HOUSE OF ASSEMBLY

Monday 4 July 2005

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

CHARITABLE ORGANISATIONS, PAYROLL TAX

A petition signed by 20 818 residents of South Australia, requesting the house to urge the government to immediately broaden the current definition of charities that receive relief from payroll tax to include charitable non-profit organisations providing services to the community in the area of conservation and animal protection and thus provide them with exemption from State Payroll Tax Liability, was presented by Mr Scalzi.

Petition received.

MARINE PROTECTED AREAS

A petition signed by 45 residents of South Australia, requesting the house to urge the government to withdraw proposed Marine Protected Areas from the Fleurieu Peninsula and Kangaroo Island and consult with fishing, tourism and boating groups before introducing new proposals, was presented by the Hon. Dean Brown.

Petition received.

LAND TAX

In reply to **Hon. W.A. MATTHEW** (28 February).

The Hon. M.D. RANN: I have been advised that a total of $26 455.61 excluding GST has been spent on advertising that has appeared on radio, in newspapers and real estate lift-outs over the period February/March 2005. Funds for this communication were drawn from the Premiers other Payments line.

HAILL, Mr M.

In reply to **Mr BRINDAL** (5 April).

The Hon. J.W. WEATHERILL: I am advised that my department is not using any original report.

It is indeed the case that allegations made to my department involving Mr Haill were investigated and that these investigations cleared Mr Haill in relation to these allegations. Furthermore, my department has previously advised Mr Haill in person and in writing that this was the case.

DAIRY FARMERS, LOWER MURRAY AREA

In reply to **Hon. R.G. KERIN** (11 November 2004).

The Hon. K.A. MAYWALD: I am advised the final cost for rehabilitation of each farm is linked to the engineering plans adopted by the farmer. The farmers have appointed design engineers who are working with them to finalise the works that will be undertaken. Through the design process their engineer informs them of options and costs that are involved. Once completed, those plans will be submitted to the Government together with a formal application for financial assistance.

The design engineers are fully briefed on the funding that is available for approved works and part of their brief when preparing plans is to advise the farmer of the estimated cost. There is no suggestion that the Government would expect farmers to commit to a contract without them having a full understanding of the financial commitment.

The information regarding the Government's funding offer was issued in December 2003 to guide farmers and the engineers. That offer has been the subject of further fine-tuning and I was pleased to formally release some modifications on 27 October that were well received by farmers. The modifications were as follows:

- Funding to be made available to individual irrigators to undertake rehabilitation works. The previous offer required all funding to be through a District entity (usually an Irrigation Trust). This modification allows each irrigator to control the works on their property and is consistent with the manner in which they operate in this region. It is also expected to result in more efficient use of the available funds.
- It was also decided to expand the scope of works to include on-farm works so that the overall objectives of the program can be achieved. Previously the funding was limited to specific off-farm works but this did not adequately take account of the integrated nature of works in the Lower Murray. Farmers will now be able to undertake approved works that upgrade their farms in a way that achieves water use efficiency and environmental improvements but also provides an incentive to upgrade other parts of the farm to ensure sustainability of the industry.
- The funding offer was previously split into two components, supply and drainage, and different cost sharing principles applied. This tended to encourage farmers to undertake only part of the work, supply, and defer the equally important issue of drainage of polluted water to the River. The revised offer encourages farmers to do both. The cost sharing available is 83.27 per cent from Government and 16.73 per cent from farmers. The full amount of $3 135 per hectare from the Government is now available, subject to a farmer contribution of $630 per hectare. Under the first offer the funding could be less if the approved works were less but under this offer there is scope to undertake other on-farm works.
- A specific allowance of $150 per hectare has been set aside for rehabilitation funding which will be available to each district or individual.

I was in the Lower Murray on Wednesday 17 November to meet with dairy farmers and inspect the site of what is expected to be the first farm to undergo rehabilitation. The revised funding offer has been well received and I was encouraged by the enthusiasm and optimism shown by those dairy farmers I met.

TOXIC WASTE

In reply to **Hon. R.G. KERIN** (5 April).

The Hon. K.A. MAYWALD: I am advised:

The Victorian Government's April 2005 Fact Sheet 7 indicated that the Environmental Effects Statement (EES) for community consultation is anticipated to be released in mid 2005. Upon receipt of the EES, the ramifications of this proposed development to South Australia will be scrutinised.

However, Major Projects Victoria, a division of the Victoria Department of Infrastructure, has recently released (15 April 2005) the 'Site Condition Report – Hydrogeology of the Proposed Longer Term Containment Facility Study Area at Nowingi'. This document has been reviewed by the Department of Water, Land and Biodiversity Conservation (DWLBC). The findings have confirmed the preliminary technical assessment carried out by DWLBC namely:

- Up to 50m of low permeability Blanchetown Clay underlies the site, which would restrict the downward movement of any leachate contaminant into the deeper regional aquifers.
- The studies indicate that the regional groundwater system does not flow toward the River Murray from the proposed site, but in the opposite direction to the west towards the Raak Plains, a major regional groundwater discharge area.
- DWLBC will continue to maintain a watching brief on the proposed Longer Term Industrial Waste Containment Facility near Nowingi, Victoria.

SALINITY

In reply to **Hon. I.F. EVANS** (9 November 2004).

The Hon. K.A. MAYWALD: Information available from the Victorian Government indicates that the proposed site at Nowingi contains mallee shrub land, typical of the local region. I am advised that the number of trees proposed to be cleared is approximately 40 000.

Any salinity impacts that may result from this proposed development would need to be dealt with by the Victorian Government under its obligations through schedule of the Murray-Darling Basin Agreement.

TRAVEL COMPENSATION FUND

In reply to **Mrs HALL** (24 November 2004).

The Hon. K.A. MAYWALD: The Commissioner for Consumer Affairs advises that the Travel Compensation Fund is administered

under nationally consistent legislation in each state and territory except Northern Territory. The fund collects contributions from travel agents and travel service providers and pays compensation to consumers when upfront travel payments are not met because of the insolvency or fraud of the travel provider. After the Ansett collapse, there were insufficient reserves in the TCF to meet all of the losses sustained. The Commonwealth injected $5 000 000 and the states and territories together matched this with a further $5 000 000 to allow compensation to be paid and for the fund to continue. Since then, the fund board commenced an investigation into its funding structures to ensure its ongoing viability.

After considering the report, commissioned from an independent consultant, the TFC Board developed its own set of recommendations. Ministers for Consumer Affairs around the country agreed that the TCF Board should release the report for industry consultation. That has recently occurred. Some industry participants have complained that the period of consultation has been insufficient to allow proper consideration of the recommendations and the report. Rather than writing to the TCF Board, as was suggested by the Member for Morialta, I have asked the Commissioner for Consumer Affairs, to raise this issue with his counterparts, with a view to determining whether sufficient consultation with industry has occurred.

The Commissioner for Consumer Affairs has since advised me that the Australian Federation of Travel Agents, which is the premier travel agency representative body, is represented on the Board that commissioned the report, and that consequently travel agents have actually been able to monitor the progress of, and have input into, the inquiry via AFTA throughout the process. Further, the Commissioner raised the issue of the length of the consultation period with his counterparts and was advised that complaints had not been made in any of the other states. There is no intention to extend the consultation period in relation to this process.

SMALL BUSINESS

In reply to **Mr HAMILTON-SMITH** (11 November 2004).

The Hon. K.A. MAYWALD: I am advised the Government's Small Business program consists of the following sub-programs delivered through the Department of Trade and Economic Development:

	FTEs 2004-05	Budget 2004-05
Office of Small Business (including Small Business Advocate)	5	$627 200
Business Extension Services (component of Business Development Services division)	6	$2 187 500
Total	11	$2 814 700

In addition, other programs and sub-programs delivered by the Department (as detailed in the Trade and Economic Development Portfolio Statement) also service the small business sector to varying degrees but fall outside my small business ministerial responsibilities.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Volunteers (Hon. M.D. Rann)—

Volunteer Ministerial Advisory Group—Report on Advancing the Community Together—May 2005.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

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

Leave granted.

The Hon. M.D. RANN: I was first informed of allegations concerning the Attorney-General and Mr Randall Ashbourne on 20 November 2002. I immediately referred the allegations to the Chief Executive of the Department of the Premier and Cabinet, Warren McCann. I wrote to Mr McCann on 20 November 2002 as follows:

Dear Mr McCann

I am asking you to enquire as to whether or not there has been any improper conduct or breach of the Ministerial Code of Conduct or standards of honesty and accountability embraced by my Government.

Members interjecting:

The Hon. M.D. RANN: It is about to be tabled. My letter continues:

As you are aware, my Government is committed to establishing and maintaining the highest standards of honesty, propriety and accountability in order to avoid the scandals of the past which led to adverse findings against Liberal Ministers and, indeed, the resignation of the former Premier, the Hon John Olsen, on grounds of dishonesty.

Members interjecting:

The Hon. M.D. RANN: You want me to—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It's being tabled. My letter continues:

Today it was drawn to my attention that longstanding defamation actions taken by Ralph Clarke against the Hon Michael Atkinson MP, and vice versa, were dropped last week. I understand that, unbeknown to me and without my concurrence or authority a member of my staff, Randall Ashbourne, had spoken to Mr Clarke in relation to resolving outstanding legal matters with Mr Clarke, prior to both parties dropping their cases. The Treasurer advised me that he had heard today of claims that an offer of future Board appointments may have been made to Mr Clarke as part of the settlement of the cases. Under no circumstances will Ralph Clarke ever be appointed to a Government Board while I am Premier of South Australia. Board positions within this Government are based on merit, without fear or favour. I also believe that it would be totally inappropriate to link the resolution of any private civil case to a Government Board appointment. Mr Atkinson has told me that he had not had any direct contact with Ralph Clarke—

The Hon. R.G. KERIN: I rise on a point of order. This is a ministerial statement, and we do not have copies of what the Premier is reading. Could it be photocopied and distributed?

The SPEAKER: There is no point of order; the Premier has indicated that he is tabling the letter.

The Hon. M.D. RANN: It is coming; it is being tabled for all to see. This is what the courts prevented from being released:

I also believe that it would be totally inappropriate to link the resolution of any private civil case to a government board appointment. Mr Atkinson has told me that he has not had any direct contact with Ralph Clarke, nor did he offer Mr Clarke any appointment under the terms of his settlement. Mr Atkinson also advised me that he did not instruct Mr Ashbourne to make any offer to Mr Clarke of a board position. Mr Ashbourne claims that he did not make any direct offer of employment or a board appointment to Mr Clarke. I want to emphasise that no offer of employment or any board appointment has ever been made to Mr Clarke or contemplated by me or my cabinet.

Given the circumstances, I am asking that you undertake a preliminary and urgent investigation as to whether or not there are reasonable grounds for believing that there may have been any improper conduct or breach of ministerial standards or, in the case of Mr Ashbourne, the standards required of a ministerial adviser. If your preliminary investigation determines that any further inquiry is warranted, I will consider whether or not it is appropriate for Mr Atkinson and/or Mr Ashbourne to stand aside pending the results of that inquiry. I would be grateful if you would provide me with your advice as a matter of urgency.

At that time the Solicitor-General's position was vacant, as Mr Brad Selway QC had just been appointed to the Federal Court. I also received advice that it would be inappropriate to refer the matter to the Crown Solicitor as he had a direct reporting relationship to the Attorney-General.

Mr McCann, appointed by the former government, sought independent legal advice in the preparation of his report. Mr Ron Beazley SC (that is Senior Counsel, the same as a QC), the former Victorian government's solicitor, the Crown Solicitor of Victoria, was engaged to provide advice. Mr Beazley in turn retained Mr James Judd QC of Victoria to assist him. Mr McCann also informed the Auditor-General of the matter and the investigation.

On 2 December 2002 Mr McCann delivered his report to me. The reported concluded that:

1. There are no reasonable grounds for believing that the Attorney-General's conduct was improper or that he breached the Ministerial Code of Conduct.

2. There are no reasonable grounds for believing that Mr Ashbourne's conduct was improper or that he breached the Code of Conduct for South Australia's Public Sector Employees, although his actions may have been inappropriate.

3. Although there are some inconsistencies in evidence, further investigation would be most unlikely to change the findings. It would be expensive and is unwarranted.

On receiving Mr McCann's report I issued a formal reprimand and warning to Mr Randall Ashbourne, which I intend to table today. At the conclusion of Mr McCann's preliminary investigation I referred the report and all relevant material to the Auditor-General of South Australia, the state's probity watchdog.

Members interjecting:

The Hon. M.D. RANN: Are you going to listen? The Auditor-General responded on 20 December 2002 and advised:

In my opinion, the action you have taken with respect to this matter is appropriate to address all of the issues that have arisen. The arrangement for all ministerial advisers to attend a briefing session early in the new year about the standards of conduct expected of them is an important initiative and should obviate the potential for any repetition of the difficulties that have arisen with respect to this matter.

The Auditor-General also dealt with this matter in his annual report to the parliament in October 2003. On Mr McCann's advice, the report and its attachments were not released 'because of the potential for causing harm to people who have not had the opportunity to respond to things attributed to them by others.' We informed the Auditor-General.

Compare that with the actions of the former government with respect to its inquiries, when the Liberal Party had to be dragged screaming to do the right thing. At the time the matter was raised in parliament in June 2003 the matter was referred to the police for investigation, and it was not then appropriate to release the report while police inquiries were under way.

Since the completion of the resulting criminal proceedings, I have obtained advice from the Crown Solicitor, who confirmed that the release of the report raises issues of natural justice. However, the matters that require certain people to be accorded natural justice have been canvassed to some extent in the criminal proceedings. Therefore, the issue of natural justice is not so acute since the completion of the Ashbourne trial. Accordingly, I have now determined that the entire report be tabled in parliament. The release of this report will facilitate the debate on the matter of establishing an inquiry into the handling of the allegation.

The Minister for Transport, Infrastructure and Energy will today give notice of a motion which will result in the establishment of an inquiry into the handling of the allegations. The establishment of the inquiry will fulfil the undertaking I gave to establish such an inquiry at the end of the criminal proceedings against Mr Ashbourne. I look forward to the support of the opposition and, in particular, the Leader of the Opposition, for the motion and for the legislation which will be introduced today to provide the inquiry with powers and immunities.

The Hon. R.G. Kerin interjecting:

The Hon. M.D. RANN: That's what we are doing. We are tabling it for a day to give you the consultation you wanted, unlike what you did to me when you were in government. The procedure that the government has adopted in relation to the establishment and granting of powers and immunities to the inquiry is identical to those adopted by the former Liberal government, in which the Leader of the Opposition was a minister and deputy premier, when it established an inquiry conducted by Mr Clayton QC into the Motorola side deal. Given the results of that inquiry—and all members remember the Motorola inquiry—none of the honourable members opposite could now say that that inquiry, which was conducted quite properly, was ineffectual. The inquiry, of course, cannot look into the conduct of the trial which resulted in the unanimous acquittal of Mr Ashbourne—he was found not guilty. I am sure I can look—

Members interjecting:

The SPEAKER: Order! The house will come to order.

The Hon. M.D. RANN: Oh, now they are criticising me for sacking him. They change their position every day. I am sure I can look forward to the—

Members interjecting:

The Hon. M.D. RANN: I think you need to hear the Leader of the Opposition's own words. I am sure I can look forward to the Leader of the Opposition's support. He is on the public record as stating on ABC radio on 17 June 2005:

We're not so much worried about what happened in the court, we're worried about what the Government did in late 2002, why it was covered up and whether or not totally inappropriate actions were taken at the time.

I repeat once again that this inquiry will have the same powers as the one which was backed by the Leader of the Opposition and which investigated the background of the Motorola ordeal. I table the report, and I also table my letter of reprimand to Mr Ashbourne dated 4 December 2002.

Members interjecting:

The SPEAKER: Order! The house will come to order.

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

Mr BRINDAL: I rise on a point of order, Mr Speaker. The member for Mount Gambier made offensive remarks across the chamber, and I ask that he withdraw them.

An honourable member interjecting:

Mr BRINDAL: I am not going to repeat them. If he wants to, let him.

The SPEAKER: Order! I did not hear the comment, so I do not know what the comment was.

Members interjecting:

The SPEAKER: Order! The house will come to order. Members on either side should not engage in provocative comments across the chamber.

CARNEGIE MELLON UNIVERSITY

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.W. KEY: On 4 May this year an application was received from Carnegie Mellon University's Provost,

Professor Mark Kamlet, seeking approval to establish a branch of that university in Adelaide. The application sought authority to operate as an overseas higher education institution in Australia and was made pursuant to Protocol 2 of the National Protocols for Higher Education Approval Processes. Carnegie Mellon's application is the first made in Australia since the establishment of these protocols by the Ministerial Council on Education, Employment, Training and Youth (MCEETYA) in 2000.

In addition to this Protocol 2 application, Carnegie Mellon is seeking recognition under national Protocol 3. This will enable its courses to be accredited in Australia and listed on the Australian Qualifications Framework, and is required to give approval to deliver education to overseas students through registration on the Commonwealth Register of Institutions and Courses for Overseas Students.

In accordance with the national protocols and pursuant to South Australia's Training and Skills Development Act 2003, an independent panel was established to consider and make recommendations to me with respect to Carnegie Mellon's application. This panel was chaired by Professor Gus Guthrie, former vice chancellor of the University of Technology, Sydney, and lead author of the commonwealth's report on the further development of the national protocols. The other four voting members of the panel were Professor Peter Boyce, Deputy Chair of the panel and former vice chancellor of Murdoch University in Western Australia; Professor Linda Rosenman, Executive Dean, Faculty of Social and Behavioural Sciences at the University of Queensland; Professor Geoff Wilson, former vice chancellor of Deakin University in Victoria and the University of Central Queensland; and Professor John Hughes, Professor of Computing and Director of the Research Institute for Information and Communication, University of Technology, Sydney.

Pursuant to section 5 of the Training and Skills Development Act 2003, I have considered the panel's report and recommendations and made a determination. My determination is to accept the recommendation of the panel and approve Carnegie Mellon's section 5 application, granting it recognition as a university for the purposes of the act. I advised the Premier this morning that notice of my determination is being forwarded for gazettal. Formal advice about this determination also is being sent to the commonwealth education minister, the Hon. Brendan Nelson.

The commonwealth government's support of this Australia-first treatment of an application under the national protocols should be recognised. I also acknowledge minister Nelson's commitment to make necessary legislative changes to the Higher Education Support Act 2003 and the Education Services for Overseas Students Act 2000 that will support the establishment of the South Australian branch of Carnegie Mellon University.

There will now be no need to enact South Australian legislation. However, changes to the commonwealth legislation and various other regulatory matters need to be resolved prior to the commencement of Carnegie Mellon's operations in 2006. My section 5 determination is also contingent upon the registration of Carnegie Mellon University as a registered training organisation in higher education in accordance with part 3 of the Training and Skills Development Act 2003. A determination under part 3 of the act is the responsibility of the delegate of the Training and Skills Commission. I will advise parliament of further significant developments as they arise.

