. The elderly people in Mount Gambier receiving Meals on Wheels would be getting the Rolls Royce of meals from their local kitchen. The volunteers at Mount Gambier Meals on Wheels are a great bunch of people who have been serving this area since 1962 and deliver something like 823 000 meals.

I was also delighted this morning to see the joy and enthusiasm of a number of Mount Gambier residents who were socialising, dancing, enjoying music and generally enjoying one another's company. The little scout hall was full and it was really jumping. The only thing that stood out about this function was the mix of people—a range of ages and a range of disabilities—doing what we all take for granted, doing what they should be able to take for granted, and they can because of the dedication and commitment of so many local volunteers. They were all wearing one of the lovely yellow carnations, like one I had on my jacket today, made by Heather. I spoke with Nadia. Nadia is a delightful, joyful woman thoroughly enjoying her volunteer role. Nadia has physical disabilities, but she is blooming in her volunteer role and it is a great credit to this organisation. I urge other community groups across our state to think about how they can increase and involve people with disabilities in their community organisations. To not do so denies their organisations many valuable skills.

I also put on record my appreciation of the people of Mount Gambier in the support of the campaign that I ran in relation to procuring free pneumococcal vaccines for our babies. I was warmly welcomed some time ago when I visited the childcare centre and kindergartens, and parents in this area really got behind that campaign. I am hearing very strongly since I came here that volunteering has benefited enormously from the establishment of the Limestone Coast Volunteer Resource Centre, which I was privileged to open last year. Jan Bittner is to be congratulated on her effort in promoting and assisting volunteer organisations throughout this region. The Limestone Coast Volunteer Resource Centre is one of three that has been opened up in rural South Australia, along with those in Port Augusta and Clare.

Volunteers in their contribution to our state are highly valued by this government and we are working together with the volunteer sector to benefit and encourage volunteers in the work they do. The Premier has hosted numerous functions for volunteers across our state as part of our community cabinet program, with our latest community cabinet in Bordertown and Naracoorte. Many hundreds of volunteers turned out and it was a real honour to meet and speak with them. This was a slightly unique community cabinet, however.

Our practice has always been to invite the local member, unlike the practices of the former government where local members were not invited and not involved. They continue that practice, having recently held a shadow cabinet out in Salisbury and Tea Tree Gully and no local members were advised of the shadow cabinet meeting or invited. However, we do that. Members are always invited and have always attended, whether Liberal, Labor or Independent. It is an opportunity for them to say thank you to their communities and we welcome that, but on this occasion that did not happen. The member for MacKillop did not turn up to anything in Bordertown or Naracoorte.

You really have to wonder why. We held the community cabinet in Goyder—the member turned up. We held one in Flinders—the member turned up. We held one in Mount Gambier before the member for Mount Gambier joined the Labor government—he turned up. They all have, but not the member for MacKillop. Let him explain to his constituents why he was too busy to attend and to pay tribute to those wonderful people for the work that they do in his community. I think perhaps it was much more an indication of his smallness.

Motion carried.

At 7.46 p.m. the house adjourned until Thursday 5 May at 10.30 a.m.