QUESTION TIME

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. What was the specific nature of the complaint made by the DPP in his confidential memo to the Attorney arising out of the telephone call between the Premier's staffer Nick Alexandrides and the Attorney's office?

The Hon. M.J. ATKINSON (Attorney-General): After the Ashbourne matter came back from the office of the DPP and, I think, August 2003, a protocol was put in place, so that all matters related to Mr Ashbourne's trial—and also matters related to his unfair dismissal claim—were handled by the Hon. Paul Holloway. That was requested by the office of the DPP (as I recall, Wendy Abraham and Pauline Barnett). The Premier assented to that, and that became an established protocol. So, in my meetings with the DPP (whomever the DPP was at any particular time), the Ashbourne matters were not raised with me.

Similarly, in my meetings with the Crown Solicitor, Mr Ashbourne's claims for unfair dismissal were not raised with me, either; neither they should be. Some 20 minutes before I was due to give evidence in the trial, Mr Pallaras and Ms Barnett came to my office and said that they wanted to see me about a matter, which turned out to be about the Ashbourne case; that is to say, 20 minutes before I was due to give evidence in the trial, I was approached—I am a witness—just before giving evidence, by Ms Barnett and the DPP—and, on top of that, in complete and flagrant breach of the protocol that had been established surrounding this case.

If I had gone along with breaching the protocol, I can imagine what the first question today would have been. What would the first question today have been? So, quite properly—

Ms Chapman interjecting:

The SPEAKER: The member for Bragg will come to order.

The Hon. M.J. ATKINSON: —I declined to see Ms Barnett and Mr Pallaras (who came along also). I made arrangements for the minister responsible for this matter, namely, the Hon. Carmel Zollo (who was representing the Hon. Paul Holloway, who was in Japan on a trade mission) to meet the DPP. My understanding is that, again in breach of protocol, Ms Barnett and Mr Pallaras refused to disclose to the responsible minister (namely, the Hon. Carmel Zollo) what the matter was all about. Later in the day, I was handed a memo about this matter in an envelope which I refused to accept and which I conveyed to Mrs Zollo; and, to this very day, I have not read it.

NAIDOC WEEK

Ms BREUER (Giles): My question is to the Acting Minister for Aboriginal Affairs and Reconciliation. What is the significance of NAIDOC Week, and what has been the involvement of the state government in this important week?

The Hon. J.W. WEATHERILL (Acting Minister for Aboriginal Affairs and Reconciliation): I acknowledge the member for Giles' powerful advocacy on behalf of the interests of people—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Are people scoffing at that? The member for Giles has been a powerful advocate for indigenous interests in this parliament. As members would be aware, the National Aboriginal Islander Day Observance Committee (NAIDOC) Week officially began on Sunday 3 July. The third NAIDOC theme is 'Our future begins with solidarity,' and Adelaide is the national focus city for this year's events.

NAIDOC has a long and proud history. It is a movement that arose gradually and against much resistance to place issues of concern for Aboriginal people on the political agenda. In 1957 the National Aboriginal Islander Day Observance Committee was formed with support from government, the private sector and churches. This committee was formed to raise awareness of the living conditions of indigenous Australians and the fact that their citizenship rights were not recognised. In 1974 NAIDOC became an all indigenous committee, and in 1975 Aboriginal Day was extended to National Aborigines Week. In 1988 the committee became NAIDOC, as we know it today, specifically now including Torres Strait Islander peoples.

The state government has been pleased to be actively involved in establishing a calendar of events for this year's NAIDOC Week. The state government has convened and is supporting organised activities around the state and is well represented on the national NAIDOC committee's series of activities. The government, through the Department for Aboriginal Affairs and Reconciliation, has also coordinated the nomination assessment process for the national NAIDOC awards, which will be presented at the NAIDOC ball, an awards ceremony to be held on Friday evening at the Adelaide Convention Centre.

Events during the week include film screenings and musical performances, as well as barbecues and art exhibitions. I also would like to thank all state government agencies for embracing NAIDOC Week and for organising activities in partnership with our indigenous community, again reinforcing this week's theme of solidarity. I will personally be participating in a number of the week's activities, including a NAIDOC event at Tauondi College on Wednesday and the NAIDOC march on Friday.

I commend this exciting and diverse program to all members and encourage everyone to attend at least one of the activities offered during NAIDOC Week. It is crucially important that we send a message that Aboriginal Australians are part and parcel of our community, that we do not allow them to slip into becoming an invisible part of our community and that we celebrate the diversity of their culture and the fact that they are a crucial part of our South Australian community.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Did anyone from the Attorney-General's office open the memo from the DPP before it was passed on to the Hon. Carmel Zollo, and was it the Attorney-General or one of his staff who alerted Nick Alexandrides to the memo's contents?

The Hon. M.J. ATKINSON (Attorney-General): I am not quite sure of the purport of that question. I have never seen the memo to this very day. I do not know what its content is. As a result of the DPP's office referring it to my office, it was incumbent on my Chief of Staff to handle the matter. It was referred to the Hon. Mrs Zollo, as the responsible minister, and I imagine that, for natural justice reasons, Mr Alexandrides would at some stage had to have been informed of the purport of the minute.

The Hon. R.G. KERIN: Sir, I have a supplementary question. Was it the Attorney's office or the Hon. Carmel Zollo who alerted Nick Alexandrides to the contents?

Members interjecting:

The SPEAKER: Order! The leader has asked his question. The Attorney.

The Hon. M.J. ATKINSON: I do not know, but I will try to obtain an answer for the Leader of the Opposition. I suspect it is not material.

The Hon. R.G. KERIN: Sir, I have another supplementary question. Given the Attorney's statement, does he not feel, because cabinet made a decision that this was to be handled by a minister other than the Attorney, that it would be totally inappropriate for his office to open the memorandum?

The Hon. M.J. ATKINSON: I do not have feelings about the matter, to answer the Leader of the Opposition's question directly. The people who tried to run against the protocol were those who came to my office and those who brought up the memorandum.

ADELAIDE CABARET FESTIVAL

Ms CICCARELLO (Norwood): My question is to the Minister Assisting the Premier in the Arts. Can the minister report to the house—

Members interjecting:

The SPEAKER: The Minister for Transport will contain himself. The member for Norwood has the call.

Ms CICCARELLO: Will the minister report to the house on the success of the 2005 Adelaide Cabaret Festival?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): The Fifth Adelaide Cabaret Festival was held at the Festival Centre from 10 to 25 June and was a tremendous success. The festival recorded audiences of more than 46 000 people and had record box office takings for the event. Ticket sales exceeded $910 000 and there were 51 sell-out performances. The program included 400 artists, of whom 280 were South Australian. There were 220 performances of 70 different shows, 16 of which were national or international premiers.

I know that a number of members of parliament, including the shadow minister and other members on both sides of the house, were fortunate enough to see some of the shows. Personally, I had pleasure in seeing a number of performances, including satirist Max Gillies, who did an excellent skit based around Alexander Downer and another based on Amanda Vanstone. It was pleasing that, at the time I saw it, Alexander Downer was in the audience, thoroughly enjoying himself. Irish singer Camille was another highlight, and the Belgian chanteuse Micheline Van Hautem in her performance of *Madame* was a great success. I raise that in particular because she highlighted the body art work of Adelaide resident Emma Hack.

The festival was originally commissioned for a three-year trial, and this was the first cabaret festival held under this government's ongoing commitment to staging the event. The festival achieved glowing feedback from the artists and national and international critics, and already several

companies have signalled that they are keen to sponsor the event again next year. On Saturday night, the festival and the artists were highlighted in a pay-TV telecast called *A Celebration of the Adelaide Cabaret Festival*. The festival has made a huge contribution to our reputation as the festival state and already work is under way for the 2006 program, to be released in April next year.

I want to congratulate Julia Holt, the Director, and Kate Brennan, the outgoing CE of the Festival Centre for the outstanding work they have done, not only in this festival but in previous festivals.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question again is to the Attorney-General. Given that the memo from the DPP to the Attorney-General had been opened when received by the Hon. Carmel Zollo, as she has told the other house, will the Attorney-General commit to report to the house today on who in his office opened it, and was it copied?

The Hon. M.J. ATKINSON (Attorney-General): I have never been near the memo and I do not intend to make the entirely fruitless inquiry for which the honourable member asks.

SASI, ELITE SPORTS PROGRAM

Mr CAICA (Colton): My question is to the Minister for Recreation, Sport and Racing.

Members interjecting:

Mr CAICA: They are very rude over there, sir.

The SPEAKER: Yes. The house will come to order.

Mr CAICA: Will the minister update the house about the South Australian Sports Institute's elite sports program?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I know that the honourable member is a great supporter of the South Australian Sports Institute (SASI). I am pleased to inform the house that SASI will host a number of elite sports over the next four years leading up to the Beijing Olympics. Last Friday, the Australian Institute of Sport announced that Adelaide would host the national beach volleyball program. The new AIS program builds on the very strong foundations of the Team Australia beach volleyball program that has been hosted by SASI so successfully over the past two Olympic cycles.

It was a requirement that states had to compete for the right to host the new AIS program through a formal tender process, and I understand that there was stiff competition from the Eastern States. However, South Australia's bid was recognised as a superior option to host the new AIS Beach Volleyball National Centre of Excellence leading to the Beijing Olympiad.

The AIS acknowledged that the South Australian Sports Institute provides considerable expertise, modern facilities and support in the form of vital sports science and sports medicine assistance for such a program. In the recent budget the government has provided an extra $300 000 per annum for the next four years to SASI for enhanced sports science provisions for elite sports programs. The funding will also enable the provision of far greater support to the National Olympic Trampoline Program and the SASI Centre of Excellence programs in rowing and canoeing.

The National Trampoline Program has been attracted to relocate to Adelaide in partnership with SASI as part of an innovative Aerial Sports Centre of Excellence program also involving diving and gymnastics. This is great news for South Australia. The government is pleased to support SASI's position as an internationally respected centre for elite sport.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Who leaked the contents of the DPP's confidential memo of complaint, if not the memorandum itself, to the defence team in the Randall Ashbourne corruption case? A statement made by the DPP on Friday last week is as follows:

> The contents of the memorandum, if not the document itself, had been leaked to the defence team.

This leaking occurred within 24 hours of the delivery of the memo to the Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): I have no evidence before me that Mr Ashbourne's defence team—I refer to Mr Mark Griffin—has this minute or the content of it. However, I imagine that the defence team was somewhat concerned about Pauline Barnett and Stephen Pallaras approaching a witness just before he was about to give evidence.

ABORIGINES, EMPLOYMENT AND TRAINING

Ms BEDFORD (Florey): My question is to the Minister for Employment, Training and Further Education. What Aboriginal employment and training initiatives are being undertaken as part of South Australia Works?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Florey for this important question, particularly at the start of NAIDOC week. The Indigenous Works Program is a priority area for South Australia Works and aims to increase the participation of indigenous people in employment and training through a variety of targeted programs. During 2004-05, a total of 1 190 indigenous people benefited through the allocation of $3.326 million for training and development opportunities as part of the following programs:

- 340 Aboriginal people participated in the state Public Sector Aboriginal Employment Program, 190 of whom have subsequently gained employment;
- 50 people secured a trade-based apprenticeship in the private sector through the Aboriginal Apprenticeship program (and having been at a number of graduation ceremonies I can say that it is quite wonderful to see the achievements of the Aboriginal Apprenticeship Program);
- 50 Aboriginal people were provided with support to maximise their own ongoing employment through the post-placement support program;
- 350 indigenous people participated in South Australia Works training and employment programs in regional areas; and
- Tauondi Aboriginal College provided accredited and non-accredited training for 400 full-time equivalent students.

In all, over 360 indigenous people ultimately gained employment through these measures. All these programs are continuing in 2005-06. With additional infrastructure funding in TAFE, there will be increased opportunities for Aboriginal people to participate in education and training.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question again is to the Attorney-General. The Hon. Carmel Zollo has confirmed that she did not alert Nick Alexandrides to the contents of the memo. Who in the Attorney-General's Office did alert the Premier's senior legal officer? In his statement made last Friday the DPP has revealed that at 1.15 p.m. on 9 June he delivered a private and confidential memorandum to the Attorney-General's Office. The DPP continues:

> At approximately 2 p.m. . . less than an hour after the delivery of the memorandum to the Attorney-General's office, Mr Alexandrides made another telephone call to a prosecutor involved in the Ashbourne case. . . the contents of the memorandum, if not the document itself, had therefore already been given to Mr Alexandrides by 2 p.m. on 9 June.

The Hon. M.J. ATKINSON (Attorney-General): I think that this is an entirely fruitless line of inquiry. The best I can do is try to trace the movement of this memo through government, but I do not see any reason at all why Mr Alexandrides would not be informed of the allegation against him. It is just natural justice. I do not see how a government can handle an allegation of this kind unless it knows what it is.

METABOLIC SYNDROME

Mr SNELLING (Playford): My question is to the Minister for Health. Can the minister inform the house about metabolic syndrome and what is being done to address this health issue in South Australia?

The Hon. L. STEVENS (Minister for Health): I thank the member for Playford for this question, and I am pretty sure that it does not apply to him. Metabolic syndrome is a little known medical condition which affects approximately 23 per cent of South Australian adults and which is also associated with increasing age. This syndrome is defined as central obesity where fat is concentrated around the abdomen and where two or more of the following conditions are present, namely, high blood pressure, high cholesterol, diabetes or elevated blood sugar levels.

Mr Venning interjecting:

The Hon. L. STEVENS: The member for Schubert should listen carefully. Clearly, metabolic syndrome is a condition of some concern. It increases the risk of heart attack and stroke, and it also contributes to the dramatic increase in the number of people with type 2 diabetes. Data from the North Western Adelaide Health Study shows that the prevalence of metabolic syndrome in South Australia is significantly higher among males, at 26.4 per cent, than among females, where the prevalence rate is 19.5 per cent. This study involves more than 4 000 participants, and it is helping researchers to learn more about this little known medical condition.

As part of the study, participants undertake an initial health examination, which includes the measurement of their waist and hip circumference, blood pressure, and sugar and cholesterol levels in the blood. The study continues this year and participants are currently visiting the study clinic for the second health assessment. The study will help us to focus on ways of dealing with obesity, blood pressure and cholesterol problems and help us to reduce risks for South Australians in the future.

Of course, the best way to avoid metabolic syndrome is through regular physical activity and healthy eating. Increasing activity levels such as daily walking and maintaining healthy eating habits such as eating two serves of fruit and five serves of vegetables each day play a major role in reducing risk factors, and everybody can make a decision to do this. Other ways include not smoking, maintaining a healthy body weight and reducing stress levels, which might be a little difficult in some occupations. This study will contribute significantly to our understanding of metabolic syndrome and identifying successful strategies to reduce the risk for South Australians.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Did the Premier know that his legal adviser, Nick Alexandrides, made a call to the DPP's office after he was made aware of a complaint against him? Is the Premier aware of what was discussed during that call?

The Hon. M.D. RANN (Premier): I understand that a call was made from the DPP's officer to Nick Alexandrides. Nick told me later on that he had had a fight with his mate and that they were a couple of lawyers having an argument; at least this one was apparently not at taxpayers' expense. I am pleased today that I have actually been able to table and release the reports that we did, because that is what the court prevented me from doing. As I pointed out to the DPP's people, I will not be gagged by anyone and today, I have proven that.

The Hon. DEAN BROWN: I rise on a point of order. The Premier is clearly debating an issue that was not even the subject of the question. The question was very specific, and we want an answer to it from the Premier.

The SPEAKER: We heard the question. The Premier should answer the question.

The Hon. M.D. RANN: I just answered the question.

The SPEAKER: Has the Premier finished?

The Hon. M.D. RANN: I am happy to continue. I just answered the question. Nick Alexandrides informed me after the fact that he had had a spat, and had then apologised. I have to say that when I was down in the courts the vibe of the prosecution was like the film *The Castle* meets *The Perils of Pauline*.

Mr MEIER: I rise on a point of order. Mr Speaker, I did not hear all the answer. Was the Premier's answer yes or no?

The SPEAKER: That is not a point of order.

GREAT AUSTRALIAN OUTBACK CATTLE DRIVE

Mr RAU (Enfield): My question is to the Minister for Tourism. What plans are proposed for the staging of the next Great Australian Outback Cattle Drive following the success of this year's event?

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, member for Davenport!

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the Member for Enfield for his interest in rural activities. He knows that the Great Australian Cattle Drive, which was staged between 30 April and 11 June this year, was a great success in that it really cemented South Australia as being the home of the authentic Outback experience and the only place where you can have a true tourism experience that brings visitors to regional towns and communities.

This event is owned and managed by SATC's Major Events Group and saw the movement of 500 cattle—this year being all organic cattle—being driven by experienced drovers and up to 70 participants down a 514 kilometre track, the legendary Birdsville Track, retracing the original stock route used to bring cattle from Southern Queensland to Marree, where they were put on trains and shipped to Adelaide. There were over 255 event-specific visitors participating with 39 mainly international media, with the visitors comprising 32 per cent from South Australia, 18 per cent from overseas, 27 per cent from Victoria and 21 per cent from New South Wales.

Whilst the exact economic impact of the event has not been calculated, we do know that many of the international and interstate visitors had pre and post cattle drive tours where they enjoyed everything from Kangaroo Island to vineyard areas. However, it is already calculated that the media participation in the event has generated $8 million in direct advertising and will be a key component of our continuing international campaign to bring more tourists to South Australia.

The SATC intends to have a second event and will have another one in 2007. We expect the final details to be announced when we have our Australian Tourism Exchange campaign in South Australia in June 2006. For that event there will be media familiarisations in May and June, and this will, again, provide good international exposure.

For the success of this event the state government would like to thank not only the drovers and the people who loaned their cattle but also Australian Major Events and Leanne Grantham, who worked extraordinarily hard to make the event exciting, vibrant and safe. I think the only complaints I heard when I took part in the event—and I am sure that the house will be pleased to know that I rode in to Marree on a horse—was that all the visitors, international and domestic, complained that the food was so good they had put on weight. The catering, the accommodation and the plumbing, let me say, was exemplary and made it the sort of event that anyone could enjoy—even camping.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. If, as the Attorney-General explained in an earlier answer, there were well established protocols regarding matters concerning the Ashbourne case, why was the envelope containing the memo from the DPP opened in the Attorney's office by staff who report to him?

The Hon. M.J. ATKINSON (Attorney-General): The question has been asked and answered.

The Hon. R.G. KERIN: I have a supplementary question, Mr Speaker. Can the Attorney-General—

Members interjecting:

The SPEAKER: Order! The house will come to order.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. R.G. KERIN: Can the Attorney-General categorically deny knowing the contents of the DPP's memo?

The Hon. M.J. ATKINSON: I have answered that, sir. As a matter of fact, I can, because I went off to court and gave evidence and came up to proof.

An honourable member interjecting:

The Hon. M.J. ATKINSON: No, I did not know. Is that plain?

JUVENILE CRIME

The Hon. P.L. WHITE (Taylor): Can the Attorney-General—

The Hon. R.G. Kerin interjecting:

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

The Hon. P.L. WHITE: —inform the house whether there has been any change in the number of young people apprehended by police over the last 10 years?

The Hon. M.J. ATKINSON (Attorney-General): The recently released Office of Crime Statistics and Research information bulletin entitled 'Juvenile Justice in South Australia, 2004 update'—and there are always good figures from the Office of Crime Statistics—

Mr Williams interjecting:

The Hon. M.J. ATKINSON: Well, no. For the interest of the member for MacKillop, the Office of Crime Statistics' figures are calculated in exactly the same way as they have been ever since 1991—and that includes two terms of Liberal government. It provides an overview of current trends in juvenile justice in this state, including trends in the number of juvenile apprehensions. The data shows—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport!

The Hon. M.J. ATKINSON: —that since 1995 there has been a steady decrease in the number of apprehension reports involving young people. In 2004, young people aged 10 to 17 years at the time of the offence accounted for 6 482 apprehension reports lodged by police.

Members interjecting:

The SPEAKER: Order, the members for Davenport and Hartley!

Mr Williams interjecting:

The SPEAKER: And the member for MacKillop. If he keeps behaving the way he is, he will be warned. The Attorney.

The Hon. M.J. ATKINSON: Thank you, Mr Speaker. Obviously, the member for Hartley is gazing up at the glass, looking for inspiration. That is why he wants to spend tens of thousands of dollars of taxpayers' money on turning these panes into stained glass.

The SPEAKER: Order!

Mr Scalzi: What's wrong with that?

The Hon. M.J. ATKINSON: 'What's wrong with that?', he asks.

The SPEAKER: Order!

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

The SPEAKER: Yes, the Attorney should come back to the issue.

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: This number of apprehensions was 36 per cent lower than the peak of 10 118—

Mr Koutsantonis interjecting:

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

The Hon. M.J. ATKINSON: —recorded in 1995, and 17 per cent lower than the 2003 figure. In seeking explanations for this trend, one factor that can be discounted is changes to the juvenile population, as this has remained stable over recent years. Two censuses have been conducted by the

Australian Bureau of Statistics during this 10-year period (in 1996 and 2001), and both indicated that there were about 160 000 young people in South Australia. One explanation—at least for some of the recent decrease—is the introduction in late 2001, under the previous Liberal government, of blessed memory, of the police drug diversion initiative, which enables young people detected in possession of drugs to be referred for assessment and intervention, rather than being apprehended. I want to place on the record, as I have previously, that under the previous Liberal government there were some fine initiatives that deserve to be commended, and I think this is one of them.

The impact on this initiative is evident in the decrease in the number of apprehensions with a major charge of drug offence. In 2004, 141 juvenile apprehension reports had a major charge of a drug offence. This was 87 per cent lower than the 1995 figure of 1 113 reports and 83 per cent lower than the 838 reports recorded in 2000, the year before the introduction of this initiative.

But, Mr Speaker, do not think I am going to confine my commendation of this Liberal government initiative to the house because, contrary to the criticism of me this morning for being a regular on talk-back radio, I will be on talk-back radio again and again, answering the questions of my constituents and the opposition's constituents, and I will be on talk-back radio commending the Liberal Party when it deserves it.

However, the police drug diversion initiative cannot provide the entire explanation for the downward trend, as the number of juvenile apprehension reports with a major charge of a drug offence was declining before 2001, albeit to a lesser extent. Further, apprehension reports with a major charge of a drug offence make up a relatively small proportion of juvenile apprehension reports lodged last year. I am sure honourable members take great comfort from these figures.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Does the Attorney-General still stand by his statement that he never discussed the issue of board appointments for Ralph Clarke with Randall Ashbourne? The Attorney-General has previously told this house he had no discussions with Randall Ashbourne regarding board positions for Ralph Clarke. However, the Attorney-General's adviser, George Karzis, is reported to have told the court that he was present at one such discussion and the McCann report quotes Clarke's evidence that, indeed, significant discussions on this issue were held with the Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I have been through the mill quite a bit. I have been the subject of inquiries. First, I was the subject of the McCann inquiry, and I was cleared. I was then the subject of a police inquiry, and I was cleared—I was never a suspect. I was then proofed by the Office of the DPP, and I came up to proof. I gave the evidence for which the prosecution called me. Now, it turns out that Mr Ashbourne has been acquitted altogether. If members want to see the evidence on this point, I refer to page 587 of the trial transcript, and I also refer to pages 347 and 348 of the trial transcript where Mr Karzis makes it clear that I did not respond to anything about that, and Mr Karzis says, 'That's got nothing to do with us.' Indeed, the McCann report is very clear on this. It states: 'The Attorney-General's view was that he would never give Ralph Clarke anything.'

The Hon. R.G. KERIN: I have a supplementary question.

The SPEAKER: Order! The leader has had three supplementary questions so I will count it as his next question.

The Hon. R.G. KERIN: Given the Attorney's last answer, is the Attorney saying that both George Karzis and Randall Ashbourne gave wrong information?

The Hon. M.J. ATKINSON: Mr Ashbourne makes it perfectly clear in his evidence on oath to the court that he did not discuss board commissions with me. Indeed, I will read the question and answer at page 587. The question was:

> In the course of that discussion that you had with the Attorney on the second occasion about Ralph Clarke, was there anything said about Ralph Clarke either serving on or getting or expecting board positions or committee positions?

The answer was:

> No, not in any way.

I have just quoted from the McCann report to the same effect, and Mr Karzis makes it very clear that I did not carry on about boards or committees at all. The evidence is consistent.

The Hon. R.G. KERIN: As a supplementary question—

Members interjecting:

The Hon. R.G. KERIN: You can count it.

The SPEAKER: Order, the member for Torrens! I will come back to the leader.

Mr BRINDAL: I rise on a point of order, Mr Speaker. My point of order is simply that in the last two answers to questions the Attorney has clearly quoted selectively transcripts of the trial. In accordance with the rulings of former speaker Lewis, will you order that those transcripts be tabled free of charge to members so that we can all read them?

The SPEAKER: The answer is that they are publicly available, but if the Attorney wants to be—

Mr BRINDAL: I rise on a further point of order. They are $5 a page.

The SPEAKER: Order! The member for Unley will not speak over the chair. If the Attorney wishes to assist the member for Unley and others, he can. The member for Torrens.

MEDIA ADVISER

Mrs GERAGHTY (Torrens): Will the Minister for Transport advise the house of the identity of his media adviser, and will he say whether there has been any confusion on this matter on the part of the opposition?

The Hon. P.F. CONLON (Minister for Transport): It is true. I could not help noticing earlier today that the member for Waite was yelling across the chamber, calling someone 'accident prone'. I thought that was really not the right thing to be saying. You see, to help with the confusion of the member for Waite, at about 1.30 last Friday he left a phone message for Matt Clemow—a lovely young man—saying, 'Matt, you know that story you wrote last November about Andrew Garrett's land? Well, I've got some juicy information that would be bad for the government on this, and you might like to write it again.' For the benefit of the member for Waite, who thinks that we are accident prone, Matt Clemow has been working for me for about 2½ months, and he will not be writing any stories for you.

Members interjecting:

The SPEAKER: Order! The house will come to order.

Mr Venning interjecting:

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

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert will be warned if he is not careful. The leader has the call.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. If the Attorney-General never spoke to Randall Ashbourne about a board position for Ralph Clarke, how is it that he made clear to Randall Ashbourne that he would never give him a board position?

The Hon. M.J. ATKINSON (Attorney-General): The evidence speaks for itself.

The Hon. R.G. KERIN: Again, my question is to the Attorney-General. Did the Attorney give evidence to Mr Warren McCann regarding whether he discussed board positions with Ralph Clarke and, if so, what evidence did he give?

The Hon. M.J. ATKINSON: I did give evidence to Mr McCann. I have cooperated with each of the inquiries: first, the McCann inquiry, which cleared me after it had been to a former Victorian Crown Solicitor and to a Queen's Counsel practising at the Melbourne bar; I cooperated with the police inquiry; and I cooperated with the proofing of me as a prosecution witness. As I say, I came up to proof, and I will be cooperating with the next inquiry. I am sure that after the next inquiry the Leader of the Opposition will be wanting a royal commission, presumably, with Mr Justice Clarke in charge of it!

Mr Brindal interjecting:

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

The Hon. M.J. ATKINSON: My evidence has been consistent throughout, whatever the inquiry. I have given evidence for hours upon hours. Mr Ashbourne did not canvass with me and I did not canvass with him the question of board or committee positions.

The Hon. R.G. KERIN: I will give the Attorney a rest. My question is to the Deputy Premier in the absence of the Premier (but the question refers equally to him). Did the Premier or Deputy Premier seek legal advice on what action they should take when allegations of corruption involving one of the Premier's most senior advisers were received in November 2003 before the commissioning of the McCann report and, if not, why not?

The Hon. K.O. FOLEY (Deputy Premier): Mr Speaker, the—

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: Sorry?

The Hon. R.G. Kerin: Is this a bit of legal advice?

The Hon. K.O. FOLEY: Not at all. The reporting of this matter is well documented. I think it has been well documented in the courts, within internal inquiries and publicly in the media—

Ms Chapman: Not here.

The Hon. K.O. FOLEY: It has been in this house: time and again I have given statement after statement about what occurred. Information was provided to me, and a chain of events which then followed have been more than adequately canvassed.

The Hon. R.G. KERIN: Is the Attorney-General still having regular fortnightly meetings with the DPP and, now that the Ashbourne court case is over, has the DPP discussed any aspects of the case with the Attorney-General, including the conduct of the Premier's legal adviser, Nick Alexandrides?

The Hon. M.J. ATKINSON: As is now well known, the Premier has said that, to save any offence or misunderstanding, communications between ministers and ministerial staffers and the office of the DPP should be in writing. I noticed that Mr Pallaras quipped at his news conference that he hoped ministers would write well. Whatever criticisms members of the opposition have of me, they would never gainsay that I write pretty well. My prose is nice and clear.

No, I am not having regular fortnightly meetings with the office of the DPP just at the moment. However, when they resume, I will be sure to convey to him the Leader of the Opposition's request that Ralph Desmond Clarke have an immunity from prosecution. With friends like Rob Kerin, who needs enemies?

Mr BRINDAL (Unley): My question is to the Premier. How many of Labor's ministerial advisers are paid to do party political work? Randall Ashbourne was quoted in the McCann report as saying:

> My job is to deal with problems and to make them disappear, and to deal with issues arising from factional conflict. If left to drift, there would be preselection wars about who gets what seat. Left and right fight.

The Hon. M.D. RANN (Premier): That was also dealt with in the court case, from memory. The fact is that Randall was not, to the best of my knowledge, a member of the Labor Party. When I have factional negotiations—and I have never been a member of a faction; I am almost a factional innocent, one might say—

The Hon. M.J. Atkinson: Your preselection was immaculate conception!

The Hon. M.D. RANN: I think my preselection was a fairly strong result, despite my not being a member of a faction. So was my election to the position of Leader of the Opposition, because no-one else wanted the job! But I can say this: when we had factional meetings about sorting out factional issues, Randall Ashbourne was not one of the people to whom I talked. It would be Don Farrell, Patrick Conlon, Michael Atkinson and others. The central factional people were members of the Labor Party; that was the prime condition.

Mr BRINDAL: Sir, I have a supplementary question. Given the Premier's answer, can he explain to the house how many Labor candidates are currently employed in ministerial staffer office positions and can the Premier assure us that they will not misuse their public funding for electioneering while they are thus employed?

The Hon. M.D. RANN: Can I just say that I do know that this parliament pays the member's salary to represent the people of Unley, but he seems to be spending a lot of time in someone else's electorate.

PUBLIC SERVANTS, RALLY ATTENDANCE

The Hon. I.F. EVANS (Davenport): My question is to the Minister for Industrial Relations. Did the government

authorise public servants to attend the protest against the proposed national industrial relations changes on Thursday 30 June on full pay and, if so, why?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I attended one of the rallies, a very good rally indeed. The major disappointment that I had was that the shadow minister was not there, because I know that he is also a strong critic of the Howard agenda. The advice that I have received is that public servants who attended rallies did so in their own time.

CHARITABLE ORGANISATIONS, PAYROLL TAX

The SPEAKER: I call the member for Hartley.

Mr SCALZI (Hartley): Thank you, Mr Speaker.

The Hon. M.J. Atkinson: How are the stained glass windows?

Mr Koutsantonis: How are they going? Hundreds of thousands of dollars.

The Hon. M.J. Atkinson: How much are they going to cost?

The SPEAKER: Order, the member for West Torrens!

Mr SCALZI: Tell the Aboriginal state council that you don't want a window up there.

The SPEAKER: Order! The member for Hartley.

An honourable member: We've got a window up there.

The Hon. K.O. Foley: We've got three.

The SPEAKER: The member for Hartley has the call.

Mr SCALZI: Will the Treasurer advise how much payroll tax relief in absolute terms the four large charitable orchestras, Greening Australia, the Animal Welfare League, the RSPCA and the Royal Zoological Society have received this financial year 2004-05, and how much will they receive under this year's budget, 2005-06? It was reported in Saturday's *Advertiser* that, in a response to nearly 21 000 South Australians calling for payroll tax relief for these organisations, the Treasurer's spokesman stated:

> The government has already substantially cut payroll tax. I am however advised that payroll tax liability for these four organisations is over $500 000 this year and will substantially increase next year.

The Hon. K.O. FOLEY (Treasurer): I wonder whether the honourable member has canvassed this issue with the shadow Treasurer. Like so many of the members opposite, whatever idea they get they just throw out into the public domain, uncosted. They do not tell us what tax they will increase, what service they will cut, whether they will run debt.

Mr Scalzi: Bridging finance.

The Hon. K.O. FOLEY: What? Bridging finance?

Members interjecting:

The Hon. K.O. FOLEY: Took a while for me to get that! Section 12 of the Payroll Tax Act 1971 provides a payroll tax exemption for a public benevolent institution, a PBI. There is no exemption provided under the act for charitable or not-for-profit organisations in South Australia.

Mr Scalzi: Victoria. New South Wales.

The Hon. K.O. FOLEY: Okay, but this is South Australia.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: You know everything, Vick!

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I am going to answer the question. No, I am not going to do it and I am going to explain why. Would you like that, Vick?

Ms Chapman interjecting:

The Hon. K.O. FOLEY: God, you're a know-all. At least I know whose phone number to ring when I am trying to leak a story!

'Benevolent' is a much stricter test than 'charitable' and is limited to the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness. Sounds a bit like the member for Waite's leadership ambitions! Examples of PBIs are organisations that provide hostel accommodation for the homeless, treat sufferers of disease, provide home help for the aged and infirm, transport the sick or disabled or rescue people who are lost or stranded. Whilst the RSPCA, the Adelaide Zoo, the Animal Welfare League and Greening Australia are all very worthy organisations, it is clear (and there is advice from the Tax Commissioner as well, I understand) that they do not meet the criteria of a public benevolent institution.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: If you want me to answer the question, then you can do whatever you like.

Ms Chapman interjecting:

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

The Hon. K.O. FOLEY: Obviously they do not want an answer. I will not bother giving it to them.

TEACHERS' STRIKE

Ms CHAPMAN (Bragg): My question is to the Minister for Industrial Relations. Given that the minister has failed to successfully negotiate an enterprise bargaining agreement for teachers, what provision is the government making for the extra transport and childcare costs to parents who will be inconvenienced by tomorrow morning's strike?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for her question. Unfortunately, mums, dads and children will be disadvantaged tomorrow. We took the matter to the federal Industrial Relations Commission.

An honourable member interjecting:

The Hon. M.J. WRIGHT: We are in the federal system, as I just said. This is John Howard's jungle; this is the jungle that John Howard has prepared—

An honourable member interjecting:

The Hon. M.J. WRIGHT: The reason we took it there—

Mr BRINDAL: On a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Unley.

Mr BRINDAL: My point of order relates to relevance, sir.

The SPEAKER: The minister is just within the relevance umbrella.

The Hon. M.J. WRIGHT: What this does is allow the parties to slug it out. There was an interjection from the shadow minister for industrial relations: 'Why did we take it there?' We took it there because we wanted to do all we could to ensure that parents and students were not disadvantaged by the action of the Teachers Union.

It is regrettable that there is a strike tomorrow. The government has come forward with a very strong package; we have come forward with a package that not only addresses the issues of teachers and the system of education but also is fair to taxpayers. We have offered the teachers a package worth $650 million, and we think that is a very significant package. We think that is fair to taxpayers but also fair to teachers. That will see experienced teachers get an increase

of $166 a week; and it will also see an additional 126 teachers go into the system so that we will have reduced class sizes.

Tomorrow we will do all we can to ensure that the disruption is as minimal as possible. A number of schools will be open. The advice I have been given is that, of 1 000 schools and preschools, 865 schools will be open.

LABOR PARTY'S 'ATTACK DOG'

Mr LEWIS (Hammond): I ask the Minister for Environment and Conservation a question. Has he not pressed charges against the Premier for breaches of section 9 of the Dog and Cat Management Act because the Premier has claimed immunity under the provision of that section? Under the Dog and Cat Management Act it is unlawful, as members know, to have savage dogs loose in public places. Section 9 provides:

> This act does not apply in relation to a dog owned by or on behalf of the Crown (in right of the commonwealth or the state) and used for security, emergency or law enforcement purposes.

The Premier has been quoted in the press since 19 February this year as having a 'lead attack dog for the government, Treasurer Kevin Foley. . . '. On 3 June Mr Bildstien of *The Advertiser* is quoted as saying:

> But what message does the Premier's backflip send to his so-called 'attack dog' Kevin Foley?

The *Advertiser* editorial of 31 May states:

> A top-level fusillade of this nature is not delivered without, at least, the sanction of the Premier Mike Rann. Unleashing Mr Foley in this manner as an attack dog is both extraordinary and unconstructive.

On 9 February the following quote was in *The Advertiser* on page 23:

> Infrastructure Minister Patrick Conlon has been one of Labor Party's attack dogs in parliament. However, the birth of daughter Sadie on 15 December has the former 'bovver boy' now 'new age dad' driving everyone mad with his continual references to his bundle of joy.

Is the minister not prosecuting because the Premier is claiming immunity?

The Hon. M.D. RANN (Premier): It was once said about Bob Ellis, I think, by Kym Beazley, from memory, that you can get sued for what your dog does but not sued for what your cat does, and that Bob Ellis was the Labor Party's pet cat. I have to say that that was the best question of the day by far. I will examine the legal issues.

The Hon. M.J. Atkinson: Examine the pedigree first.

The Hon. M.D. RANN: I will examine the pedigree and the legalities of the issue. I do not actually own a dog. I guess I now have a part-share in a cat called Alicé, who never expected to be named in parliament! However, I have to say that I thought there was going to be a question today about the respective ratings on a particular web site of various members of parliament. It is true that one of them was 9.8, another was 9.2 and another was 8.3, but the Minister for Infrastructure said that the member for Waite was within the margin of error!

Mr HANNA (Mitchell): I have a supplementary question. With reference to that web site, it was a gay web site, wasn't it?

The SPEAKER: I do not believe that the Premier is responsible for the web site, and I am aware that the media can do wonderful things with an airbrush and computers!

MINING ROYALTIES

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I lay on the table a ministerial statement made by the Hon. Paul Holloway in another place.

BROWNHILL AND KESWICK CREEKS

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I lay on the table a ministerial statement made by the Hon. Paul Holloway in another place.

GRIEVANCE DEBATE

CHARITABLE ORGANISATIONS, PAYROLL TAX

Mr SCALZI (Hartley): Today I continue with my question to the Treasurer. Over the past few months, I have been working with Greening Australia, the RSPCA and the Animal Welfare League to highlight the payroll tax burden for these large charitable organisations that provide community services in the areas of environment and animal welfare. The petition has circulated in the community over the past four weeks or so, and the response has been overwhelming. Some 20 800 people have signed the petition—an amazing achievement. Clearly, people know, and feel very deeply, about the valuable work of each of these organisations and the contribution that their staff and countless volunteers make to our community; hence, the feeling that such bodies, largely dependent on charitable donations, bequests and grant funding should not bear the burden of payroll tax. A lady who wrote to me said:

> I am interested in leaving a bequest to the AWL/RSPCA in my will but because of the present state government payroll tax on these organisations I am reluctant to do so. The reason for making a will in the first place is so that you will be comfortable knowing any funds go directly to where you want it—to the animals and not back to the government. . . Resident of Parafield Gardens.

A copy of this has been sent to Mike Rann. These three organisations must pay payroll tax when wages paid exceed $42 000 per month or $504 000 per annum. Incidentally, this $504 000 threshold is the lowest of all states and territories, compared with Tasmania, where the threshold is over $1 million. In the Northern Territory and the ACT, it is even higher. In Western Australia and Queensland, it is $750 000 and $850 000 respectively. Payroll tax is currently levied at 5.5 per cent and, even with the rate from 1 July reduced from 5.67 per cent to 5.5 per cent, payroll tax collection this year will actually be $13 million higher than last year. Find $500 000 for these worthy organisations out of the $13 million, if not bridging finance.

Public Benevolent Institutions (PBI) are payroll tax exempt. However, these organisations do not have PBI status, as the definition of 'benevolence' is 'limited to the relief of (human) poverty, sickness, suffering, distress, misfortune, destitution and helplessness (but not the advancement of education)'. That was from a letter to the Director of

Greening Australia, Mark Anderson, from the Treasurer in 2003. It appears that South Australia uses a particularly narrow definition of PBI to rule out payroll tax liability, which is now out of step with the rest of Australia.

I am advised that South Australia is the only state where Greening Australia is liable for payroll tax. Western Australia, Victoria, the Australian Capital Territory and New South Wales give exemption to all registered charities, and the Northern Territory has amended payroll tax legislation to exempt environmental organisations working with state and federal programs. In Tasmania, Greening Australia is simply below the threshold. Similarly, the RSPCA South Australia is the only RSPCA branch in Australia which is levied with payroll tax. Payroll tax liability reduces the effectiveness of such community services, and it is sobering to think of what these organisations could do with this money had it not been siphoned off into government coffers.

Finally, I would like the house to consider some figures for this financial year. The RSPCA will pay $79 113 and the Animal Welfare League $84 572, with $93 345 projected for next year. Greening Australia will pay $64 000 and $82 000 in 2005-06, and the Adelaide Zoo, the only major Australian zoo not fully funded, must pay back into government coffers approximately $281 000 in payroll tax this financial year from its stretched resources.

Aside from community support by way of charitable donations and bequests, collectively these organisations have over 1 000 regular volunteers who donate their time and effort. Alone, the Royal Zoological Society and its two sites—

Time expired.

FRIENDS OF THE SA MUSEUM

Ms BEDFORD (Florey): I would like to acknowledge that we meet on the traditional lands of the Kaurna people, and I know that the house has seen the flags flying proudly on the building to mark NAIDOC week. I am sure I will be seeing lots of members at functions throughout the city and in the country areas to celebrate National Aboriginal and Islanders' Week.

Saturday 18 June saw a very special celebration at the South Australian Museum, which I was happy to attend to convey apologies for the Premier and to deliver a message from him to the Friends of the South Australian Museum. The Friends were celebrating the 40th anniversary of their formation and their considerable support for the wonderful and much loved public institution that is our Museum—a place of learning and scientific research and a true cultural treasure.

The Friends have been an integral part of the Museum since 1965, and no other Australian Museum can boast such a long-running Friends organisation. For many members of the Friends, past and present, being part of that group has been a lifelong passion. Through their many activities they have made a wonderful contribution to the Museum's collections. Just last year the Friends donated $10 000 towards the purchase of an opalised South Australian dinosaur shinbone, which will shortly go on public display. On the night I told them that there were many people in this place who wished they could raise that sort of money for their forthcoming campaigns!

The Friends also support scientific research projects, such as publications, and contribute towards the Museum's exhibition program and, until recently, provided the training for the Museum's tour guides. With this ongoing help, the South Australian Museum's reputation as the custodian of our state's cultural and natural history continues to grow. Their contribution also ensures that this outstanding facility can fully promote diverse programs with respect to the environment, conservation, sustainability and reconciliation.

South Australians of all ages and from all walks of life go to the Museum to discover the amazing diversity and richness of life on this planet. Many of us may recall childhood visits to the Museum and that sense of wonder at seeing the amazing fossil collections or the marvellous artefacts from ancient Egypt. For me, one such recollection was the sight of a small mummified hand in a glass exhibition case, complete with a ring on one of its fingers. I still vividly remember the profound impact that relic of the past had on me and how I spent what seemed like hours looking at it. I think we would all agree that it is important to pass on that sense of wonder and to foster an intellectual curiosity in children and young people about the world in which they live.

Initiatives such as Junior Friends provide a valuable opportunity for children and young people to discover the Museum with a range of fun activities. They learn about our incredible flora and fauna, our fragile ecosystem and the richness and diversity of our cultural heritage—and who knows? Perhaps amongst the current Junior Friends we are nurturing a future Tim Flannery or Douglas Mawson!

Over the past decade the Museum has seen major changes, and the Premier recently announced funding of $1 million over two years to refurbish the Pacific Cultures Gallery, home of one of the most comprehensive and important ethnographic collections in the Asia-Pacific region. The importance of the collection has been recognised by the world renowned museum in Leyden, Holland. Staff from that museum have recently visited to make arrangements for a soon to be mounted collaborative exhibition. With regard to the continuing restoration project at the museum, the Heritage Unit of DAIS will provide $400 000 towards the total cost of $1.655 million, while the museum will raise the balance through sponsors and the enormous fundraising capacity of the Friends.

Since its inception in 1965, the Friends has raised in excess of $200 000. The Friends give us an incredible legacy from their good works which benefit this and future generations. The evening was hosted by current President of the Friends of the Museum, Joy Mallett, who received life membership on the night for her 12 years of service. Joy began in the catering division of the Friends, and I can attest to her capacity in that area, as I ate several portions of the fabulous fruitcake she made for the celebration.

Steve and Pam Riley and also Mike and Ella Tyler made wonderful speeches during the evening that exhibited their wicked sense of humour in their recollections of bygone events. Among the many Friends present who have made contributions were Jenny Thurmer, who had put together an exhibition of Friends' memorabilia, and Joyce Badgery AO, a Friend for 22 years, whose work was integral in setting up the volunteer guides.

As each of us here represents constituents who use the museum, I know I speak for us all when I thank the Friends for past works and sing their praises as a special part of South Australia's fantastic volunteers, and I look forward to supporting them as they continue to support our wonderful museum.

MOUNT BARKER CHILD AND ADOLESCENT MENTAL HEALTH SERVICE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I want to talk about the Child and Adolescent Mental Health Service at Mount Barker. It is an issue about which my colleague the member for Kavel asked a question of the minister at the end of November last year, and it is an issue that Dr Paul Lehmann, a GP who takes a particular interest in mental health at Mount Barker, has pursued. He is a specialist in the area of drug and alcohol rehabilitation. I am very concerned indeed, as I know many others are, particularly my colleague the member for Kavel, at the way in which the government has behaved in relation to this issue.

On 25 November, the member for Kavel asked the minister a question in this house about the fact that the government was moving to reduce the staffing levels from three to two for this service. In response, the minister said that she would look into the details of the matter. Dr Lehmann has now done three different lots of FOIs to obtain the documents. I point out that in the first two FOIs he did not get ministerial briefings that were prepared. For some mysterious reason, these ministerial briefings were deliberately kept from the FOI and not released. He had to keep going back, finally challenging what material had been released. If that was not a deliberate attempt to hide and protect the minister, I would ask what was the reason. When we look at one of those briefings, it stated:

> On the basis of these benchmarks it is clear that Mount Barker CAMHS which has a substantive staffing of 2 FTE's is [woefully short staffed]. . . for the work it has to do. . .

That is the advice that was going through the system to the minister—that the system was already woefully short staffed. Yet the government went ahead with that cut in staff.

The significance here is that this briefing was done in early October, some six weeks before the member for Kavel asked the minister the question and before the minister said, 'I'll have to look into it—she knew about this issue. Therefore, I believe one could ask whether this parliament has been grossly misled by neglect in relation to the fact that the minister had this briefing saying that staffing numbers should be increased. In fact, to bring it up to a national standard, the number of staff would have to be increased to 4.7 clinical full-time equivalents (FTEs).

We have a case of the minister having the gall to stand up in this house and say she would look into a question asked by the member for Kavel when she knew, from a ministerial briefing, that they were cutting staff and that those cuts in staff made the service grossly inadequate for the work it had to do. In fact, as the ministerial briefing said, it was woefully short staffed for the work it has to do.

This is all about youth suicide, and I applaud the way in which Dr Lehmann has taken this up on behalf of his local community and fought for an increase in funding. He could have accepted the answer given by the minister and just gone along with it, but he persisted. He made FOI requests and continued to fight. However, the real problem now is that they only have funding for the extra position (that is, to take it from two to three) until the end of December this year. They have no commitment, despite this ministerial briefing that clearly says that they should be up at 4.7 staff—in other words, an extra three staff should be appointed to bring them to their substantive position at present, which is just two people.

I applaud what Dr Lehmann has said today in his press release, asking questions about the commitment of this government to mental health; why it took so many FOI requests to obtain the information; and why the minister ignored the briefing given to her saying that the staffing level was woeful. Why did the minister then proceed with the cut in staff numbers, and why did the minister not give a full and frank answer to this house, when it would appear this house has been misled?

SUPERANNUATION

Ms RANKINE (Wright): Sir, what would you think if you received a letter from your private superannuation fund stating the following? The letter states:

> For your information, the premiums due on your policy exceed the premiums paid by $9 131. By paying the amount shown below, you will continue the policy benefits and the financial plans you have made.

Then you receive a statement that says the withdrawal value of the policy is $9 580. What I thought when I read this was that all the funds were nearly all gone, that the fund was virtually worthless and that some action should be taken in order to avert a debt and getting into strife. But, apparently, my initial reaction to that correspondence was wrong. When I made some inquiries I was told that, in fact, the letter was really just about encouraging the restart of paying the premiums.

This nation has in excess of $7 billion in unclaimed superannuation. Unclaimed superannuation is that which is not claimed by someone who is of eligible age, is eligible for a benefit and has left the account inactive for two years and the fund has been unable to make contact; or the same sorts of criteria and the member has passed away. I wonder how many people have walked away from superannuation benefits as a result of correspondence similar to that I have just mentioned from superannuation funds. People may have changed their jobs or changed their addresses and received a statement like that and, as I have said, think there are no funds left in the policy. I wonder how many people, or those managing estates, have not claimed superannuation because they thought it was eaten away by unpaid premiums.

The correspondence I am referring to is, at best, ambiguous and, at worst, misleading. Currently, we are entering a new era of superannuation in this nation. We have new players vying for the superannuation dollar—and we are talking about billions of dollars. It is vital that the information provided to people investing their hard-earned dollars in superannuation is clear, that it does not leave you guessing, that it does not present a false picture, and that it does not frighten people into abandoning their superannuation or paying premiums they no longer want to pay. The Australian Securities and Investment Commission, some years back, reviewed disclosure documents issued by superannuation funds, and I think that in this current climate of change this might again be worth revisiting.

I urge people very carefully to check for unclaimed benefits. If they want to do that, they can contact the Unclaimed Moneys section of the Department of Treasury and Finance (telephone number 866 3601). I urge people to read their superannuation correspondence and statements carefully. Companies may have given the impression that you are in debt when, in fact, over time, considerable benefits may have accrued. Companies have a responsibility to be open and clear in their advice to their consumers, not ambiguous or

misleading. This is an example of one company's correspondence. I wonder how many other examples there are.

It is timely, I think, again to put this information before the Australian Securities Investment Commission, and seek a further review of the sort of information that is being sent out to people who have policies. We do know that people move throughout the work force at a fairly rapid rate now, and it is bordering on the dishonest, I think, to send correspondence such as this that makes people think that, in fact, they have no money left in their superannuation fund. The very sad thing about all this is that the money does not end up in the company's pockets, it goes to Treasury, which might prompt a few people to take some action. While people are currently choosing where they might place their superannuation, as I said, I urge them very carefully to look at the correspondence they have received from their superannuation fund.

DRUGARM

The Hon. M.R. BUCKBY (Light): I rise today to increase the knowledge of the parliament about a group operating within my electorate and other electorates of the northern region, that is, DrugArm. Probably for the last 18 months now, I have been a committee member of the northern regional area of DrugArm, which involves a group of volunteers who, on a regular basis (that is, weekly), take a car into the community late at night to ensure that they engage with young people in the streets. They make available to them not only tea and coffee but also, and more importantly, information about drugs—information about where they can get advice on drugs and information on the effects of drugs.

While many of us are sitting at home either watching television or, more than likely, wrapped up in bed, these volunteers are out from 10 o'clock until 2 o'clock in the morning making available their services to young people so that, if they are being pressured into taking drugs, they can get some information about what the effects might be on their health. Also, they make themselves available to those who might not want to approach anyone or who might not know who to approach about information on drugs. They are there on the street in a car which, obviously, is marked as a DrugArm car; and they are a friendly face to give them that information.

DrugArm is supported by a number of businesses in South Australia, as well as people from within the local community. One person is employed to coordinate and cover the northern regional area. That person does an exceptionally good job in coordinating the number of volunteers who will go out in the cars at night to engage with young people. Of course, it is very expensive to keep those cars on the road. I encourage the government to look at the possible funding of those cars, because this service is valuable to the community. It is making first-hand contact with young people at a time when, maybe, they are either being lured into taking drugs or under pressure to take drugs. It might be late at night when they have just come out of a nightclub with a friend or they might be approached when they are going into a nightclub, or whatever the place might be. There is some pressure at the moment to keep this service in the community and to keep it available to young people. Currently, six vans are operating in South Australia and, as I said, at night they provide that information, and they also supply tea and coffee to young people who might want to take advantage of that service.

I know that submissions will be made to the Minister for Health with a view to providing some funding, and I encourage her to take a serious look at the service that is being provided by the volunteers. Many of them, as I have said, are working very late at night. They undertake a training course before they are put out on the road, so they are not going out there without any information or tools, so to speak, as to how to engage the young people they are seeking or the sort of advice that they can legally give to young people. They undertake a significant training regime.

I can assure the minister that this is a very worthwhile organisation, and it is providing some excellent information and support to young people within our community. Again, when a submission is presented, either through the minister's department or direct to her, I encourage her to seriously consider providing this funding for the northern regional area. We know that there is significant drug use in the area, and any information we can provide to young people that steers them away from that course is an advantage.

HOUSING, COOPERATIVE

Ms CICCARELLO (Norwood): On Friday we celebrated United Nations International Day of Cooperatives. The idea of cooperatives is one that I have always found very interesting. They are established with the common values of self-help, self-responsibility, democracy, equality, equity and solidarity—certainly values that I share. In the tradition of their founders, cooperative members believe in the ethical values of honesty, openness, social responsibility and caring for others. We see these strong values in the people who make up the South Australian cooperative housing community.

Cooperative housing plays a significant role in housing people on low incomes and who sometimes have other particular needs. Its flexible client-centred approach provides specialist accommodation in partnership with community organisations for those people who have trouble finding accommodation in the private rental market or who may be unable to live completely independently.

In South Australia there are 72 housing cooperatives, which own and manage more than 1 300 properties and house 2 300 tenants. These cooperatives are spread all over the state. They include the Blue Lake Housing Cooperative in Mount Gambier, the Copper Triangle Housing Cooperative in Wallaroo and the Riverland Housing Cooperative, as well as many in the inner city such as the Flinders, Pennylane and INCH cooperatives. There is barely a local government area in the state without a community housing presence, and cooperative housing forms a significant part of that.

I am pleased to say that I have several in my electorate in Norwood, Marden and Maylands. They have the flexibility to target their housing at artists (MERZ), single parents (Housing Plus), older women (CHOW), youth (YOCHI), Spanish speaking people from Latin America (Genesis) or people with physical disabilities (Parqua), just to name a few.

The role of housing cooperatives in providing housing for these people who, in many cases, would find it difficult to obtain the right accommodation from more conventional housing markets epitomises how important they are in South Australia today. The Community Housing Council of South Australia and its dedicated staff, who work tirelessly to promote the interests of the community and cooperative housing sectors in this state, must be congratulated.

As peak body for community housing in South Australia, the Community Housing Council plays a vital role in making sure that the sector is represented wherever it needs to have a voice. Housing is high on the agenda of this state government. We now have the South Australian Strategic Plan and social inclusion initiatives, which target housing issues specifically, and of course there is the $145 million housing plan for South Australia. That is the state's first ever comprehensive housing plan, and it is a big picture look at how we can increase affordable housing for South Australians, reduce homelessness and map out our future housing needs over the next 10 years.

Minister Jay Weatherill is very proud of the work that went into the plan, and members of SACHA and the Community Housing Council had a big part to play in it. The government's plan is intended to lead a renewal and reinvigoration of local communities while offering the opportunity of home ownership and affordable housing to more South Australians than ever. Community housing has a prominent place in the plan. The plan outlines the government's commitment to the ongoing viability and success of community housing in all its forms. The new Affordable Housing Unit will introduce new varieties of affordable housing, which will free up more housing funds to be dedicated to existing agencies and organisations.

A new funding agreement that community housing organisations have with SACHA is currently in its final phase of development. It will ensure that more money can remain with the Community Housing Organisation so that it can be financially independent. There are some exciting times ahead in the housing sector in South Australia, and I know that the community housing sector has a strong future in our state. In closing, I would like to quote the Secretary-General of the United Nations, Kofi Annan. In his statement to celebrate the International Day of Cooperatives, he said:

> By promoting the growth and success of cooperatives worldwide, governments, international organisations and the United Nations can help them play to the full their role in making fair globalisation a reality.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable me to introduce a bill without notice forthwith.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

SPECIAL COMMISSION OF INQUIRY (POWERS AND IMMUNITIES) BILL

The Hon. P.F. CONLON (Minister for Transport) obtained leave and introduced a bill for an act to facilitate a special commission of inquiry by conferring evidentiary powers and immunities. Read a first time.

The Hon. P.F. CONLON: I move:

That this bill be now read a second time.

On 20 November 2002 the Premier was informed of certain allegations concerning the Attorney-General (the member for Croydon) and Mr Randall Ashbourne, then a Senior Adviser to the Premier. In a letter dated 20 November 2002 the Premier requested the Chief Executive of the Department of Premier and Cabinet, Mr Warren McCann, to undertake an urgent preliminary investigation into the matter to determine whether or not there were reasonable grounds for believing that there had been any improper conduct or breach of the Ministerial Code of Conduct or standards of honesty and accountability embraced by the government.

At that time the Solicitor-General's position was vacant and the government received advice that it would be inappropriate to refer the matter to the Crown Solicitor, who has a direct reporting relationship to the Attorney-General. The Chief Executive of the Department of Premier and Cabinet sought the advice of Mr Ron Beazley, Special Counsel, Deacons Solicitors, who in turn retained Mr James Judd QC to assist the Chief Executive in responding to the Premier's request.

In a report to the Premier dated 2 December 2002 entitled 'Investigation into certain matters relating to the Attorney-General and Mr Randall Ashbourne' the Chief Executive of the Department of Premier and Cabinet found that:

1. There are no reasonable grounds for believing that the Attorney-General's conduct was improper or that he breached the Ministerial Code of Conduct.

2. There are no reasonable grounds for believing that Mr Ashbourne's conduct was improper or that he breached the Code of Conduct for South Australia's Public Sector Employees although his actions may have been inappropriate.

3. Although there are some inconsistencies in evidence, further investigation would be most unlikely to change the findings. It would be expensive and is unwarranted.

In relation to the finding concerning the conduct of Mr Ashbourne, the Premier issued Mr Ashbourne with a formal reprimand and warning. Furthermore, upon completion of the report, the Premier referred it to the Auditor-General. The Auditor-General responded:

> In my opinion, the action that you have taken with respect to this matter is appropriate to address all of the issues that have arisen.

On 30 June 2003 after the matter was raised in parliament, the allegations were referred by the Acting Premier to the Commissioner of Police and were investigated by the Anti-Corruption Branch. On 28 August 2003 the then Acting Director of Public Prosecutions announced that Mr Ashbourne would be charged with the offence of abuse of public office (section 251 Criminal Law Consolidation Act 1935). The Acting Director announced that no other persons would be charged with any criminal offences arising from the matter.

A trial before a jury in the District Court of South Australia commenced on 8 June 2005. On 17 June 2005 the jury returned a unanimous verdict of not guilty.

After Mr Ashbourne was charged the Premier informed the parliament that the government intended to establish an independent inquiry into the matter at the end of the criminal proceedings. The Premier informed the parliament that the terms of reference would be established on motion by the House of Assembly and the inquiry would have the same statutory powers and immunities granted to the Clayton inquiry in the Motorola matter. In accordance with the Premier's statement a resolution concerning the establishment

of an inquiry and its terms of reference has been presented to the House of Assembly.

The introduction of this bill fulfils the Premier's commitment to ensure that the inquiry has the same powers and immunities as the Clayton inquiry. The evidentiary powers and immunities proposed under this bill are identical to those proposed by the former Liberal government and granted to Mr Dean Clayton QC, as he was then. The Special Commissioner, consistent with the powers and immunities given to Mr Clayton, will have:

- The relevant powers of the Ombudsman which are drawn from the Royal Commissions Act.
- The power to issue a summons requiring a person to appear before the inquiry to give evidence or to produce evidentiary material.
- The power to take evidence on oath.

The Special Commissioner undertaking the inquiry will have the same protection, privileges and immunities as a Judge of the Supreme Court. Similarly, witnesses and legal practitioners appearing before the inquiry will have the same protection, privileges and immunities as witnesses and legal practitioners appearing in proceedings before the Supreme Court.

I commend the bill to the house. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

EXPLANATION OF CLAUSES

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

The clause contains definitions for the purpose of the Bill. An ***authorised person*** means the Special Commissioner or a person who is appointed by the Premier to assist the Special Commissioner in the conduct of the Inquiry. The ***Special Commissioner*** means a person who is appointed by the Governor to conduct the Inquiry. ***Evidentiary material*** means any document, object or substance of evidentiary value or possible evidentiary value to the Inquiry. ***Inquiry*** means an Inquiry that is established by the Government with terms of reference and conditions of inquiry the same as those proposed by the House of Assembly in a resolution of that House passed on 4 July 2005.

4—Application of certain provisions of *Ombudsman Act 1972* to Inquiry

Sections 18(2), 18(3), 18(6), 23 and 24 of the *Ombudsman Act 1972* apply to and in relation to the Inquiry, as if the Inquiry were the investigation of an administrative act by the Ombudsman under the *Ombudsman Act 1972*; and the Special Commissioner were the Ombudsman. Section 18 of the *Ombudsman Act 1972* sets out the procedures of the Ombudsman in relation to an investigation by the Ombudsman of an administrative act. Section 23 of the Act gives the Ombudsman the power to enter and inspect relevant premises or places and anything in those premises or places. Section 24 of that Act creates offences relating to the obstruction of the Ombudsman when acting under that Act.

5—Power to require attendance of witnesses etc

Clause 5 of the Bill states that an authorised person may issue a summons requiring a person to appear before the Inquiry at a specified time and place to give evidence or to produce evidentiary material or (both) and may administer an oath or affirmation to a person appearing before the Inquiry. A summons to produce evidentiary material may, instead of providing for production of evidentiary material before the Inquiry, provide for production of the evidentiary material to an authorised person nominated in the summons.

6—Obligation to give evidence

Clause 6 of the Bill concerns a person's obligation to give evidence. If a person refuses to comply with a summons, refuses to give evidence on oath or affirmation, or refuses to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief, the Supreme Court may, on the application of an authorised person, compel attendance of the person before the Court to give evidence or produce evidentiary material.

Subclause(2) provides that a person who, without reasonable excuse, refuses or fails to comply with a summons, refuses or fails to give evidence on oath or affirmation, or refuses or fails to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief, is guilty of an offence.

7—Privileges and immunities

The person appointed to conduct the Inquiry, and any person who appears before the Inquiry as a witness, will have the same protection, privileges and immunities as if the Inquiry were a proceeding in the Supreme Court before a Judge of that Court.

Dr McFETRIDGE secured the adjournment of the debate.

SELECT COMMITTEE ON THE JUVENILE JUSTICE SYSTEM

The Hon. M.J. ATKINSON (Attorney-General) brought up the final report on the select committee, together with minutes of proceedings and evidence.

Report received.

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

That the final report of the select committee be noted.

I seek leave to continue my remarks at a later date.

Leave granted; debate adjourned.

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

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

That the time for bringing up the report of the select committee be extended to Monday 12 September 2005.

Motion carried.

CITRUS INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 2970.)

Mr LEWIS (Hammond): I am caught unawares—I do not have my notes with me—but I will make the points that I seek to make in fairly straightforward terms. In the first instance, it distresses me that the bill comes before the house now, because it has been found that the way in which the citrus products of this state have been marketed in the past were unsatisfactory; indeed, they were against the principles of competition. Quite clearly, the Australian citrus market has not been well served by the Citrus Industry Board in the past. Too few people have had too much power over too many growers and, in my judgment, it has not meant that the growers have been better off.

Certainly, the growers in my electorate have been worse off, not only because their interests are swamped, but they are swamped to the exclusion of fair play and a fair go. It suited the board to have less citrus available for export and, therefore, it led to the belief being fostered and agreed to throughout the industry that the citrus grown in the Mypolonga area, or anywhere downstream from Blanchetown, was not available or suitable for export simply because it fell within a fruit fly zone, even though there is probably less risk of fruit fly at Mypolonga and Nildottie than

there is at places like Blanchetown, Cadell or Waikerie. The length of time and the number and types of vehicles travelling the Sturt Highway to get to Waikerie, for instance, are less than the length of time it would take to get to Nildottie or Greenways, and, equally, there would be very little difference in the time taken to get to Mypolonga which is not on a major highway. It is over 30 kilometres from Murray Bridge; that is over an hour. The fruit fly exclusion zone of the Riverland was always a fabrication devised to suit the majority of citrus growers and the power base of the board. It did not suit, and does not suit, nor will it ever suit, the fair interests of the growers at Mypolonga, in particular. They have much less risk, in my judgment, of having fruit fly than the growers at Waikerie or anywhere else along the Sturt Highway for those reasons that I have just explained.

The board, in its operations, also refused to do things according to law, but it did them rather to the belief that existed. The same happens in industrial relations that, if you enjoy a benefit, you must pay the fees to be a member of the union. That, of course, meant that the growers of exotic citrus—and, while all citrus are exotic by botanical definition, I refer to the rarer forms of citrus fruits, as was undertaken at Swan Reach, for example, for many years—were denied a reasonable return for their produce, because the board had no idea about product differentiation. The board had no regard for diversification of the range of citrus fruits that could be provided to the market, and the spread across time throughout the year, other than it stuck to the navels and valencias. Other citrus fruits, which could have been produced at the top end of the market, were not given a fair go. The growers were denied the chance to promote their product independently and get the premium price that it should have commanded.

If you go to a place like Vietnam, you will see that it is a society blessed with a wide range of fruits, and a very wide range of citrus at that, as well as vegetables. When I say fruits, I do not mean just citrus fruits, I mean all fruits, and those fruits which are rare and produce less per unit effort, whether that is dollars invested in the plantation or the square metre area required for each kilogram of marketable product. In Vietnam, a free market determines that those which are shier bearers, if you like, receive a premium. The growers make more money out of their area of citrus fruits grown—indeed, any fruits grown—where the quantity produced per unit area is lower. For some reason, people seek to have those which are less productive per unit area per unit of production effort. Here in Australia, though, no such thing applied and, equally, there was a difficulty in getting lemons made available in a way which suited processors. I well remember the problems that Duncan MacGillivray of Two Dogs Lemon Brew had in that respect when he attempted to deal with the board in a sensible fashion, using the kind of fruit which he could use but which could not otherwise be sold.

However, I do not wish to draw undue attention to that but rather to focus on the fact that there has never been a 'fair go' poll for growers to determine whether the board ought to be changed—or, for that, matter abolished. That is another cause of concern for a large number of growers in my electorate who, along with a significant number (albeit perhaps not a majority) of vocal growers in the Riverland, want an opportunity to have a say on the form that citrus marketing should take in any organised structure. In terms of the amendments we have before us, they would like the opportunity to just have a vote—not on each of the clauses, but on the whole of the legislation. I think that is quite reasonable in a democracy, and I do not see any reason why they should not. They own the land, they own the trees, it is their labour or labour which they must pay for which goes into the production cycle, and in my judgment it is therefore fair and reasonable that they should have a vote on what they want as a future for their industry.

However, the government seems hell-bent on listening to those growers who have power in their hands, not only to control the publicity given to the industry and its marketing strategies but also to influence government. If you were a grower who spoke out against this powerful elite in the industry and against what they were doing—exposing some of the idiocies, inadequacies and non-factual bases for their points of view—you were ostracised and capable of being prosecuted. That, of course, is ridiculous.

I know that the member for Schubert would not allow such a thing in any of the cereal industry marketing arrangements, but that is what has happened in the citrus industry, and any reasonable member of this place should support a proposition to have this legislation referred to all the growers in the industry under a referendum. It would not cost as much as it costs to run the parliament today—indeed, it would not cost as much as it costs to run this parliament for an hour—to have such a referendum, yet it would give satisfaction to everyone in the industry—those who support the legislation and those who oppose it. For the first time in many decades they would have the chance to argue the point amongst their numbers and not only decide what they believe to be the facts underlying the legislation but also decide the best way forward in applying those facts to the proposals contained in the legislation for the future of citrus marketing.

I do not disparage the efforts that have been made by those public-spirited folk who have from time to time offered themselves for election to the board, but the very fact that there has never been a poll of growers to decide whether or not the board should continue should ring warning bells in the head of every member in this place. There has never been an open and public debate; and there has never been an open review of the citrus board and its role and function, until now—and this is not an open review. It has stimulated debate but it does not help growers resolve their differences, because not all the facts are on the table—and the facts are not available to those who seek them.

In particular, I want to turn to a case which has been before the courts—that is the case of Krix, supported by Gray. I do not want to go to where the courts have been, and may yet have to go again, in making the point that I do not think it is now fair and reasonable for Mr Krix, having done what he did to force this review of the act and contribute an enormous amount to this limited debate we are having, to be pursued by the Crown for the Crown's costs. To get the point across, the best that Mr Krix and his supporters, like Mr Ron Gray, could do was go into court knowing that they were probably going to lose simply because the odds were stacked against them. However, it was the only way they could get the debate which has brought about the set of circumstances we now have.

I think is quite unfair for the government to now bankrupt Mr Krix, and that is what it is doing. He is an old man; he is not at all wealthy or well; and for it to pursue him in this way strikes me as the actions of a bully, an attack dog, or a dog in the manger. Just because it can do it, the government has chosen to do it. It is doing so not in the interests of public awareness or justice but simply to vindicate the fact that they had control through legislation and insisted upon that control

being exercised, to the exclusion of the rights of any citizen to engage in open debate on the subject and the exclusion of any rights the growers may have had over the years to participate in a referendum on many of the provisions of citrus marketing legislation that has been in place. It may well have had a place at one time, but it certainly does not have a place in the form in which it has continued to exist this last 50 years; it certainly has no place in that form in the current environment.

With those few remarks, I plead with the minister for two things: first, a referendum and, second, forgiveness of Crown costs in the court actions between the Crown, Mr Krix and his supporters in their attempts to get reform and review over the years. I thank honourable members for their attention and trust that my pleas do not fall on deaf ears.

Mr VENNING (Schubert): I will not speak at great length, but I do want to speak because I have many citrus growers in my electorate, particularly along the River Murray, from Blanchetown right down to Mannum and below. I have followed this bill with much interest, and I note that it was brought on again because of the dreaded competition policy review, which brought about the review of the Citrus Act 1991. This review revealed that the act contained a number of anti-competitive elements and therefore required reform.

The original intention was to repeal the act and move to total deregulation of the industry, and some people certainly wanted that. However, this was not acceptable to the stakeholders. Consequently, the government established the Citrus Industry Implementation Committee in November 2003, a move that I supported. I know several members of that committee, one in particular. This committee comprises representatives of all growing, packing, processing, wholesaling and retailing sectors of the industry.

The main emphasis of the changes to the citrus legislation is to move from a marketing control focus to an industry development focus and to bring it into line with National Competition Policy. That is all well and good, and I support it in principle. However, when you have a situation where it was working pretty well, I become concerned. As members know, there are two elements to this bill, the most importing being the food safety element and the way in which they collect their funds and the mechanism involved.

In my consultations over the last few weeks, I have been advised that the new regulations in relation to food safety have now been foisted on the industry, and the industry is very concerned about it. The industry certainly enjoyed the ear of the minister and the involvement. But, all of a sudden, over the last few weeks, my informant tells me that things changed, and this part has been foisted upon them. I know the minister had a meeting with two people about four or five weeks ago, and they are concerned because this now has to come under the Food Safety Act. They are most concerned about a huge new level of bureaucracy; it happens in every department. It is all very well to set up these boards, but they become very bureaucratic, and guess who pays for them? The industry does. We have to keep a handle on this. That was also the case in relation to the Barley Marketing Act. We do not want to set up yet more and more levels of government bureaucracy, because they do grow, and members know who pays.

So, concerns about that issue were raised directly with me, and I will tell the minister privately who those people were. I am not waffling on on my own behalf. These are concerns that were raised with me by a member of the board. I listened, and I take that advice because I am not on the board myself. Every grower will come under PIRSA and the Food Safety Act. That is okay, as long as we do not have a huge bureaucracy there to deal with it and it does not require huge amounts of money. There was some concern in relation to the collection of the levy (the board itself used to collect the levy), but I have no concern about that issue. The board did it on an agency basis. Growers could appeal, and it could be refunded if they won the appeal.

I heard what the member for Hammond had to say about referring this matter to a referendum, and I am of a mind to think that it is a good idea. Whether growers would always vote it down, I do not know. However, I think that, in the end, all these types of issues ought to come under scrutiny. I am not worried about the cost of it, because I think that is immaterial in the scheme of things. In looking at and thinking about that proposition, I support it. If the member for Hammond wanted to support it, I would certainly be very happy to put it out to a referendum. I think the growers would appreciate that.

We know that the citrus industry is very important to our state. Every morning when I wake up, I realise that fact, with the beautiful juices we have. However, it concerns me greatly that so many of the juices we have on our breakfast tables every morning (about 66 per cent) come from Brazil and other countries. They come into this country under the guise of 'developing nation' status. In other words, they come into the country without any tariff at all. Our industry continually goes from highs to lows, and we as the government and legislators have to do all we can to try to give the industry some consistency. If we can prevent these highs and lows, we should do so. I do not think any other industry is subject to the politics of the land more than the citrus industry. These people are battling, and they are now coming under strict scrutiny. The industry now comes under the provisions of the Food Act and the Health Act. Of course, we know all about the problem with the orange juice scandal with Mr Nippy, with the salmonella in the carton. That was very regrettable, because that sort of thing brings about this sort of thing.

I note the Crown's case in relation to Mr Krix, and I agree with the member for Hammond. I do not believe that Mr Krix should be bankrupted. If one checks the history books, one sees that there are plenty of precedents for that sort of activity. Members need only read *Hansard*. I am sure the members for Hammond and Stuart would know, because they have been in this place for a long time. There would be plenty of precedents for that sort of activity, rather than breaking a person. When someone takes on the government, they know they cannot win, although they try.

With those words of concern, I generally support the bill, and I wish the industry all the best in the future. No doubt, we can revisit this issue should there be a problem. If the minister could somehow put a ceiling on a burgeoning bureaucracy in relation to the food safety aspects, particularly within PIRSA (the minister's department), I would be happy to hear about that, as well as the collection of funds. I think that, as much as possible, these local industry political issues should be decided and implemented from within the industry itself. We as politicians are here to make legislation. We are not here to be umpires, and we are not here to sit in judgment on people. We are not here to be agents for the bureaucracy. We are here to make legislation so that something will work. Leave it to the industry to set and collect its levies but, in relation to food safety issues, we can say what the expectation

of the government is and it is up to the industry to implement it. With those few words, and with caution, I support the bill.

The Hon. G.M. GUNN (Stuart): I want to speak briefly on this matter because, like the member who preceded me, there are citrus growers in my constituency, and there is also a large packing shed which plays a very important role in the community at Cadell. It is a large employer, employing up to 60 people. It has been less than sensibly treated by the EPA—a band of people who need to get into the real world. These people are basically exporters, competing in a very competitive market, and doing a very good job. During the term of the previous government they were given assistance (like many companies), mostly by way of non-repayable loans. My constituents at Cadell are now being called on to repay that assistance. I call upon the minister who is piloting this bill through the house to look at this proposition with a view to giving these people a longer time and, hopefully, making it a non-repayable loan, as applies to dozens of other companies in South Australia, many of them not as deserving as this particular case. So, I hope the minister will follow up my comments in relation to this measure.

I have had no-one contact me regarding this measure. I am always cautious in dealing with this sort of legislation because I am concerned to ensure that the rights of producers are protected and that bureaucracy is not given powers that it does not need and, indeed, that it will not make life difficult for people purely for the sake of it. My constituents in the Riverland have had enough difficulties with the department of industry and its intransigent attitude, as well as the unwise actions of a few people who consider that all wisdom flows from them.

So, although I support the bill, I ask the minister to look at the particular proposition that I have mentioned in relation to financial assistance that has been given to the packers at Cadell (I will not mention the name) so that they can continue with their excellent work. Along with the prison, they are a major employer at Cadell, and the sum involved is only a small amount as far as the government is concerned. I believe it should be made a non-repayable loan, as applies to dozens of other companies that are less deserving. I therefore ask the minister to look at this situation, and I will tell him privately who is involved. I have written to the Treasurer and I hope they get him in a good, amenable mood one morning and he will say, 'Yes,' to this. However, I am not sure about it, and that is why I call on the good offices of the minister for agriculture.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank the members for MacKillop, Enfield, Hammond, Schubert and Stuart for all speaking to the bill. There has been general support for the bill and a number of valid observations made about how far we should move from the regulated environment of the past to a totally deregulated environment. It is the wish of the industry at this time to stage that, and that is why we have the bill before us.

The member for Hammond asked about a referendum. This bill has been extensively consulted upon. In fact, as part of that, questionnaires were sent to every grower, and as a consequence of the responses to those questionnaires further changes were made to the act to reflect their wishes. That is why members see now that this act is about the following: administering the citrus fund; promoting the citrus industry and its products; planning, funding and facilitating research; collecting and analysing citrus industry data; disseminating technical, scientific, economic and marketing information to growers; and providing advice and services to the industry. That is what the industry asked for, and that has been honestly reflected in the bill now before this house. I do not think we need to ask them again. We have asked them, drafted a bill, and sent the bill to them and asked whether it reflects what they want, and the majority view was yes. That is why we find ourselves at this point.

The second issue raised by a couple of speakers is the issue of a legal action under the old act. A legal action is contested in court, and it is not for this place to analyse court decisions. The court decision was quite clear. The court did not find in Mr Krix's favour. Mr Krix then appealed the costs and, again, the court found not in his favour. My understanding, though, to satisfy the member for Hammond, is that there is no outstanding financial commitment between Mr Krix and the board. My understanding is that has been totally satisfied, but I am certainly happy to check on that. It is not for this place to debate court decisions. Once they are made, they are made. So, in Mr Krix's case, I think it is important to put on the record that he chose to contest this in court; the court did not find in his favour; he then chose to contest the costs; and again the court did not find in his favour. That is how the matter stands.

Other matters that have been canvassed I think are all generally positive in relation to what we are trying to achieve by this bill, and I thank all members for their support.

Bill read a second time.

In committee.

Clause 1.

Mr VENNING: This is a general question, but it relates particularly to clause 1, which affects four electorates, including my electorate and the electorates of Stuart and Hammond. We have all expressed our concerns about this bill. Obviously, the member for Chaffey has the most citrus area in her region. Will the minister assure the committee that the honourable member supports this bill, and particularly this clause, as it has been presented today?

The CHAIRMAN: I do not see what that has to do with the title of the bill. Anyway, I call the minister.

The Hon. R.J. McEWEN: The member for MacKillop (acting as the shadow minister) made it very clear on the record that there was general support for this bill. In fact, he had no concerns about the bill and said that it would not even be going into committee. Again, I indicate to the committee that there is a majority view of all growers about this bill. This is a staging post between a fully-regulated industry of the past (and the bill of the past) and a totally-deregulated environment.

Clause passed.

Clause 2 passed.

Clause 3.

Mr LEWIS: We see in this clause a broader definition of the types of organisations that are participants in the citrus industry than has previously been the case. My question arises from this quaint new manner in which legislation is drafted and presented to this chamber. There is a note at the end of clause 3, which provides examples as to what they (the drafters of the legislation—the government—and the industry) think might be contentious. The note states:

> A person may be a citrus industry participant in more than one capacity.

Why does the legislation not say that in simple terms? Also, what implications does that have elsewhere in the legislation

(as far as participation under the provisions of law is concerned), which will prevail upon the passage of this legislation? In other words, how will that affect whether they can have more than one say according to the number of categories in which they are involved? My third question arises from the contentious fact (that used to exist in the minds of the bureaucracy but not in the law) that a person carrying on a business other than a business that results in the person being a citrus industry participant does not detract from that person's being a citrus industry participant. That is, a person who carries on the business of selling fruits or citrus fruit products both by retail and wholesale will be considered a citrus wholesaler where there was contention about that before.

Does it now mean, then, that there could arise circumstances where there was a conflict of interest or, if you like, double dipping under the provisions in regulations—double exercise of rights, of power, in having a say in what is done, for instance? Why do we simply not use the statute as it has always be used previously in sections and subsections to make these statements rather than attempt to second guess where problems might arise?

The Hon. R.J. McEWEN: I think that this is more a question for parliamentary counsel. I am attracted to the way in which this is set out in terms of having a note as a further explanation. Quite often people might want to contest, in a legal sense, what is being said. My understanding is that, if that occurs in a court of law, sometimes the protagonist might go to a second reading explanation or other observations that were made about the bill (supporting information for the bill) to capture some of that as a note in a bill.

Obviously, it has been used on this occasion. I do not think it detracts in any way from the bill; and, to my mind, it adds a degree of clarity for the layman wishing to read the bill. Sometimes these bills, as many of us in this place would know, can be read only by those with legal training, but to have a note that might help the layman in understanding the bill I do not see as in any way detracting therefrom.

The member for Hammond might well argue that it is irrelevant and, to the member for Hammond, it probably is. His skilled mind would not require that note, but that does not suggest that no-one would gain from having that note. That notwithstanding, I think it is an issue that might be taken up by members with parliamentary counsel in terms of drafting style.

Clause passed.

Clause 4 passed.

Clause 5.

Mr LEWIS: This clause contains provisions that are difficult to examine in committee without referring to clause 11, given the way in which the legislation has been drafted. Indeed, it could also go to those matters that are canvassed in clause 10. My dilemma is as to where to put the question. So, I will start here. Who decides what the citrus industry is and what its products are as opposed to what they are not under the provisions of clause 5(1)(b) and, therefore, how those funds will be applied? At present, for instance, the board does not consider the use of lemons for the production of Two Dogs lemonade as being part of the industry to promote it, yet it is a significant user of lemons that presently are in supply in glut proportions. Had we taken a more sensible approach, we could have utilised the unique product that Two Dogs lemonade represents to make it profitable for many citrus growers producing lemons to have continued to do so and saved them a great deal of angst. Of course, that was before the takeover occurred. It is less likely to be so now: Mr MacGillivray has pretty much sold his interests in Two Dogs lemonade. However, the same thing could happen again. Citrus juice as orange juice, commonly consumed by many of us for breakfast, is considered a product. Why was not the lemon juice used in Two Dogs lemonade considered to be a citrus product?

There are so many other similar instances of where the growers contribute to this fund and then a subjective decision is made by the people who have been appointed to the board as to what will be considered a product and what will not. I think that is wrong. It is simply muddle-headed and one of the big deficiencies of the board and its functions as it has been up to this time. Board members seem to be steeped in the past and wearing blinkers and self-righteously focused upon what they have as an opinion about things rather than what is the reality. In other words, they think what is rather than what could be, and their decisions are reactionary rather than inspirational. Can the minister tell the committee why the board is not more clearly directed by this legislation to have to take into consideration all products that have citrus as part of what they contain if they are processed beyond being sold as fresh packed fruit?

The Hon. R.J. McEWEN: I refer the member to the definitions, because I think that everything is captured under 'Interpretations' in clause 3, where we define the citrus fruit, the citrus fruit products and the citrus fruit industry before we go on to talk about the participants, which was the area about which we were talking before in terms of a note. With an exception, my understanding would be that, if we went on to talk about an alcoholic beverage, it would be the alcoholic beverage that is the significant bit, not the citrus bit. If someone needed a licence under another act because they were producing another alcoholic beverage, obviously, they have moved beyond what we are talking about here with a citrus fruit product. Apart from that, I am wondering what is not in the definition that the member for Hammond is looking for?

Mr LEWIS: Quite simply, the narrow way in which the board ultimately chooses to interpret the meaning of the legislation in the past, and it is equally as ambiguous and generalised at present. There would be no requirement on the board. Just because the bloody thing has alcohol in it—the sugar has been converted to alcohol—does not mean that it is not citrus in its base. That is like saying that wine has nothing to do with the grape industry: it should not be called upon and should not be allowed to utilise any of the funds that might be made available, say, to the grape industry for one thing or another. It is ridiculous. I am not ridiculing the minister: I am just saying that the reactionary attitude of the board over the years to the kinds of products that it would be involved with and giving support to the growers of the fruit that was used in those products and the way in which that impacted on the development—or the lack of it—of demand for the industry's products in the marketplace was worthy of ridicule, and still is. There ought to be a wider view taken. It is stultifying for that approach to be taken—for example, the board in the past would not promote tangerines, yet the growers of tangerines had to contribute to the ruddy fund. Where is the fairness in that?

That is the reason for my raising the question and making a hullabaloo about it. It is not just that I am parochial in the way in which growers downstream can grow a better or different kind of citrus that will command a better price in the marketplace in other parts of the world. It is not just the fact

that they are denied access to those markets because no attempt is made to trap fruit fly in their citrus groves and prove that there is no fruit fly there, the way it occurs in the Riverland, and they are therefore not inside the fruit fly exclusion zone, so they cannot sell on the export market. It is not just that. It is also the fact that money is taken off them and not used to promote their products—not used to promote their fruit—in a way that would be fair. I do not expect the minister to have any answers, but I am making a fuss about it because I want to ensure that, in future, since we are to have this contraption called a board, it be more responsive and forward thinking and willing to look outside what it has drawn as a square in the past and examine better opportunities, and greater in number, than it has in the past for inclusion in its marketing efforts. It takes away the margin that the growers would have had to promote their own fruit by structuring it in the way in which it is marketed, and then prevents them from doing it. It is a dead hand in that respect.

The Hon. R.J. McEWEN: The member for Hammond makes some very valuable points about the expectation of the new board. I think he is putting it on notice and, on his behalf, I am also prepared to put the new board on notice that in the management plans it develops it has to get agreement for the industry, and that means thinking laterally. I am comfortable that, within the definition of 'citrus fruit' and 'citrus fruit products', the lateral thinking that the member for Hammond is saying that we must demand of the new board is actually possible and, what is more, on his behalf, I believe it is a requirement of that board under the framework of this new act.

I do think it is unfair to compare what we expect under this new act with what there was in the past. I am happy, on the member for Hammond's behalf, to make a point to the first meeting of the new board that there is an expectation that it think widely in terms of the specific functions of the board about promoting the citrus industry and its products; a very broad definition of both the industry and the products.

Clause passed.

Clause 6 passed.

Clause 7.

Mr LEWIS: I have allowed the fashion in which the board is constructed to pass without question and proposition, but under this provision I want to refer to that as well as to the outcome. A minister less committed to the interests of the industry than this minister—and we have had a few over the years since I have been here who would not have known A from a bull's foot and were always fairly ready to have a go at me whenever I raised these kinds of questions. They come from the Labor side of politics, in the main, although I must say that Dale Baker had his problems from time to time, and they were not only with his paramours.

This section deals with the membership of the board. The minister will nominate one of them as the presiding member and the other six are to be appointed according to the regulations, and this chamber does not have a say in those regulations. Even if there is a willingness on the part of the chamber to vote against the government (which would have the majority here) to disallow regulations, the chamber itself cannot make amendments that would be suitable to those regulations. At present, the regulations do not say how the five members appointed by the minister to the Citrus Industry Development Board Selection Committee would be undertaken.

Those folk—and I did not say men or women, but folk. There is no mention of gender balance here. Not that there needs to be: the basis of merit is the basis on which it ought to proceed, and I commend the minister and the government for at last getting that bit right, instead of being tokenistic in their attitude to women. I think it is bloody patronising to have provisions in legislation that require so many people to have female plumbing and so many to have male plumbing. What we need is for a minister to do what will be in the interests of the industry. Indeed, to my mind, the selection committee ought to be elected, not appointed.

It would not be difficult in this day and age for a ballot to be conducted by post to elect a selection committee and then let the selection committee decide who the board will be. And they will be accountable through the ballot box for that. There will be plenty of debate about the kind of person you would want on the board, and that is where it would occur, in the election of the selection committee and not the board itself, if we want to go about it in that manner. I do not agree with the proposition that used to prevail in all these boards that they were elected at large, because that became too parochial. What we need is an elected selection committee. That is the first point I want to make.

The second point I want to make is that, if you have an accountable selection committee, the board itself can then be comprised of those people who, in the opinion of the selection committee as an electoral college, have the spectrum of skills necessary to do the job, rather than the way in which it has occurred in the past. I do not reflect on any particular member of any board at any time in the last 40-odd years that I have been involved with citrus boards. I started out as a quarantine officer and a fruit inspector in early 1963, when I first had contact with the Citrus Board of that time and the Citrus Marketing Act. That is 42 years now, and it has never functioned in the way in which I believe it could have and should have, even to this day.

I am grateful to the minister for having given me a copy of the regulations as they relate to the board and the way in which it will be determined, but I raise my voice about this process. My judgment, and that of many of the growers that I have spoken to is that it would have been better if the selection panel had been an elected panel rather than an appointed panel, and that it be included where section 7 is now as part of the legislation rather than as part of the regulation. I do not know why parliament increasingly does this; but I do know that, because minister's bully their party rooms into doing what the minister and the minister's advisers have decided in the main—not this minister, because this minister is not a member of the party room—and once the party room has adopted the position in government that is the song they sing when they get into the house and the other place.

So, consideration of these ideas is never given in the open public forum that parliament is meant to be to enable the public to understand the points for and against a provision. No, it is shrouded in regulation and it means that regulations can be changed, and, whilst the regulations at present provide that there will be a selection committee, that can be changed by changing the regulations, and parliament cannot do anything about it. I wonder why the minister chose to use this tired, old, inefficient model rather than the one which is more open and accountable.

The Hon. R.J. McEWEN: I think that having a selection committee that under the act is charged with the responsibility of putting the board together satisfies many of the requirements that the member for Hammond is suggesting we ought to be considering. We could do this in a number of ways. I

am quite comfortable with the mechanism whereby we establish the selection committee after calling upon the appropriate sections of the industry to nominate people, and then in turn say to them, 'Your job is to put together the seven members of the board,' understanding the categories, etc. Sometimes by building a democracy you might build in an inefficiency, but I think it is better to put in a mechanism whereby the industry does take charge of appointing its leaders. I think this is a move in the right direction to achieve that outcome.

Clause passed.

Clauses 8 to 19 passed.

Clause 20.

Mr LEWIS: Under the provisions of this clause I think there is an improvement on the way things were, but it is a pretty steep penalty for somebody to have to pay $5 000 if they plant orange trees and within 21 days forget to let the board know that they have done so. It does say elsewhere in the bill, at clause 25:

> It is a defence to a charge of an offence against this act if the defendant proves that the alleged offence was not committed intentionally.

That is the part about which I am worrying, under clause 20, where they have to prove that they did not know. I reckon it would be fair if they could not be prosecuted until they had some product to sell, attempted to sell it and indeed did sell it. If they had not registered within 21 days of that happening then I believe it is legitimate to consider that they have committed an offence. But to be able to go for them in the way the legislation is structured at the moment, just because they have planted their orange grove and do not have anything to sell or some other similar thing, is not reasonable.

It is like intending to become an orange juice packer-crusher-producer, and you buy the juicing plant and equipment but you have not made any orange juice yet, and you are committing an offence because you have had it for more than 21 days, with the first orange that you turn into juice, because you have had it, and you are deemed to have been involved. That is the gist of the way I read the bill. I raise it by way of concern in passing. I have no wish to labour the point by coming back to it under the provisions of clause 25. I tie them together in the course of making these remarks and hope that the minister will ensure that the way in which things are administered does not result in somebody getting lumbered with a 'please explain' and prove that you lost your virginity in wedlock rather than outside it. That is what it amounts to.

The Hon. R.J. McEWEN: I indicate to the member for Hammond that I will not be questioning anybody's parentage in relation to this matter. The honourable member makes a point, though, which is about the penalties. He points to the fact that, in this instance, is not knowing an offence? I do not know how many times I have been told that not knowing is not an offence, but this time it actually is.

The other point is that these are maximums, and it has to be a pretty extreme set of circumstances for a court to actually find that we should impose the maximum penalty. Notwithstanding that, I think that the lessons from citrus canker in Queensland proved to this state that it is important for biosecurity purposes that we know where citrus is planted. That is in everybody's best interests. So, we need to say to an industry, 'We would like to know, and this act says that you must tell us, for example, what plantings you are making and where.' Not having that database in a satisfactory form, and not being able to do the trace backs in a timely manner, has been enormously costly to the citrus industry Australia-wide and to the biosecurity fund in this state because, as a big part of the citrus industry, we have to contribute when we have an issue of this nature, even though the outbreak in the case of citrus canker was in Queensland. Having said that, again, I take on board the comments made by the member for Hammond. This is not about a draconian measure at all: this is about collecting the data in a timely manner that is required for a number of purposes for the industry to orderly self-manage.

Clause passed.

Remaining clauses (21 to 27), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

AMBULANCE SERVICES (SA AMBULANCE SERVICE INC) 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 7, (new section 11A(2)(b)), page 4, lines 1 and 2—Delete 'selected by the Minister from a panel of 3 such officers'

No. 2. Clause 7, (new section 11A(2)(c)), page 4, line 6—Delete 'selected by the Minister from a panel of 3 such persons'

No. 3. Clause 7, (new section 11A(2)(e)), page 4, lines 10 and 11—Delete paragraph (e) and substitute:

(e) 1 must be chosen at an election held in accordance with the regulations.

No. 4. Clause 7, (new section 11A), page 4, after line 11—Insert:

(2a) Each employee of SAAS is entitled to vote at an election under subsection (2)(e).

(2b) If an election of a person for the purposes of subsection (2)(e) fails for any reason, the Minister may appoint an employee of SAAS and the person so appointed will be taken to have been appointed after due election under this section.

STATUTES AMENDMENT (BUDGET 2005) BILL

The Legislative Council agreed to the bill without any amendment.

RECREATIONAL SERVICES (LIMITATION OF LIABILITY) (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (UNIVERSITIES) BILL

The Legislative Council agreed to the bill without any amendment.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) 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 4, after line 13—

Insert:

Advisory Committee means the SafeWork SA Advisory Committee established under Part 2;

No. 2—Clause 4, page 4, line 14—

Delete 'Authority' twice occurring and substitute in each case:
Advisory Committee

No. 3—Clause 4, page 4, lines 16 and 17—
Delete subclause (2)

No. 4—Clause 5, page 5, line 3—
Delete the heading and substitute:
Part 2—The SafeWork SA Advisory Committee

No. 5—Clause 5, page 5, line 4—
Delete the heading and substitute:
Division 1—Establishment of Advisory Committee

No. 6—Clause 5, page 5, lines 5 to 13—
Delete section 7 and substitute:
7—Establishment of Advisory Committee
The *SafeWork SA Advisory Committee* is established.

No. 7—Clause 5, page 5, line 14—
Delete the heading and substitute:
Division 2—The Advisory Committee's membership

No. 8—Clause 5, page 5, line 16—
Delete 'Authority' and substitute:
Advisory Committee

No. 9—Clause 5, page 6, line 2—
Delete 'Authority' and substitute:
Advisory Committee

No. 10—Clause 5, page 6, line 5—
Delete 'Authority' and substitute:
Advisory Committee

No. 11—Clause 5, page 6, line 7—
Delete 'Authority' and substitute:
Advisory Committee

No. 12—Clause 5, page 6, line 8—
Delete 'Authority' and substitute:
Advisory Committee

No. 13—Clause 5, page 6, line 9—
Delete 'Authority' and substitute:
Advisory Committee

No. 14—Clause 5, page 6, line 11—
Delete 'Authority' and substitute:
Advisory Committee

No. 15—Clause 5, page 6, line 14—
Delete 'Authority' and substitute:
Advisory Committee

No. 16—Clause 5, page 6, line 33—
Delete 'Authority' and substitute:
Advisory Committee

No. 17—Clause 5, page 6, lines 36 and 37—
Delete subsection (5) and substitute:
(5) The Minister must ensure that a vacant office is filled within 6 months after the vacancy occurs.

No. 18—Clause 5, page 7, line 1—
Delete 'Authority' and substitute:
Advisory Committee

No. 19—Clause 5, page 7, line 2—
Delete 'Authority' and substitute:
Advisory Committee

No. 20—Clause 5, page 7, line 5—
Delete 'Authority' and substitute:
Advisory Committee

No. 21—Clause 5, page 7, line 7—
Delete 'Authority' and substitute:
Advisory Committee

No. 22—Clause 5, page 7, line 8—
Delete 'Authority' and substitute:
Advisory Committee

No. 23—Clause 5, page 7, after line 9—
Insert:
(6a) Subsection (6) operates subject to the qualification that a member of the Advisory Committee who has made a disclosure under that subsection may, with the permission of a majority of the members of the Advisory Committee who may vote on the matter, attend or remain at the meeting in order to ask or answer questions, or to provide any other information or material that may be relevant to the deliberations of the Advisory Committee, provided that the member then withdraws from the room and does not in any other way take part in any deliberations or vote on the matter.

No. 24—Clause 5, page 7, line 15—
Delete 'Authority' and substitute:
Advisory Committee

No. 25—Clause 5, page 7, line 22—
Delete 'Authority' and substitute:
Advisory Committee

No. 26—Clause 5, page 7, line 25—
Delete 'Authority' and substitute:
Advisory Committee

No. 27—Clause 5, page 7, line 26—
Delete 'Authority' and substitute:
Advisory Committee

No. 28—Clause 5, page 7, line 28—
Delete 'Authority's' and substitute:
Advisory Committee's

No. 29—Clause 5, page 7, line 31—
Delete 'Authority' and substitute:
Advisory Committee

No. 30—Clause 5, page 7, line 34—
Delete 'Authority' and substitute:
Advisory Committee

No. 31—Clause 5, page 8, line 1—
Delete 'Authority' and substitute:
Advisory Committee

No. 32—Clause 5, page 8, line 2—
Delete 'Authority' and substitute:
Advisory Committee

No. 33—Clause 5, page 8, lines 6 to 10—
Delete paragraph (b) and substitute:
(b) if those deliberative votes are equal, the person presiding at the meeting does not have a casting vote.

No. 34—Clause 5, page 8, line 11—
Delete 'Authority' and substitute:
Committee

No. 35—Clause 5, page 8, line 13—
Delete 'Authority' and substitute:
Committee

No. 36—Clause 5, page 8, line 15—
After 'subsection (2)' insert:
(a)

No. 37—Clause 5, page 8, line 15—
Delete 'Authority' and substitute:
Advisory Committee

No. 38—Clause 5, page 8, line 16—
Delete 'Authority' and substitute:
Advisory Committee

No. 39—Clause 5, page 8, line 18—
Delete 'Authority' and substitute:
Advisory Committee

No. 40—Clause 5, page 8, line 19—
Delete 'Authority' and substitute:
Advisory Committee

No. 41—Clause 5, page 8, line 21—
Delete 'Authority' and substitute:
Advisory Committee

No. 42—Clause 5, page 8, line 22—
Delete 'Authority' and substitute:
Advisory Committee

No. 43—Clause 5, page 8, line 23—
Delete 'Authority' and substitute:
Advisory Committee

No. 44—Clause 5, page 8, line 25—
Delete 'Authority' and substitute:
Advisory Committee

No. 45—Clause 5, page 8, line 27—
Delete 'Authority' and substitute:
Advisory Committee

No. 46—Clause 5, page 8, line 29—
Delete 'Authority' and substitute:
Advisory Committee

No. 47—Clause 5, page 8, line 30—
Delete 'Authority' and substitute:
Advisory Committee

No. 48—Clause 5, page 8, line 31—
Delete 'Authority' and substitute:
Advisory Committee

No. 49—Clause 5, page 8, line 32—
Delete 'Authority' and substitute:
Advisory Committee

No. 50—Clause 5, page 8, line 34—
Delete 'Authority' and substitute:
Advisory Committee

No. 51—Clause 5, page 8, line 35—
Delete 'Authority' and substitute:
Advisory Committee
No. 52—Clause 5, page 8, line 38—
Delete 'Authority' and substitute:
Advisory Committee
No. 53—Clause 5, page 8, line 42—
Delete 'Authority' and substitute:
Advisory Committee
No. 54—Clause 5, page 10, line 2—
Delete 'Authority' and substitute:
Advisory Committee
No. 55—Clause 5, page 10, line 5—
Delete 'Authority' and substitute:
Advisory Committee
No. 56—Clause 5, page 10, line 7—
Delete 'Authority' and substitute:
Advisory Committee
No. 57—Clause 5, page 10, line 8—
Delete 'Authority' and substitute:
Advisory Committee
No. 58—Clause 5, page 10, line 11—
Delete 'Authority' and substitute:
Advisory Committee
No. 59—Clause 5, page 10, line 14—
Delete 'Authority' and substitute:
Advisory Committee
No. 60—Clause 5, page 10, line 24—
Delete 'Authority' and substitute:
Advisory Committee
No. 61—Clause 5, page 10, line 27—
Delete 'Authority' and substitute:
Advisory Committee
No. 62—Clause 5, page 10, line 29—
Delete 'Authority' and substitute:
Advisory Committee
No. 63—Clause 5, page 10, line 30—
Delete 'Authority' and substitute:
Advisory Committee
No. 64—Clause 5, page 10, line 32—
Delete 'Authority' and substitute:
Advisory Committee
No. 65—Clause 5, page 10, line 34—
Delete 'Authority' and substitute:
Advisory Committee
No. 66—Clause 5, page 10, line 38—
Delete 'Authority' and substitute:
Advisory Committee
No. 67—Clause 5, page 11, line 1—
Delete 'Authority' and substitute:
Advisory Committee
No. 68—Clause 5, page 11, line 6—
Delete 'Authority' twice occurring and substitute in each case:
Advisory Committee
No. 69—Clause 5, page 11, line 10—
Delete 'Authority' and substitute:
Advisory Committee
No. 70—Clause 5, page 11, line 12—
Delete 'Authority' and substitute:
Advisory Committee
No. 71—Clause 5, page 11, line 15—
Delete 'Authority' and substitute:
Advisory Committee
No. 72—Clause 5, page 11, line 15—
Delete 'prepare' and substitute:
provide to the Minister
No. 73—Clause 5, page 11, line 16—
Delete 'Authority' and substitute:
Advisory Committee
No. 74—Clause 5, page 11, line 23—
Delete 'prepared' and substitute:
received by the Minister
No. 75—Clause 6, page 11, lines 27 and 28—
Delete 'in connection with their employment' and substitute:
during their employment with the employer
No. 76—Clause 7—
Leave out the clause
No. 77—Clause 9, page 12, line 21—
Delete 'Authority' and substitute:
Advisory Committee
No. 78—Clause 10, page 12, line 24—
Delete 'Authority' and substitute:
Advisory Committee
No. 79—Clause 10, page 12, lines 25 and 26—
Delete subclause (2)
No. 80—Clause 10, page 12, line 31—
Delete 'Authority' and substitute:
Department
No. 81—Clause 11, page 13, line 9—
Delete 'Authority' and substitute:
Advisory Committee
No. 82—Clause 11, page 13, line 12—
Delete '10' and substitute:
20
No. 83—Clause 11, page 14, line 18—
Delete 'Authority' and substitute:
Advisory Committee
No. 84—Clause 12, page 14, line 22—
Delete 'Authority' and substitute:
Advisory Committee
No. 85—Clause 13, page 15, line 7—
Delete 'consult with' and substitute:
obtain the agreement of
No. 86—Clause 13, page 15, line 8—
After 'subsection (4)(b)' insert:
(and that agreement must not be unreasonably withheld)
No. 87—Clause 13, page 15, line 9—
Delete 'Authority' and substitute:
Advisory Committee
No. 88—Clause 15, page 15, lines 23 and 24—
Delete subclause (1) and substitute:
(1) Section 38(1)—delete 'or the Corporation'
No. 89—Clause 15, page 15, lines 25 to 40, page 16, lines 1 to 21—
Delete subclauses (2), (3) and (4)
No. 90—Clause 15, page 16, line 27—
Delete 'or the Authority'
No. 91—Clause 15, page 16, lines 29 to 32—
Delete subclauses (6) and (7) and substitute:
(6) Section 38(11)—delete 'or to the Corporation'
(7) Section 38(11)—delete 'or the Corporation's'
No. 92—Clause 16, page 17, after line 8—
Insert:
(6) An expiation notice cannot be issued under subsection (5) after the third anniversary of the commencement of that subsection.
No. 93—Clause 19, page 18, line 6—
Delete 'Authority' and substitute:
Advisory Committee
No. 94—Clause 20—
Delete this clause and substitute new clause as follows:
20—Amendment of section 54—Power to require information
(1) Section 54(1)—delete 'or the Corporation' wherever occurring
(2) Section 54(1a)—delete 'for Industrial Affairs or the Corporation'
No. 95—Clause 21, page 18, line 17—
Delete 'Authority' and substitute:
Advisory Committee
No. 96—Clause 21, page 18, after line 35—
Insert new subsection as follows:
(1a) To avoid doubt, section 112 of the *Workers Rehabilitation and Compensation Act 1986* does not apply in relation to the disclosure of information under subsection (1).
No. 97—Clause 22, page 19, line 3—
Delete 'Authority' and substitute:
Advisory Committee
No. 98—Clause 23, page 19, after line 6—
Insert:
(a1) For the purposes of this section, bullying is behaviour—
(a) that is directed towards an employee or a group of employees, that is repeated and systematic, and that a reasonable person, having regard to all the circumstances, would expect to victimise, humili-

ate, undermine or threaten the employee or employees to whom the behaviour is directed; and

(b) that creates a risk to health or safety.

(a2) However, bullying does not include—

(a) reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline, counsel, retrench or dismiss an employee; or

(b) a decision by an employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with an employee's employment; or

(c) reasonable administrative action taken in a reasonable manner by an employer in connection with an employee's employment; or

(d) reasonable action taken in a reasonable manner under an Act affecting an employee.

No. 99—Clause 23, page 19, line 31—
Delete 'attend before' and substitute:
meet with

No. 100—Clause 23, page 19, after line 37—
Insert:

(5a) The Industrial Commission must seek to commence any conciliation or mediation within 5 business days after the matter is referred to the Industrial Commission under this section.

No. 101—Clause 23, page 19, line 39—
After 'may' insert:
(subject to subsection (6a))

No. 102—Clause 23, page 20, after line 1—
Insert:

(6a) The person undertaking a conciliation or mediation must—

(a) at the request of a party, attend at a workplace (on at least 1 occasion) for the purposes of the conciliation or mediation;

(b) deal with the matter with a minimum of formality.

No. 103—Clause 26, page 22, line 39—
Delete 'Authority' and substitute:
Advisory Committee

No. 104—Clause 28—
Leave out the clause

No. 105—Clause 30—
Leave out the clause

No. 106—Clause 32, page 24, after line 17—
Insert:

(2a) The Minister must consult with the board of management of WorkCover before making a determination under subsection (2).

(2b) If there is a disagreement between the Minister and the board of management of WorkCover as to the amount to be paid under subsection (1) in respect of a particular year, the board of management may, after publication of the determination under subsection (2), furnish to the Minister a written statement setting out its reasons for its disagreement with the Minister.

(2c) If a statement is furnished under subsection (2b), the Minister must cause copies of the statement to be laid before both Houses of Parliament within 12 sitting days after the statement is received by the Minister.

No. 107—Clause 32, page 24, line 30—
Delete 'Authority' and substitute:
Advisory Committee

No. 108—Clause 32, page 24, line 38—
Delete 'prepared' and substitute:
completed for the purposes of subsection (1)

No. 109—Clause 33—
Leave out the clause

No. 110—Clause 34, page 25, lines 10 and 11—
Delete subclause (3)

No. 111—Clause 35, page 25, line 22—
Delete 'Authority' and substitute:
Advisory Committee

No. 112—Clause 35, page 25, line 27—
Delete 'the Extractive Industries Association' and substitute:
Cement Concrete and Aggregates Australia

No. 113—Clause 35, page 26, line 33—
Delete 'Authority' and substitute:
Department

No. 114—Clause 35, page 27, line 31—
Delete 'Authority' and substitute:
Advisory Committee

No. 115—Clause 35, page 27, line 33—
Delete 'Authority's' and substitute:
Advisory Committee's

No. 116—Schedule 1, clause 2, page 28, line 4—
Delete subclause (2)

No. 117—Schedule 1, clause 2, page 28, line 10—
Delete subclause (4)

No. 118—Schedule 1, clause 11, page 30, line 11—
Delete 'Authority' and substitute:
Advisory Committee

No. 119—Schedule 1, clause 11, page 30, line 20—
Delete 'Authority' and substitute:
Advisory Committee

No. 120—Schedule 1, clause 14, page 30, line 33—
Delete the definition of *Authority* and substitute:
Advisory Committee means the SafeWork SA Advisory Committee;

EDUCATION (EXTENSION) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

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

That the House of Assembly disagree with Amendment No. 1 made by the Legislative Council and make the following amendment in lieu thereof:

Clause 3, page 2, lines 10 and 11—Delete all words after 'Section 106A(16)' and substitute:
delete subsection (16)

The reason that the amendment from the upper house is being rejected by the government is that it extends the sunset clause to later in the year. This amendment has passed in the upper house, but the government remains firm in the view that this new time line is not a workable option for schools. Despite what has been said by the opposition spokesperson, the Hon. Rob Lucas, in another place, we cannot be, and schools cannot be, certain of the charging provisions for the 2006 school year until they have certainty in the legislation. A December 2005 expiry date for this legislation would mean that schools would be unable to plan their budgets, they would be unable to order and purchase materials required, and there would be problems with uncertainty for not just schools but parents and students as well.

We had advice from the Secondary Principals Association that this would cause a serious disruption for schools and we, unlike the opposition, would want to listen to the advice from those in the field. It is somewhat surprising that the Hon. Rob Lucas, who two years ago when debating the same part of the Education Act 1972 insisted that the sunset clause be moved from 1 December to 1 September. I quote him as saying:

I urge members to support the amendment to 1 September 2005 as it will mean that schools can be advised of any changes well prior to the end of the 2005 school year and in plenty of time for the commencement of operations at the start of 2006.

That is quoted from *Hansard* on 24 November 2003.

In opposing this amendment our position, when it was first introduced by the member for Bragg and which is still our position, was made quite clear because we do not want to put schools under any undue stress. We want to help them by ensuring the improvements we have made can be rolled out to schools as soon as possible. That is why we have introduced an amendment to entirely delete the expiry clause. The introduction of this amendment does not change the government's position; however, it ensures that schools will have certainty for the 2006 school year.

Improvements to the guidelines, which have been discussed both in this place and in another place in some

detail, will be rolled out to schools in August as planned. The training to be provided to schools will also be undertaken during August and the reference group, which has already met once, will continue in an advisory role for another year to monitor the system and these improvements. We are anxious to avoid chaos, disruption and disturbance in schools and to provide certainty, and that is why I commend this amendment to the committee.

Ms CHAPMAN: This amendment has been presented by the government in respect of the Education (Extension) Amendment Bill 2005 which, when debated in our house, was to have the effect of adjourning any further consideration of the future of South Australian public school fees until 2006 and to a date some months after the next state election.

The motion put by the minister to disagree with the amendment presented from another place is to disagree with the further consideration of this matter being adjourned until 1 December 2005. What was clear from the debate in this house and the government's rejection of that notion, as well as the debate in another place, is that it was unacceptable to this parliament that this issue be put off yet again. The minister today presents a motion to introduce an alternate amendment for which she seeks agreement—and, for the reasons I will outline shortly, I can indicate that the opposition will not oppose this—to delete the date upon which section 106A of the Education Act expires under what is commonly described as a sunset clause.

The effect of that motion and the amendment, of which notice is given today, is to allow the structure and rules upon which public schools apply materials and services charges (or school fees, as they are commonly known) in public schools. That structure remains unamended. One good aspect of this is that the government's determination to make a decision is that, finally, at least some resolution of this matter is placed on the table. The government has been forced to deal with this matter, and there are several reasons for that. I want to place on the record that the opposition does not accept the minister's position, that is, that the government is introducing this amendment on the basis that it is to avoid the stress to schools in introducing any new regime for school fees in December.

It is quite true that the Hon. Robert Lucas in another place highlighted the inconvenience and stress to schools when the application of a new regime takes place as late as December. Of course, if the government took some action prior to that date (and the minister has given notice that she has draft guidelines ready for consultation and introduction for the purpose of training and application by August), the sunset date of December is one over which she would have absolute control, with a view to introducing the process at an earlier date. The sunset clause date simply allows for the latest date upon which the matter can be dealt with. Obviously, it is beneficial for schools that they have a decision much earlier in the academic year for all the reasons the minister has advised the Hon. Rob Lucas for doing so. The position at the moment is that the government was faced with the embarrassing position of this parliament rejecting any further adjournment of the discussion of this matter and its being forced to deal with the matter.

It is interesting to note that, during the course of the debates in relation to this matter in this place and in another place, only three documents were made available by the government for the purpose of consideration of this matter in relation to their three years of review. I want to place on record details in relation to those three documents. I think it is important that, whilst this information was made available, it certainly did not reflect all the information about the review of this matter.

One document is an unsigned and undated piece of paper entitled 'School card information,' which appears to be a departmental document. It is a summary explanation of the social inclusion supplement in relation to the school card benefit and how the amount paid to schools was paid. The second is again an undated and unsigned document, which is some seven pages in length, entitled 'Overview of feedback from public consultation.' On the face of it, it appears to be a summary of the consultation process that took place during 2004. Again, this appears to be a departmental document, which is an apparent summary of some of the aspects that were considered by the reference group and a small bit of history. Again, this appears to be authored by someone from the department as some kind of summary of what had taken place. This may not be the case. If not, no doubt the minister can clarify this.

The third is a document of some 18 pages, entitled 'Materials and Services Charges,' with the words 'Draft in Confidence' marked on each page. This document sets out advice to schools about how they ought to apply and calculate the materials and services charges, as well as how to give advice to parents in relation to this matter. It also includes a copy of the draft pro forma invoice that ought to be issued and a step-by-step guide to the invoicing of materials and services charges. In total, that document, together with its attachments, is about 26 pages in length. I place that on the record because what is startling by its omission in this debate is the absence of any copy of the review by Mr Graham Foreman. Mr Foreman is someone who had been employed by the department to undertake the review of materials and services charges and to report thereon. Indeed, we know that he was an external consultant, but we do not yet know how much he was paid. We are still waiting for that information in answer to a question asked during the estimates committees.

However, what we do know now, entirely post this debate (until the last week or so), is that Mr Graham Foreman did prepare a report to the Chief Executive of the Department of Education and Children's Services. It was a very substantial report, and it was released to my office on 24 June 2005, which happened to coincide with the minister's published press release advising of the government's intention to move the very motion we are debating now (that is, the amended position of the government) and notice that this report was now available for viewing on the web site. In any event, on that day, under freedom of information, we were provided with this report.

At no time has this report been available during the substantive debate. The minister kindly gave advice that she proposed that this matter would be debated but, clearly, the opposition has not had an opportunity to meet and confer in relation to how the whole question of materials and services charges should be dealt with in light of this report. This is the report that has remained secret and concealed, and it is important for the parliament to appreciate that when the opposition and the Democrats in another place called for relevant information in relation to this debate this report was not tabled and was not made available. When the other place said, 'We are not going to put up with this not being resolved and we want this matter debated, and we want it debated this year,' finally of course the government was forced to deal

with the matter. Sure enough, in the freedom of information legislation, we found this material.

What is so important about this report is that, first, it tells us that there had been a period of consultation during the latter part of 2004. Between 20 September and 15 December Mr Foreman met with a number of stakeholders, whom I will refer to shortly, and received submissions and prepared a report. In fact, he prepared a report which I tell the house was dated January 2005. Where this report has been sitting in the meantime is anyone's guess but, importantly, he identifies that there has been comprehensive consultation, both with stakeholders and the reference group that had been established for the purpose of the review which, I think it is fair to say, comprehensively represented groups that would have an interest in the area of education in public schools.

In the interests of time, I will paraphrase the terms of reference of the review. They were:

- to identify and analyse the various options available;
- for each of the options available, to identify and comment on the issues associated with the same;
- to describe and provide options for the types of services and materials that schools must provide; and
- to clarify the powers and authority of and the policies and processes for schools in relation to recovery.

Also, in conducting the review, the reviewers will consult representatives of stakeholders' groups and report their views. So we now know that six months ago that exercise was completed and a report submitted.

The CHAIRMAN: Order! I need to interrupt the member for Bragg. The time limit for speaking in committee under standing order 364 is 15 minutes. The member has been going for at least 15 minutes, so I will allow her to wind up. I also point out that this debate is not an opportunity for members to re-present their second reading speech. Rather, it should be confined to either the amendment made by the Legislative Council and arguments why it should stand, or arguments concerning the alternative amendment that has been presented by the minister. So I will not cut off the member for Bragg. I will allow some flexibility, but I ask her to wind up.

Ms CHAPMAN: I have certainly covered the aspect in relation to the Legislative Council amendment which, under motion, is being rejected by the government. In relation to the new proposal, I am just about to start, Mr Chairman—that is, in relation to the motion presented by the government—and I propose to speak for 15 minutes in relation to that matter.

In relation to the Foreman report, the foundation points and principles that the report provides are as follows:

1. Parents will continue to need to contribute to the cost of goods and incidental services that their student—

The CHAIRMAN: Order! There is a point of order.

Mrs GERAGHTY: Sir, I seek some clarification. You just advised the member for Bragg that under standing orders she has 15 minutes to speak. The member for Bragg says she has spoken on the clause that has come from the Legislative Council and she now plans to speak for 15 minutes on the minister's amendment. That would then give her 30 minutes' speaking time. My understanding of your previous ruling is that that is outside standing orders.

The CHAIRMAN: My advice is that the member for Bragg has three opportunities to speak, for 15 minutes each time. So she can sit down and then stand again for another 15 minutes before I put the question. I regard the member for Bragg's contribution now as, in effect, her second contribution to this clause.

Ms CHAPMAN: Thank you, Mr Chairman. The principles are:

1. Parents will continue to need to contribute to the cost of goods and incidental services that their student children consume in the course of their education.
2. The charge should be strictly confined to goods and incidental services, that is, services other than teaching and tutorial services consumed/used by students.
3. School councils should be able to determine the level of the charge.
4. There should be protection for families from unreasonable imposts.
5. The purpose and process of setting the charge needs to be fully transparent.
6. Students must not be disadvantaged by relationships between the school and their parents/guardians over payment of the charge.
7. Any debt collection process that might be necessary should not impact on the educational services.

Consistent with the terms of reference presented, the options considered at the expiration of the legislation could be:

- to eliminate the fee and rely on the government to fund such expenses to meet a non-legally recoverable charge for services (in other words, the government pays).
- to impose a new tax or levy dedicated to that purpose;
- to continue the present materials and services charge; and
- to implement and improve materials and services charge.

The report recommends the fourth option, namely, to implement and improve the materials and services charge. In legislative terms, the government's proposal that we are debating today to remove the sunset clause effectively is to continue legally the current materials and services charge provisions, but the announcement by the government that it would move to improve transparency and the invoicing processes and notice to parents in respect of entitlements, etc. (and I will not detail all those), are really processes dealt with by regulation or direction.

What is important to place on the record is that Mr Foreman's recommendations are that the improved materials and services charge have the following features:

- the fee should be set by the school council;
- the charge should be subject to an upper limit of approximately $350 in secondary and approximately $250 in primary schools, indexed annually by the CPI;
- the process by which each school council sets that fee should be transparent and include full disclosure of information to the school community one month in advance of the decision being made. This information should include that the charge covers when the council will be making the decision and who comprises the school council;
- the charge is to be strictly confined to goods and incidental services consumed/used by individual students as part of the core curriculum as proposed in appendix 2 (and that sets out a summary invoice);
- the school to be funded by government for all School Card holders at the present standard amount indexed annually to the CPI;
- School Card holders are not to be subject to materials and services charges;
- the present provision that no child be disadvantaged because of non-payment by parents/guardians to be strengthened to include disciplinary action against offending DECS employees;

- a significantly improved communication strategy to be put in place in all school communities to improve understanding of the purpose and operation of the materials and services charge and the availability of School Card. This strategy would include encouraging principals to better utilise their power to waive fees in whole or in part for families who are not eligible for School Card but who nevertheless face financial difficulty; and
- to strengthen procedures and training to all schools to improve debt collection practices and protect relationships within schools as far as possible.

Clearly, the two recommendations which are omitted from the government's motion and which are not taken up by the government are, first, the inclusion of disciplinary action against offending DECS employees who offend in some way and who cause some disadvantage to a child because of non-payment; and, secondly, the upper charge of $350 and $250. We say that not only has this been ignored but also there was a refusal to disclose this recommendation at all times during the debate on this matter. The real consequence of this report is that the cost of provision of materials and services is more than what we call the 'compulsory amount'.

Somewhere along the line someone has to pay. Very briefly, school fees (according to the information provided by the government during estimates) remain at about $30 million a year in revenue; and approximately $10 million of that amount effectively is paid by the government to complement those parents of School Card holders who cannot afford it. Also, we have a collection fee of around $8 million, according to the Chief Executive Officer. What we say in relation to that is that clearly this report identifies a significant deficit in what is needed to provide these materials and services. Whilst we oppose this—and we have had limited opportunity to consult with stakeholders on it—we are able to identify here a significant deficit that someone has to pay and, unless the government is prepared to put its hands in its pocket to the extent of about $10 million, on the information provided in the report, then ultimately parents and schools will have to pay for it—and students will pay the penalty if they cannot.

It seems that there are only two other ways of dealing with this if the government does not come to the party in making that contribution: they fundraise or cut curriculum services in their school. That is the opposition's concern. Essentially, we are allowing legislation to go through today that does not really resolve the issues raised in the report and are being concealed to date. On that basis, I indicate the opposition's position. I am disappointed that the government has not at least dealt with the whole of this issue and will leave the mess still back with the schools.

Motion carried.

CHIROPRACTIC AND OSTEOPATHY PRACTICE BILL

Consideration in committee of the Legislative Council's amendment.

(Continued from 2 June. Page 2970.)

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment be agreed to.

I support the amendment that has come from the other place on this bill. This purely mechanical amendment was a drafting omission and makes a change to ensure that the students of those two disciplines can also be placed on a register of persons who have been removed from the chiropractic and osteopathy student registers.

Ms CHAPMAN: The opposition supports that position.

Motion carried.

LAW REFORM (CONTRIBUTORY NEGLIGENCE AND APPORTIONMENT OF LIABILITY) (PROPORTIONATE LIABILITY) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

(Continued from 26 May. Page 2787.)

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

That the Legislative Council's amendment be agreed to.

This amendment is made in response to a suggestion of our friend the Law Society of South Australia. The society wrote to the government on 11 April this year making some comments on the bill, one of which was that, although the requirement to tell the plaintiff about other potential defendants is useful, it would be strengthened if there were some time limit. The society feared that defendants might deliberately withhold information to the plaintiff's detriment. The society has suggested a requirement to provide information as soon as possible after the defendant becomes aware of the existence of another potential party.

The clause in its original form contained no such stipulation. Other jurisdictions have used expressions such as 'as soon as practicable'. That is what this amendment does. It makes clear that defendants who use delaying tactics are at risk of cost orders. The government has always been open to constructive suggestions on legislation made not just by the opposition but by the opposition and minor parties in another place. We are also open to amendments suggested by the Law Society. Mr Chairman, this is yet another illustration.

Ms CHAPMAN:I indicate that the opposition welcomes and supports this amendment and, accordingly, the government's motion to accept it. I think it is unfortunate that, when sensible ideas are presented, the stakeholders—in this case, the Law Society—are not given adequate opportunity to respond before the matter comes on for debate. This matter was debated on 14 April. Three days later the Law Society's response was received. I urge the government in future to ensure that, when matters are put out for consultation, sufficient time is allowed for a response to be received. I am pleased the government has accepted this amendment, but in future this could be avoided through earlier consultation.

Motion carried.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

The Legislative Council requested that a conference be granted to it respecting the amendments in the bill. In the event of a conference being agreed to, the Legislative Council would be represented at the conference by five managers.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

The Legislative Council insisted on its amendment No. 5 to which the House of Assembly had disagreed.

STATUTES AMENDMENT (SENTENCING OF SEX OFFENDERS) BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS) 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 11, page 7, after line 12—
Insert:

(3a) Section 12—after subsection (11) insert:

(11a) If the report proposes that the composition of the council be altered so that—

(a) the council will have a chairperson rather than a mayor; or

(b) the council will have a mayor rather than a chairperson,

then the proposal cannot proceed unless or until a poll has been conducted on the matter and the requirements of subsection (11c) have been satisfied.

(11b) The council may, with respect to a proposal within the ambit of subsection (11a)—

(a) insofar as may be relevant in the particular circumstances, separate the proposal (and any related proposal) from any other proposal contained in the report (and then it will be taken that the council is reporting separately on this proposal (and any related proposal));

(b) determine to conduct the relevant poll—

(i) in conjunction with the next general election for the council (so that the proposal (and any related proposal) will then, if approved at the poll, take effect from polling day for the following general election); or

(ii) at some other time (so that the proposal (and any related proposal) will then, if approved at the poll, take effect in the manner contemplated by subsection (18)).

(11c) The following provisions apply to a poll required under subsection (11a):

(a) the *Local Government (Elections) Act 1999* will apply to the poll subject to modifications, exclusions or additions prescribed by regulation;

(b) the council must—

(i) prepare a summary of the issues surrounding the proposal to assist persons who may vote at the poll; and

(ii) obtain a certificate from the Electoral Commissioner that he or she is satisfied that the council has taken reasonable steps to ensure that the summary presents the arguments for and against the proposal in a fair and comprehensive manner; and

(iii) after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principal office of the council, are available for inspection on the Internet, and are published or distributed in any other way that the Electoral Commissioner may direct;

(c) the proposal cannot proceed unless—

(i) the number of persons who return ballot papers at the poll is at least equal to the prescribed level of voter participation; and

(ii) the majority of those persons who validly cast a vote at the poll vote in favour of the proposal.

(11d) For the purposes of subsection (11c)(c), the *prescribed level of voter participation* is a number represented by multiplying the total number of persons entitled to cast a vote at the poll by half of the turnout percentage for the council, where the *turnout percentage* is—

(a) the number of persons who returned ballot papers in the contested elections for the council held at the last periodic elections, expressed as a percentage of the total number of persons entitled to vote at those elections (viewing all elections for the council as being the one election for the purposes of this provision), as determined by the Electoral Commissioner and published in such manner as the Electoral Commissioner thinks fit; or

(b) if no contested elections for the council were held at the last periodic elections, a percentage determined by the Electoral Commissioner for the purposes of the application of this section to the relevant council, after taking into account the turnout percentages of other councils of a similar size and type, as published in such manner as the Electoral Commissioner thinks fit.

(3b) Section 12(12)—after 'The council must' insert:

then, taking into account the operation of the preceding subsection,

No. 2—Clause 11, page 7, line 15—
After 'subsection (9)' insert:

that relate to the subject-matter of the proposal

No. 3—Clause 11, page 7, after line 15—
Insert:

(4a) Section 12(13)—delete 'the report' and substitute:

a report

No. 4—Clause 11, page 7, after line 35—
Insert:

(18a) Subsection (18) has effect subject to the operation of subsection (11b)(b)(i).

No. 5—Clause 42, page 16, line 7—
Delete 'made by post'

No. 6—Schedule 1, clause 6, page 21, after line 38—
Insert:

(1a) However, if—

(a) a proposal within the ambit of subclause (1) proposes that the composition of the relevant council be altered so that—

(i) the council will have a chairperson rather than a mayor; or

(ii) the council will have a mayor rather than a chairperson; and

(b) the council has not, before the commencement of this clause, referred its report on the proposal to the Electoral Commissioner under section 12(12) of the *Local Government Act 1999*,

the proposal cannot proceed unless or until it is approved at a poll in the manner contemplated by section 12(11c) and (11d) of the *Local Government Act 1999* as enacted by this Act.

No. 7—Schedule 1, clause 6, page 21, line 40—
Delete 'section 12(18)' and substitute:

section 12(11b) and (18)

No. 8—Schedule 1, page 21, after line 40—
Insert new clause as follows:

6A—Change to principal member

(1) In addition to the operation of clause 6, if, at the time of the commencement of this clause—

(a) —

(i) a council is undertaking a review of its composition under section 12 of the *Local Government Act 1999* and has referred its report on its proposal or proposals to the Electoral Commissioner under subsection (12) of that section; and

(ii) a proposal is that the composition of the council be altered so that—
(A) the council will have a chairperson rather than a mayor; or
(B) the council will have a mayor rather than a chairperson; or

(b) —
(i) a council has completed a review under section 12 of the *Local Government Act 1999*; and
(ii) a proposal arising from the review is that the composition of the council be altered so that—
(A) the council will have a chairperson rather than a mayor; or
(B) the council will have a mayor rather than a chairperson; and
(iii) the composition of the council is to be altered as from the next general election of members of the council,

then despite the operation of section 12 of the *Local Government Act 1999* (and anything that would otherwise take effect if it were not for the operation of this provision), the proposal cannot take effect unless or until it is approved at a poll of electors for the relevant area as if it were a proposal within the ambit of clause 6(1a) (and accordingly subject to the requirements of section 12(11c) and (11d) of the *Local Government Act 1999* as enacted by this Act).

(2) A proposal that is approved under subclause (1) will then have effect in accordance with a determination of the Electoral Commissioner under this clause.

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

That the Legislative Council's amendments be agreed to.

I am delighted to indicate that the government supports the Legislative Council's amendments to this bill. When we debated this issue in this chamber I gave an undertaking that a particular outstanding matter would be explored between the houses. I then called together, in what was a very bipartisan and constructive way, all players that had an interest in the matter. The Democrats, the Hon. Nick Xenophon, Liberal representatives from both chambers and I, along with the Local Government Association, sat around a table and explored a satisfactory amendment to the bill that would deal with the situation where a council that had a mayor elected at large wished to go through a process to elect the mayor from within.

This amendment now sets out the process whereby that can be achieved. It is a process that requires a poll, either as part of a general election or in its own right. It sets out what numbers would be required to satisfy the poll and it would require a majority of those voting. I thank everyone who took part in the discussions between the houses and also the other house for supporting the amendment in a bipartisan way. I now ask for the support of this committee for the bill as amended.

Ms CHAPMAN: The opposition's representative in this matter and lead debater, the member for Morphett, has not provided me with specific instructions in relation to this matter, but I thank the minister for his explanation and his indication that there has been a satisfactory resolution. The minister promised that consideration of this matter would be undertaken, and it has been implemented in another place. On that basis, I indicate the support of the opposition.

Motion carried.

ADJOURNMENT

At 5.50 p.m. the house adjourned until Tuesday 5 July at 2 p.m.